Annex A

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

The Education (Special Educational Needs) (Provision of Information by Local Education Authorities) (England) Regulations 2001

The Education (Special Educational Needs) (Information)(England) Regulations 1999
2001 No. 3455

EDUCATION, ENGLAND

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

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Statement of Special Educational Needs

In exercise of the powers conferred on the Secretary of State by sections 316A(2), 322(4), 324(2), 325(2A) and (2B), 326A(4), 328(1), (3A) and (3B), 329(2A), 329A(9), 336A(1) and 569(1), (2), (4) and (5) of, and paragraphs 2, 3(1), (3) and (4) of Schedule 26, and paragraphs 2(3), 2B(3), 5(3), 6(3), 7(1) and (2), 8(3A) and (5), 11(2A) and (4) of Schedule 27 to, the Education Act 1996(a), the Secretary of State for Education and Skills hereby makes the following Regulations:

PART I

GENERAL

Citation and commencement

1.-{(1) These Regulations may be cited as the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001.}

(2) These Regulations shall come into force on 1st January 2002.

(3) These Regulations apply only in relation to England.

Interpretation

2.-{(1) In these Regulations—}

‘the Act’ means the Education Act 1996;

‘annual review’ means a review of a child’s statement of educational needs carried out within 12 months of making the statement or the previous review under section 328(5)(b) of the Act;

‘assessment’ means an assessment of a child’s educational needs under section 323 of the Act;

‘authority’ means a local education authority;

‘Careers Service’ means a body established to provide careers services under sections 8 to 10 of the Employment and Training Act 1973(b);

(a) 1996 c.56. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the powers conferred by sections 322(4), 324(2), 328(1), and 569, and by paragraphs 2(1) and (2) of Schedule 26 are exercisable by the Secretary of State only in relation to England. For the meaning of regulations see section 579(1) of the Act. Sections 316A(2), 325(2A) and 2(B), 326A(4), 328(3A) and (3B), 329A(9) and 336A(1) were inserted by the Special Educational Needs and Disability Act 2001 (c.10), section 1, paragraph 6 of Schedule 8, section 5, paragraph 7 of Schedule 8, section 8 and section 4 respectively.

(b) 1973 c.50; sections 8, 9 and 10 were substituted by the Trade Union Reform and Employment Rights Act 1993 (c.19), section 45.
‘Connexions Service’ means a person of any description with whom the Secretary of State has made an arrangement under section 114(2)(a) of the Learning and Skills Act 2000 (c) and section 10(1) of the Employment and Training Act 1973 and any person to whom he has given a direction under section 114(2)(b) of the Learning and Skills Act 2000 and section 10(2) of the Employment and Training Act 1973;

‘early education provider’ means a provider of relevant nursery education except that it shall not include an authority in respect of a maintained nursery school;

‘head of SEN’ means the person responsible for co-ordinating the day-to-day provision of education for pupils with special educational needs;

‘head teacher’ includes any person to whom the duties or functions of a head teacher under these Regulations have been delegated by the head teacher in accordance with regulation 3;

‘health authority’ has the same meaning as in the National Health Service Act 1977 (d);

‘parent partnership services’ means the arrangements made by an authority under section 332A of the Act for the provision of advice and information about matters relating to special educational needs to parents of children with special educational needs;

‘social services authority’ means a local authority for the purposes of the Local Authority Social Services Act 1970 (e) acting in the discharge of such functions as are referred to in section 1A of that Act;

‘statement’ means a statement of a child’s special educational needs made under section 324 of the Act;

‘target’ means the knowledge, skills and understanding which a child is expected to have by the end of a particular period;

‘tenth year of compulsory education’ means the ninth school year after the school year in which a child reaches compulsory school age;

‘transition plan’ means a document which sets out the appropriate arrangements for a young person during the period beginning with the commencement of his tenth year of compulsory education and ending when aged 19 years, including arrangements for special educational provision and for any other necessary provision, for suitable employment and accommodation for leisure activities, and which will facilitate a satisfactory transition from childhood to adulthood;

‘Tribunal’ means the Special Educational Needs Tribunal having the jurisdiction conferred on it by section 333 of the Act;

‘working day’ means a day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday within the meaning of the Banking and Financial Dealings Act 1971 (f);

‘the 1994 Regulations’ means the Education (Special Educational Needs) Regulations

(c) 2000 c.21.
(d) 1977 c.49 amended by the Health Authorities Act 1995 (c.17) and the Health Act 1999 (c.32).
(e) 1970 c.42; section 1A was inserted by the Local Government Act 2000 (c.22), section 102(3).
(f) 1971 c.80.
(2) The expressions used in these Regulations set out in the first column of the table below have the meaning given by (or, as the case may be, are to be interpreted in accordance with) the provisions referred to in the second column of that table:

- 'compulsory school age' section 8 of the Act;
- 'maintained school' section 312 of the Act;
- 'parent' section 576 of the Act;
- 'qualified teacher' section 218 Education Reform Act 1988 (h);
- 'relevant nursery education' section 509A(5) of the Act;
- 'responsible body' section 329A(13) of the Act;
- 'school day' section 579(1) of the Act;
- 'school year' section 579(1) of the Act;
- 'special school' section 337 of the Act;
- 'young offender institution' section 43 of the Prison Act 1952(i).

(3) In these Regulations any reference to the health authority or the social services authority is, in relation to a particular child, a reference to the health authority or social services authority in whose area that child lives.

(4) Where a thing is required to be done under these Regulations—

(a) within a period after an action is taken, the day on which that action was taken shall not be counted in the calculation of that period, and

(b) within a period and the last day of that period is not a working day, the period shall be extended to include the following working day.

(5) Unless the context otherwise requires references in these Regulations—

(a) to a section are references to a section of the Act;
(b) to a Schedule are references to a Schedule of the Act;
(c) to a regulation are references to a regulation in these Regulations;
(d) to a paragraph are references to a paragraph in the regulation concerned.

Delegation of functions

3. Where a head teacher has any functions or duties under these Regulations he may delegate those functions or duties-

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(g) S.I. 1994/1047.
(h) 1988 c.40.
(i) 1952 c.52.
(a) generally to a member of the staff of the school who is a qualified teacher, or
(b) in a particular case to a member of the staff of the school who teaches the child in question.

Notices

4. Any notice required to be given by these Regulations shall be given in writing.

Service of documents

5.-{(1)} Where any provision in Part IV of the Act or in these Regulations authorises or requires any document to be served or sent to a person or any notice to be given to a person the document may be served or sent or the notice may be given by properly addressing, pre-paying and posting a letter containing the document or notice.

(2) For the purposes of this regulation, the proper address of a person is –

(a) in the case of the child’s parent, his last known address;
(b) in the case of a head teacher or other member of the staff of a school, the school’s address, or
(c) in the case of any other person, the last known address of the place where he carries on his business, profession or other employment.

(3) Where first class post is used, the document or notice shall be treated as served, sent or given on the second working day after the date of posting, unless the contrary is shown.

(4) Where second class post is used, the document or notice shall be treated as served, sent or given on the fourth working day after the date of posting, unless the contrary is shown.

(5) The date of posting shall be presumed, unless the contrary is shown, to be the date shown in the post-mark on the envelope in which the document is contained.

PART II

ASSESSMENTS

Notices relating to assessment

6.-{(1)} Paragraph (2) applies where:

(a) under section 323(1) or 329A(3) an authority serve notice on a child’s parent that they are considering whether to make an assessment, or
(b) no notice has been given in relation to a particular assessment under section 323(1) or 329A(3), and under section 323(4) or 329A(7) an authority give notice to a child’s parent of their decision to make an assessment.

(2) Where this paragraph applies an authority shall send copies of the relevant notice:

(a) to the social services authority; and
(b) to the health authority; and

(c) if the child is registered at a school, to the head teacher of that school; or

(d) if the child receives education from an early education provider, to the head of SEN in relation to that provider.

(3) Where a copy of a notice is sent under paragraph (2) an endorsement on the copy or a notice accompanying that copy shall inform the recipient what help the authority are likely to request.

(4) Where -

(a) under section 328(2) or 329(1) a child’s parent asks an authority to arrange for an assessment, and

(b) no assessment has been made for that child within the period of six months ending with the date on which the request is made,

the authority shall give notice to the persons referred to in paragraph (2)(a) to (d) that the request has been made and inform them what help the authority are likely to request.

(5) Where -

(a) under section 329A(1) a responsible body asks an authority to arrange for an assessment, and

(b) no assessment has been made for that child within the period of six months ending with the date on which the request is made,

the authority shall give notice to the persons referred to in paragraphs (2)(a) to (d) that the request has been made and inform them what help the authority are likely to request.

(6) Where the head teacher at a school or head of SEN in relation to an early education provider is the responsible body referred to at paragraph (5)(a) the authority may-

(a) choose not to serve a notice on the head teacher or head of SEN under paragraph (5)(b), and

(b) endorse the notice served on the responsible body under section 329A(7) or serve a further notice accompanying that notice informing the head teacher of the school or the head of SEN in relation to the early education provider of the help the authority are likely to request.

Advice to be sought

7.- (1) For the purpose of making an assessment an authority shall seek -

(a) advice from the child’s parent;

(b) educational advice as provided for in regulation 8;
(c) medical advice from the health authority as provided for in regulation 9;

(d) psychological advice as provided for in regulation 10;

(e) advice from the social services authority, and

(f) any other advice which the authority consider appropriate for the purpose of arriving at a satisfactory assessment.

(2) The advice referred to in paragraph (1) shall be written advice relating to -

(a) the educational, medical, psychological or other features of the case (according to the nature of the advice sought) which appear to be relevant to the child’s educational needs (including his likely future needs);

(b) how those features could affect the child’s educational needs, and

(c) the provision which is appropriate for the child in light of those features of the child’s case, whether by way of special educational provision or non-educational provision, but not relating to any matter which is required to be specified in a statement by virtue of section 324(4)(b).

(3) A person from whom the advice referred to in paragraph (1) is sought may in connection therewith consult such persons as it appears to him expedient to consult; and he shall consult such persons, if any, as are specified in the particular case by the authority as persons who have relevant knowledge of, or information relating to, the child.

(4) When seeking the advice referred to in paragraphs (1)(b) to (f) an authority shall provide the person from whom it is sought with copies of -

(a) any representations made by the parent, and

(b) any evidence submitted by, or at the request of, the parent

under section 323(1)(d) or section 329A(3)(d) as the case may be.

(5) The authority need not seek the advice referred to in paragraph (1)(b), (c), (d), (e) or (f) if -

(a) the authority have obtained advice under paragraph (1)(b), (c), (d), (e) or (f) respectively within the preceding 12 months, and

(b) the authority, the person from whom the advice was obtained and the child’s parent are satisfied that the existing advice is sufficient for the purpose of arriving at a satisfactory assessment.

Educational Advice

8. (1) The educational advice referred to in regulation 7(1)(b) shall, subject to paragraphs (2) to (5), be sought -
(a) from the head teacher of any school which the child is currently attending;

(b) if advice cannot be obtained from a head teacher of a school which the child is currently attending (because the child is not attending a school or otherwise) then from a person who the authority are satisfied has experience of teaching children with special educational needs or knowledge of the differing provision which may be called for in different cases to meet those needs;

(c) if the child is not currently attending a school and if advice obtained under sub-paragraph (b) is not advice from such a person, from a person responsible for educational provision for him, and

(d) if any parent of the child is a serving member of Her Majesty’s armed forces, from Service Children’s Education.

(2) Subject to paragraph (3), the advice sought as provided in paragraphs (1)(a) to (c) shall not be sought from any person who is not a qualified teacher.

(3) If the advice sought as provided in paragraph (1)(c) is to be obtained in respect of a child receiving education from an early education provider and there is no person responsible for that child’s educational provision who is a qualified teacher, advice shall be sought from a person responsible for his educational provision who is not a qualified teacher.

(4) The advice sought from a head teacher as provided in paragraph (1)(a) shall, if the head teacher has not himself taught the child within the preceding 18 months, be advice given after consultation with a teacher who has so taught the child.

(5) The advice sought from a head teacher as provided in paragraph (1)(a) shall include advice relating to the steps which have been taken by the school to identify and assess the special educational needs of the child and to make provision for the purpose of meeting those needs.

(6) The advice sought under paragraph (1)(b) or (1)(c) in relation to a child receiving education from an early education provider shall include advice relating to the steps which have been taken by the provider to identify and assess the special educational needs of the child and to make provision for meeting those needs.

(7) Where it appears to the authority, in consequence of medical advice or otherwise, that the child in question is -

(a) hearing impaired;

(b) visually impaired; or

(c) both hearing impaired and visually impaired,

and any such person from whom advice is sought as provided in paragraph (1) is not qualified to teach pupils who are so impaired then the advice sought shall be advice given after consultation with a person who is so qualified.

(8) For the purposes of paragraph (7) a person shall be considered to be qualified to teach pupils who are hearing impaired or visually impaired or who are both hearing impaired and visually impaired if he is qualified to be employed at a school as a teacher of a class for pupils who are so
impaired otherwise than to give instruction in a craft, trade, or domestic subject.

(9) Paragraphs (4) and (7) are without prejudice to regulation 7(3).

Medical advice

9. The advice referred to in regulation 7(1)(c) shall be sought from the health authority, who shall obtain the advice from a fully registered medical practitioner.

Psychological advice

10. (1) The psychological advice referred to in regulation 7(1)(d) shall be sought from a person—

(a) regularly employed by the authority as an educational psychologist, or

(b) engaged by the authority as an educational psychologist in the case in question.

(2) The advice sought from a person as provided in paragraph (1) shall, if that person has reason to believe that another psychologist has relevant knowledge of, or information relating to, the child, be advice given after consultation with that other psychologist.

(3) Paragraph (2) is without prejudice to regulation 7(3).

Matters to be taken into account in making an assessment

11. When making an assessment an authority shall take into consideration—

(a) any representations made by the child's parent under section 323(1)(d) or section 329A(3)(d);

(b) any evidence submitted by, or at the request of, the child's parent under section 323(1)(d) or section 329A(3)(d), and

(c) the advice obtained under regulation 7.

Time limits and prescribed information

12. (1) Where under section 323(1) an authority serve a notice on a child's parent informing him that they are considering whether to make an assessment they shall within 6 weeks of the date of service of that notice give notice to the child's parent of—

(a) their decision to make an assessment, and of their reasons for making that decision, or

(b) their decision not to assess the educational needs of the child and of their reasons for making that decision, and
in either case the availability to the parent of advice and information on matters related to his child's special educational needs from the parent partnership service.

(2) Where under sections 328(2) or 329(1) a parent asks the authority to arrange for an assessment to be made they shall within 6 weeks of the date of receipt of the request give notice to the child's parent-

(a) of-

(i) their decision to make an assessment;

(ii) their reasons for making that decision, and

(iii) the availability to the parent of advice and information on matters related to his child's special educational needs from the parent partnership service;

(b) of-

(i) their determination not to comply with the parent's request;

(ii) their reasons for making that determination;

(iii) the availability to the parent of advice and information on matters related to his child's special educational needs from the parent partnership service;

(iv) the availability to the parent of arrangements for the prevention and resolution of disagreements between parents and authorities made by the authority under section 332B(1);

(v) the parent's right to appeal to the Tribunal against the determination not to make an assessment;

(vi) the time limit within which an appeal must be made to the Tribunal, and

(vii) the fact that the arrangements made under section 332B(1) cannot affect the parent's right to appeal to the Tribunal and that a parent may appeal to the Tribunal and enter into the arrangements made under section 332B(1).

(3) Where section 329A applies an authority shall, within 6 weeks of the date of receipt of a request from a responsible body that an assessment of a child be made, give notice to that body --

(a) of their decision to make an assessment, and of their reasons for making that decision, or

(b) of their decision not to assess the educational needs of the child, and of their
(4) Where section 329A applies an authority shall, within 6 weeks of the date of receipt of a request from a responsible body that an assessment of a child be made, give notice to the child’s parent-

(a) of-

(i) their decision to make an assessment;

(ii) their reasons for making that decision, and

(iii) the availability to the parent of advice and information about matters related to his child’s special educational needs from the parent partnership service, or

(b) of-

(i) their decision not to assess the educational needs of the child;

(ii) their reasons for making that decision;

(iii) the availability to the parent of advice and information on matters related to his child’s special educational needs from the parent partnership service;

(iv) the availability to the parent of arrangements for the prevention and resolution of disputes between parents and authorities made by the authority under section 332B(1);

(v) the parent’s right to appeal to the Tribunal against the decision not to make an assessment;

(vi) the time limit within which an appeal must be made to the Tribunal, and

(vii) the fact that the arrangements made under section 332B(1) cannot affect the parent’s right to appeal to the Tribunal and that the parent may appeal to the Tribunal and enter into the arrangements made under section 332B(1).

(5) An authority need not comply with the time limits referred to in paragraphs (1) to (4) if it is impractical to do so because-

(a) the authority have requested advice from the head teacher of a school during a period beginning 1 week before any date on which that school was closed for a continuous period of not less than 4 weeks from that date and ending 1 week before the date on which it re-opens;
(b) the authority have requested advice from the head of SEN in relation to or other person responsible for a child’s education at an early education provider during a period beginning 1 week before any date on which that early education provider was closed for a continuous period of not less than 4 weeks from that date and ending 1 week before the date on which it re-opens;

(c) exceptional personal circumstances affect the child or his parent during the 6 week period referred to in paragraphs (1) to (4), or

(d) the child or his parent are absent from the area of the authority for a continuous period of not less than 4 weeks during the 6 weeks period referred to in paragraphs (1) to (4).

(6) Subject to paragraph (7), where under sections 323(4) or 329A(7) an authority have given notice to the child’s parent of their decision to make an assessment they shall complete that assessment within 10 weeks of the date on which such notice was given.

(7) An authority need not comply with the time limit referred to in paragraph (6) if it is impractical to do so because-

(a) in exceptional cases after receiving the advice sought under regulation 7 it is necessary for the authority to seek further advice;

(b) the child’s parent has indicated to the authority that he wishes to provide advice to the authority after the expiry of 6 weeks from the date on which a request for such advice under regulation 7(1)(a) was received, and the authority have agreed to consider such advice before completing the assessment;

(c) the authority have requested advice from the head teacher of a school under regulation 7(1)(b) during a period beginning 1 week before any date on which that school was closed for a continuous period of not less than 4 weeks from that date and ending 1 week before the date on which it re-opens;

(d) the authority have requested advice from the head of SEN in relation to or other person responsible for a child’s education at an early education provider under regulation 7(1)(b) during a period beginning 1 week before any date on which that early education provider was closed for a continuous period of not less than 4 weeks from that date and ending 1 week before the date on which it re-opens;

(e) the authority have requested advice from a health authority or a social services authority under regulation 7(1)(c) or (e) respectively and the health authority or the social services authority have not complied with that request within 6 weeks from the date on which it was made;

(f) exceptional personal circumstances affect the child or his parent during the 10 week period referred to in paragraph (6);

(g) the child or his parent are absent from the area of the authority for a continuous period of not less than 4 weeks during the 10 week period referred to in
paragraph (6); or

(h) the child fails to keep an appointment for an examination or a test during the 10 week period referred to in paragraph (6).

(8) Subject to paragraphs (9), (10) and (11), where an authority have requested advice from a health authority or a social services authority under regulation 7(1)(c) or (e) respectively the health authority or social services authority shall comply with that request within 6 weeks of the date on which they receive it.

(9) A health authority or a social services authority need not comply with the time limit referred to in paragraph (8) if it is impractical to do so because-

(a) exceptional personal circumstances affect the child or his parent during the 6 week period referred to in paragraph (8);

(b) the child or his parent are absent from the area of the authority for a continuous period of not less than 4 weeks during the 6 week period referred to in paragraph (8), or

(c) the child fails to keep an appointment for an examination or a test made by the health authority or the social services authority respectively during the 6 week period referred to in paragraph (8).

(10) A health authority need not comply with the time limit referred to in paragraph (8) if they have not before the date on which a copy of a notice has been served on them in accordance with regulation 6(2), 6(4) or 6(5) produced or maintained any information or records relevant to the assessment of the child.

(11) A social services authority need not comply with the request referred to in paragraph (8) if they have not before the date on which a copy of a notice has been served on them in accordance with regulation 6(2), 6(4) or 6(5) produced or maintained any information or records relevant to the assessment of the child.

**Children without statements in special schools**

13. If a child without a statement has been admitted to a special school for the purposes of an assessment, as provided for in section 316A(2), he may remain at that school -

(a) until the expiry of ten school days after the authority serve a notice under section 325 informing the child's parent that they do not propose to make a statement,

or

(b) until a statement is made(j).

**PART III**

(j) Once a statement has been made for a child that statement will determine whether he will be educated in a special school or elsewhere.
STATEMENTS

Notices accompanying a proposed statement or proposed amended statement

14. The notice which shall be served by an authority on a parent pursuant to paragraph 2B(2) of Schedule 27 to accompany –

(a) a copy of a proposed statement (served under paragraph 2(1) of Schedule 27),

or

(b) a copy of a proposed amended statement (served under paragraph 2A(2) of Schedule 27)

shall contain the information as specified in Part A of Schedule 1 to these Regulations.

Notice accompanying an amendment notice

15. The notice which shall be served by an authority on a parent pursuant to paragraph 2B(2) of Schedule 27 to accompany an amendment notice (served under paragraph 2A(4) of Schedule 27) shall contain the information as specified in Part B of Schedule 1 to these Regulations.

Statement of special educational needs

16. A statement shall -

(a) be in a form substantially corresponding to that set out in Schedule 2 to these Regulations;

(b) contain the information therein specified;

(c) be dated and authenticated by the signature of a duly authorised officer of the authority concerned;

(d) set out whether it is the first statement made by the authority for the child or a subsequent statement;

(e) indicate on the front page if it is -

(i) amended pursuant to an annual review and the date of any such annual review;

(ii) amended pursuant to a review other than an annual review, and the date of any such review;

(iii) amended pursuant to an order of the Tribunal, and the date of any such order, or
(iv) amended pursuant to a direction of the Secretary of State, and the date of any such direction.

Time limits and prescribed information

17.- (1) Where an authority have made an assessment of a child for whom no statement is maintained they shall within 2 weeks of the date on which the assessment was completed either-

(a) serve a copy of a proposed statement and a notice on the child's parent under paragraphs 2(1) and 2B(2) of Schedule 27 respectively, or

(b) give notice to the child's parent-

(i) under section 325(1) that they have decided not to make a statement;

(ii) of their reasons for that decision;

(iii) of the parent's right of appeal against that decision to the Tribunal, and

(iv) of the time limit within which an appeal to the Tribunal must be made.

(2) Where an authority have made an assessment of a child for whom a statement is maintained they shall within 2 weeks of the date on which the assessment was completed-

(a) serve on the child's parent a copy of a proposed amended statement and a notice under paragraphs 2A(2) and 2B(2) of Schedule 27 respectively, or

(b) give notice to the child's parent-

(i) under paragraph 11 (2) of Schedule 27 that they have determined to cease to maintain the statement;

(ii) of the parent's right of appeal against that determination to the Tribunal, and

(iii) of the time limit within which an appeal to the Tribunal must be made, or

(c) serve on the child's parent a notice-

(i) which informs him that they have determined not to amend the statement;

(ii) which informs him of their reasons for that determination;
(iii) which is accompanied by copies of the professional advice obtained during the assessment;

(iv) which informs him that under section 326(1)(c) he may appeal to the Tribunal against the description in the statement of the authority's assessment of the child's special educational needs, the special educational provision specified in the statement (including the name of a school so specified) or, if no school is named in the statement, that fact, and

(v) which informs him of the time limit within which an appeal to the Tribunal must be made.

(3) Subject to paragraph (4), where an authority have served a copy of a proposed statement or proposed amended statement on the child's parent under paragraphs 2(1) or 2A(2) of Schedule 27 the authority shall within 8 weeks of the date on which the proposed statement or proposed amended statement was served, serve a copy of the completed statement or completed amended statement and a written notice on the child's parent under paragraphs 6(1) and 6(2) respectively of Schedule 27.

(4) The authority need not comply with the time limit referred to in paragraph (3) if it is impractical to do so because-

(a) exceptional personal circumstances affect the child or his parent during the 8 week period referred to in paragraph (3);

(b) the child or his parent are absent from the area of the authority for a continuous period of not less than 4 weeks during the 8 week period referred to in paragraph (3);

(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 has either required that another such meeting be arranged or has required 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 344(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 2 weeks of the date on which the request was sent.

(5) Where under paragraph 8(1) of Schedule 27 the child's parent asks the authority to substitute for the name of a school or institution specified in a statement the name of another school specified by him and where the conditions referred to in paragraph 8(1)(b) of Schedule 27 have been satisfied the authority shall within 8 weeks of the date on which the request was received either-

(a) comply with the request, or
(b) give notice to the child's parent under paragraph 8(3) of Schedule 27 that they have determined not to comply with the request, their reasons for that decision, and of his right to appeal against that determination to the Tribunal.

(6) Where under paragraph 2A(4) of Schedule 27 an authority serve an amendment notice on the child's parent informing him of their proposal to amend a statement they shall amend the statement before the expiry of 8 weeks from the date on which the notice was served.

(7) The authority need not comply with the time limit in paragraph (6) where:

(a) the amendment notice contained an amendment about the type or name of a school or institution or the provision made for the child concerned under arrangements made under section 319, and

(b) it is impractical to do so because any of the circumstances referred to in paragraph (4)(a) to (e) apply in relation to the 8 week period referred to in paragraph 6.

(8) Where under paragraph 11(1) of Schedule 27 an authority give notice to the child's parent that they have determined to cease to maintain a statement, the authority shall not cease to maintain the statement before the expiry of the prescribed period during which the parent may appeal to the Tribunal against the determination(k).

(9) Any notice given in accordance with this regulation shall inform the parent on whom it is served of:

(a) the availability to the parent of arrangements for the prevention and resolution of disagreements between parents and authorities made by the authority under section 332B, and

(b) the fact that the arrangements made under section 332B cannot affect any right the parent has to appeal to the Tribunal and that the parent may appeal to the Tribunal and take up the arrangements made under section 332B.

Reviews of statements

18.- (1) Not less than two weeks before the first day of every school term an authority shall serve a notice on the head teacher of every school listing those pupils with statements registered at that school

(a) for whom the authority is responsible, and

(b) whose annual reviews fail to be carried out before the commencement of the

(k) The Special Educational Needs Tribunal Regulations 2001 (S.I. 2001/600) provide that an appeal must be made no later than the first working day after the expiry of two months from which the authority notify the parent of his right of appeal. Under paragraph 11(5) of Schedule 27 to the Act an authority may not cease to maintain a statement if a parent has appealed against the authority's determination to cease to maintain a statement and that appeal has not been determined by the Tribunal or withdrawn.
second term after the notice is given.

(2) In this regulation "school" means -

(a) a community, voluntary or foundation school, or a community or foundation special school;

(b) a maintained nursery school;

(c) a pupil referral unit;

(d) a school approved by the Secretary of State under section 342 or section 347, and

(e) a City Technology College, a City College for Technology and the Arts, or a City Academy,

at which a pupil for whom the authority is responsible is a registered pupil.

(3) The notice served in accordance with paragraph (1) shall -

(a) require the head teacher to submit a report to the authority in respect of each child mentioned in it which shall be prepared by the head teacher and reviewed by the authority in accordance with -

(i) paragraphs (4) to (15) of regulation 20 in respect of a child, other than a child in his tenth year of compulsory education, or

(ii) paragraphs (4) to (15) of regulation 21 in respect of a child in his tenth year of compulsory education, and

(b) specify for each child any person from whom the authority consider advice should be sought for the purpose of arriving at a satisfactory report.

(4) The report referred to in paragraph (3) shall be prepared by the head teacher -

(a) by the end of the term which follows service of the notice, or if earlier

(b) within ten school days of the review meeting referred to in regulation 20(6), or in the case of a child in his tenth year of compulsory education, regulation 21(6).

(5) Not less than two weeks before the first day of a school year an authority shall serve on the Connexions Service for their area, or where no Connexions Service has been established at that date, the Careers Service for their area, a notice -

(a) listing all the children with statements for whom the authority is responsible and who will be in their tenth year of compulsory education in that school year, and
(b) indicating the school attended by each of those children or the educational provision made in respect of them.

(6) Not less than two weeks before the first day of every school term an authority shall serve a notice on the health authority and on the social services authority-

(a) listing -

(i) those children with statements of special educational needs living in the area of the health authority or social services authority;

(ii) for whom the authority is responsible, and

(iii) whose annual reviews fall to be carried out before the commencement of the second term after the notice is given, and

(b) indicating the school attended by those children or the educational provision made in respect of them.

Phase transfers

19.- (1) This Regulation applies where-

(a) a statement is maintained for a child, and

(b) the child is within twelve calendar months of a transfer between phases of his schooling.

(2) In this Regulation a transfer between phases of schooling means a transfer from-

(a) primary school to middle school;

(b) primary school to secondary school;

(c) middle school to secondary school, or

(d) secondary school to an institution specified in section 2(2A) of the Act.

(3) Where this Regulation applies an authority must ensure that the child's statement is amended so that before 15th February in the calendar year of the child's transfer the statement names the school or other institution which the child will be attending following that transfer.

Review of statement of child attending school (other than a review in respect of a child in his tenth year of compulsory education)

20.- (1) This Regulation applies where-

(a) an authority carry out an annual review of a child's statement;
(b) the child concerned attends a school, and

(c) the child is not in his tenth year of compulsory education.

(2) Subject to paragraph (3) the authority shall by notice in writing require the head teacher of the child's school to submit a report to them under this Regulation by a specified date not less than two months from the date the notice is given.

(3) If the name of the child is included in the notice served under paragraph (1) of regulation 18 no further notice need be served on the head teacher in respect of that child under paragraph (2) of this regulation.

(4) The head teacher shall for the purpose of preparing the report referred to in paragraph (2) of this regulation or paragraph (3) of regulation 18 seek the advice referred to in paragraph (5) from-

(a) the child's parent (in relation to all the matters referred to in paragraph (5));

(b) any person whose advice the authority consider appropriate for the purpose of arriving at a satisfactory report and whom they specify in the notice referred to in paragraph (2) of this regulation or in paragraph (1) of regulation 18 in relation to the particular child (in relation to such of the matters referred to in paragraph (5) as the head teacher considers are within that person's knowledge or expertise), and

(c) any person whose advice the head teacher considers appropriate for the purpose of arriving at a satisfactory report (in relation to such of the matters referred to in paragraph (5) as the head teacher considers are within that person's knowledge or expertise).

(5) The advice referred to in paragraph (4) shall be written advice as to-

(a) the child's progress towards meeting the objectives specified in the statement;

(b) the child's progress towards attaining any targets established in furtherance of the objectives specified in the statement;

(c) where the school is a community, foundation or voluntary school or a community or foundation special school other than a special school established in a hospital, the application of the provisions of the National Curriculum to the child, and the progress made in relation to those provisions by the child since the statement was made or the last review under section 328;

(d) the application of any provisions substituted for the provisions of the National Curriculum in order to maintain a balanced and broadly based curriculum and the progress made in relation to those provisions by the child since the statement was made or the last review under section 328;
(e) the progress made by the child since the statement was made or the last review under section 328 in his behaviour and attitude to learning;

(f) where appropriate, and in any case where a transition plan exists, any matters which are the appropriate subject of such a plan;

(g) whether the statement continues to be appropriate;

(h) any amendments to the statement which would be appropriate, and

(i) whether the authority should cease to maintain the statement.

(6) The notice referred to in paragraph (2) of this regulation or paragraph (1) of regulation 18 shall require the head teacher to invite the following persons to attend a meeting in respect of each child specified in the report to be held on a date before the report referred to in that paragraph is to be submitted-

(a) the representative of the authority specified in the notice;

(b) the child's parent;

(c) a member or members of the staff of the school who teach the child or who are otherwise responsible for the provision of education for the child whose attendance the head teacher considers appropriate;

(d) any other person whose attendance the head teacher considers appropriate, and

(e) any person whose attendance the authority consider appropriate and who is specified in the notice.

(7) The head teacher shall not later than two weeks before the date on which a meeting referred to in paragraph (6) is to be held send to all the persons invited to that meeting and who have not informed the head teacher that they will not be attending a copy of the advice he has received pursuant to his request under paragraph (4) and by written notice accompanying the copies shall request the recipients to submit to him before or at the meeting written comments on that advice and any other advice which they think appropriate.

(8) The meeting referred to in paragraph (6) shall consider-

(a) the matters referred to in paragraph (5), and

(b) any significant changes in the child's circumstances since the date on which the statement was made or last reviewed.