

## **EXPLANATORY NOTES**

### **SPECIAL EDUCATIONAL NEEDS AND DISABILITY ACT 2001**

#### **INTRODUCTION**

#### **SUMMARY**

##### **Territorial coverage**

##### **PART 1: SPECIAL EDUCATIONAL NEEDS**

##### **PART 2: DISABILITY DISCRIMINATION IN EDUCATION**

##### **Chapter 1 of Part 2: Schools**

##### **Chapter 2 of Part 2: Further & Higher Education**

##### **Chapter 3 of Part 2: Miscellaneous**

#### **BACKGROUND**

##### **Special Educational Needs (England and Wales)**

##### **Disability Discrimination in Education**

#### **OVERVIEW**

#### **INTERPRETATION**

#### **COMMENTARY ON SECTIONS**

##### **PART 1 – SPECIAL EDUCATIONAL NEEDS**

##### **Sections 1 to 10 and Schedules 1 & 8**

Section 1: Education in mainstream schools of children with special educational needs

Section 2: Advice and information for parents

Section 3: Resolution of disputes

Section 4: Compliance with orders

Section 5: Unopposed appeals

Section 6: Maintenance of statement during appeal

*These notes refer to the Special Educational Needs And Disability Act 2001 (c.10)*

Section 7: Duty to inform parents where special educational provision made

Section 8: Review or assessment of special educational needs at request of responsible body

Section 9: Duty to specify named school

Section 10 & Schedule 1: Amendment of statement of special educational needs

Schedule 8: Minor and consequential amendments

## **PART 2 – DISABILITY DISCRIMINATION IN EDUCATION**

### **Chapter 1 – Schools**

Sections 11 to 25 with Schedule 2 and paragraph 1 of Schedule 3

Section 11: Discrimination against disabled pupils and prospective pupils

Section 12: Meaning of “discrimination”

Section 13: Disabled pupils not to be substantially disadvantaged

Section 14: Accessibility strategies and plans

Section 15: Accessibility strategies and plans: procedure

Section 16: Residual duty of education authorities

Section 17: Special Educational Needs and Disability Tribunal

Section 18: Jurisdiction and powers of the Tribunal

Section 19 and paragraph 1 of Schedule 3: Procedure

Section 20: Admissions

Section 21: Exclusions

Section 22: Roles of the Secretary of State and the National Assembly

Section 23: Enforcement Procedure: Scotland

Section 24: Validity and revision of agreements of responsible bodies

### **Chapter 2 – Further and Higher Education Institutions**

**Sections 26 to 34 with paragraph 2 of Schedule 3, Schedule 4, Schedule 5 and Schedule 6**

Section 26 and Schedule 4: Discrimination against disabled students and prospective students

Section 27: Meaning of “discrimination”

Section 28: Disabled students not to be substantially disadvantaged

*These notes refer to the Special Educational Needs And Disability Act 2001 (c.10)*

Section 29 and Schedule 5: Further education etc. provided by local education authorities and schools

Section 30 and paragraph 2 of Schedule 3: Rights of Redress

Section 31 and Schedule 6: Occupation of premises by educational institutions

Section 32: Validity and revision of agreements

Section 33: Interpretation

Section 34: Removal of certain duties of funding bodies

### **Chapter 3 – Miscellaneous**

#### **Sections 35 to 40 and Schedule 7**

Section 35 and Schedule 7: Extension of Role of Disability Rights Commission

Section 36: Codes of Practice

Section 37: Conciliation for Disputes under Part 4 of the 1995 Act

Section 38: Relationship with other Parts of the 1995 Act

Section 39: Application to the Isles of Scilly

Section 40: Duty of Teacher Training Agency

### **DELEGATED POWERS AND DEREGULATION REPORT**

### **COMMENCEMENT**

### **HANSARD REFERENCES**

### **ANNEX 1 GLOSSARY OF TERMS AND ABBREVIATIONS**