STATUTORY INSTRUMENTS

2006 No. 3346

EDUCATION, ENGLAND

The Education (Special Educational Needs) (England) (Consolidation) (Amendment) Regulations 2006

Made	*14th December 2006*
Laid before Parliament	*21st December 2006*
Coming into force - -	*1st March 2007*

The Secretary of State, in exercise of the powers conferred by 322(4), 324(2), 326A(4) and (6)(a), 328(3B) and (6), 336A(1) and (2)(a), 569(1), (2) and (4) and 579(1) of, and paragraphs 3(1), (3) and (4) of Schedule 26, and paragraphs 2B(3), 5(3), 7(1), (2) and (5) of Schedule 27 to, the Education Act 1996(**a**) and sections 71(7), 98(5), 138(7) and 144(1) of the School Standards and Framework Act 1998(**b**), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Special Educational Needs) (England) (Consolidation) (Amendment) Regulations 2006 and come into force on 1 March 2007.

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

Amendments

2. The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001(**c**) ("the principal Regulations") are amended in accordance with Regulations 3 to 17.

Definitions in the principal Regulations

3.—(1) In the definition of "early education provider" in regulation 2(1) for "relevant nursery education" substitute "relevant early years education".

(2) After the definition of "head teacher" in regulation 2(1), insert the following definitions—

(**a**) 1996 c. 56. Section 322(4) was amended by SI 2000/90 schedule 1, paragraph 32(1) and (2)(d). 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) and 569 are exercisable by the Secretary of State only in relation to England. For the meaning of regulations see section 579(1). Sections 316A(2), 325(2A) and 2(B), 326A(4), 328(3A) and (3B), 329A(9) and 336A(1) of the Act were inserted by the Special Educational Needs and Disability Act 2001 (2001 c. 10), section 1, paragraph 6 of Schedule 8, section 5, paragraph 7 of Schedule 8, section 8 and section 4, respectively. For the meaning of prescribed in relation to regulations dealing with an appeal to the Special Educational Needs and Disability Tribunal see section 326A(6)(a). For the meaning of prescribed in relation to regulations dealing with orders of the Special Educational Needs and Disability Tribunal see section 336A(2)(a) inserted by the Special Educational Needs and Disability Act 2001, section 43(4)(a). Section 336A(2) was amended by the Education Act 2002, Schedule 18 paragraph 6.

(**b**) 1998 c. 31. Section 71 was amended by the Education Act 2002 (2002 c. 32), Schedule 21, paragraph 105. Section 71(7) is amended by section 55 of the Education and Inspections Act 2006 (2006 c. 40) which is not yet in force. For the meaning of regulations see section 142(1).

(**c**) S.I. 2001/3455, as amended by the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002 (SI 2002/2469).

" "infant school" means a primary school for the purpose of providing education for children who are of compulsory school age but have not attained the age of eight even though it may also provide education for children below compulsory school age;

"junior school" means a primary school for the purpose of providing education for children who are of compulsory school age who have attained the age of eight;

"maintained special school" means a community or foundation special school;"

(3) After the word "Needs" in the definition of "Tribunal" in regulation 2(1) insert "and Disability".

(4) In the entry in the second column of the table relating to the definition of "qualified teacher" in regulation 2(2) for "section 218 Education Reform Act 1988" substitute "section 132(1) of the Education Act 2002(**a**)".

(5) For the definition "relevant nursery education" in the first column of the table in regulation 2(2) substitute "relevant early years education" and for "section 509A(5) of the Act" in the entry in the second column of that table substitute "section 509A(5)(a) of the Act(**b**)".

Religious education

4. After regulation 5 insert the following new regulation—

"Religious Education

5A. Arrangements shall be made to secure that, so far as practicable, every pupil attending a maintained special school will attend daily collective worship and receive religious education, or will be withdrawn from attendance at such worship or from receiving such education in accordance with the wishes of his parent.".

Notice relating to assessment

5.—(1) For regulation 6(1)(b) substitute—

"(b) section 323(4) or 329A(7) applies and an authority give notice to a child's parent of their decision to make an assessment.".

(2) In regulation 6(6)(a) omit "(b)".

Educational advice

6. For regulation 8(1)(c) substitute—

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

Time limits and prescribed information

7.—(1) Immediately before "within 6 weeks" in paragraph (1) of regulation 12 insert "no earlier than the period specified in that notice pursuant to section 323(1)(d) and".

(2) For paragraph (3) of regulation 12 substitute—

"(3) Where section 329A(3) applies and an authority serve a notice on a child's parent informing him that they are considering a request from a responsible body that an assessment of a child be made, they shall, no earlier than the end of the period specified in the notice pursuant to section 329A(3)(d) and within 6 weeks of receipt of the request, give notice to that body—

(**a**) 2002 c. 32, there are no amendments to section 132 applicable to England.

(**b**) Section 509A of the Act is amended by paragraph 23 of Schedule 2 to the Childcare Act 2006 (2006 c. 21) which is not yet in force. Regulation 20 makes provision pending the coming into force of that paragraph.

(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 reasons for making that decision.".

(3) In paragraph (4) of regulation 12 for "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—" substitute—

"Where section 329A(7) or (8) applies and an authority have served a notice on the parent under section 329A(3) that they are considering a request from a responsible body that an assessment of a child be made, they shall, no earlier than the end of the specified period in that notice pursuant to section 329A(3)(d) and within 6 weeks of the date of receipt of the request, give notice to the child's parent—".

Admission to Special Schools

8. After regulation 12 insert the following regulation—

"Admission to Special Schools

12A.—(1) Subject to paragraph (2) below no child shall be admitted to a maintained special school unless—

(a) a statement is maintained for him;

(b) he is admitted for the purposes of an assessment and his admission to the school is with the agreement of the authority, the head teacher of the school, the child's parent and any person whose advice is to be sought in accordance with regulation 7; or

(c) he is admitted following a change in his circumstances, with the agreement of the authority, the head teacher of the school and the child's parent.

(2) A child may only be admitted to a special school established in a hospital if he requires hospital treatment.

(3) The admission of a child to a maintained special school in accordance with paragraph (1)(c) shall be reviewed by the authority at the end of every term.".

Notice to be served in addition to amendment notice

9. For regulation 15 and its accompanying heading "Notice accompanying an amendment notice", substitute—

"Notice to be served in addition to amendment notice

15. Where an authority serve an amendment notice under paragraph 2A(4) of Schedule 27, the notice which the authority must also serve under paragraph 2B(2) of that Schedule shall contain the information specified in Part B of Schedule 1 to these Regulations.".

Phase transfers between infant school and junior school

10. For paragraph (2)(a) of regulation 19 substitute—

"(aa) infant school to junior school;

(ab) primary school to middle school;".

Transfer of statements

11. For regulation 23(2) substitute—

"(2) The old authority, within 15 working days beginning with the day on which they are informed of the move, shall transfer the statement to the new authority.".

Restriction on disclosure of statements

12.—(1) For regulation 24(1)(i) substitute—

"(i) to Her Majesty's Chief Inspector of Schools in England, any one of Her Majesty's Inspectors of Schools in England, any additional inspector and any other member of the staff of Her Majesty's Chief Inspector of Schools in England exercising the right to inspect and take copies of a statement in accordance with section 4(2)(c) or 10(1)(e) of, or paragraph 5 of Schedule 1 to, the Education Act 2005(**a**);".

(2) After sub-paragraph (j) of regulation 24(1) omit "or" and after sub-paragraph (k) of that paragraph omit the full stop and add—

", or

(l) to a Secure Training Centre for the purposes of the performance of its duties under rule 28 of the Secure Training Centre Rules 1998(**b**).".

(3) In regulation 24(4) insert "a" between "such" and "statement".

Compliance with Tribunal Orders

13.—(1) For regulation 25(2)(a) substitute—

"(a) to make an assessment, the authority shall within 4 weeks notify the child's parent under section 323(4) or as the case may be section 329A(7) that they will make an assessment;".

(2) For regulation 25(2)(b) substitute—

"(b) to make and maintain a statement, the authority shall serve a proposed statement within 5 weeks;".

(3) In sub-paragraph (d) of regulation 25(2) for the words "serve an amendment notice under paragraph 2A of Schedule 27" substitute the words "amend the statement".

(4) In sub-paragraph (f) of regulation 25(2) for the words "shall serve an amendment notice on the child's parent under paragraph 2A of Schedule 27" substitute the words "amend the statement".

(5) For paragraph (3) of regulation 25 substitute—

"(3) In each case the period shall begin with the date on which the order is made.".

Compliance with parents' requests when an authority concedes an appeal to the Tribunal

14.—(1) For regulation 26(1)(a) substitute—

"(a) in the case of an appeal under section 325, serve a proposed statement within 5 weeks;".

(2) For regulation 26(1)(b) substitute—

"(b) in the case of an appeal under section 328, 329 or 329A to make an assessment, the authority shall within 4 weeks notify the child's parent under section 323(4) or as the case may be section 329A(7) that they will make an assessment;".

(3) For regulation 26(2) substitute—

"(2) In each case the period shall begin on the day on which the authority notifies the Tribunal that they have determined that they will not, or will no longer, oppose the appeal. ".

(**a**) 2005 c. 18.
(**b**) S.I. 1998/472. to which there are amendments not relevant to these Regulations.

Notices accompanying a proposed statement or proposed amended statement

15. For Part A of Schedule 1 substitute—

"PART A

Name and address of authority

Date

Address of Parents

Dear [*here insert name of parents*]

I am pleased to enclose a copy of [*child's name(s)*]'s [proposed statement of special educational needs/proposed amended statement of special educational needs]. We have attached to it copies of all the advice we were given during [*child's name*]'s assessment for the statement.

If you want to meet us to talk about the statement you need to tell us within 15 days of receiving this letter. This is not the final statement. You can ask for changes to be made to it. The rest of this letter tells you how you can do this.

As you will see the statement is in six parts:

Part 1— Introduction

Part 2 — Special Educational Needs

Part 3 — Special Educational Provision, including objectives and monitoring arrangements

Part 4 — Placement

Part 5 — Non-educational Needs

Part 6 — Non-educational Provision

We have left Part 4 blank so that you can tell us where you think [*child's name*] should be educated. You do not have to name a different school from your child's present school if you do not want to. If you do want to, you can tell us which maintained (Local Education Authority) school, including an LEA-maintained special school, you would like [*child's name*] to go to and tell us the reasons. To help you decide, a list of all the maintained [primary/secondary] schools [including maintained special schools] in the area is attached.

[*A list of all primary or secondary [phase] schools, including special schools, depending on whether the child requires primary or secondary education, must be attached to this letter.*]

If you suggest the name of a maintained school, including a maintained special school, we must name the school in Part 4 of the statement unless:

(a) the school is unsuitable to [*child's name*]'s age, ability or aptitude or to [his/her] special educational needs, or

(b) the attendance of [*child's name*] at the school would be incompatible with the provision of efficient education for the children with whom [he/she] would be educated or the efficient use of resources.

If you think that [*child's name*] should attend a non-maintained special school or an independent school you can suggest the name of a school and tell us why you think that school should be named in [*child's name*]'s statement. A list of non-maintained special

schools and independent schools approved by the Secretary of State [*and if such a list is produced by the National Assembly for Wales*][and the National Assembly for Wales] is attached to help you.

[*Such lists of independent and non-maintained special schools as the Secretary of State may from time to time indicate for this purpose (and if the National Assembly for Wales from time to time indicates such a list for a similar purpose, that list also) must be attached to this letter*.]

If you want to tell us the name of a school you want [child's name] to go to you must do so within 15 days of getting this letter. However, if you attend a meeting with us to discuss this statement after getting this letter you will have another 15 days from that meeting to suggest a school. You can also tell us if you disagree with what the statement says. If you do disagree with the statement you must also tell us within 15 days of getting this letter, or 15 days from when you meet us to talk about the statement. If you still disagree with the statement, or any of the advice given during the assessment after you meet us, you can ask us for another meeting to discuss the advice you disagree with but you must ask us within 15 days of the first meeting. We will arrange for the person who gave the advice, or someone else they suggest, to attend this new meeting. We can arrange more than one meeting if necessary, if you disagree with more than one part of the advice.

Once all these stages are finished we will send you a final statement that will have Part 4 completed.

If you have any concerns or questions about this process, or disagree with any part of the statement you may wish to get advice or support from the local parent partnership service. They can be contacted at [*contact address and telephone number*].

They can also put you in touch with the informal arrangements set up to help resolve or prevent any disagreements between you and the authority. Using either of these services does not prevent you from appealing to the Special Educational Needs and Disability Tribunal about Parts 2, 3 or 4 of the Statement at the same time; your rights are not affected and an appeal to the Tribunal can run at the same time as any disagreement resolution. However, using these services does not increase the time you have to make an appeal.

When you receive the final statement, if you disagree with Parts 2, 3 or 4 you can appeal to the Special Educational Needs and Disability Tribunal. The Tribunal can hold a hearing to decide what should be in these parts of [child's name]'s statement. You have to appeal to the Tribunal within two months of getting the final statement. The address of the Tribunal is SENDIST, 2nd Floor Old Hall, Mowden Hall, Staindrop Road DL3 9BG. The telephone number of the Tribunal is 0870 241 2555 and they have a website at: http://www.sendist.gov.uk/. You can obtain a claim form from them.

If you have any questions, now or at any time, about this process or about the statement itself, our case officer [*name*] can be contacted at [*address and telephone number*].

Please do not hesitate to get in touch.

Yours sincerely

[*Signature of officer responsible*]"

Notice to be served in addition to amendment notice

16. For Part B of Schedule 1 substitute—

"PART B

Name and address of authority

Date

Address of Parents

Dear [*here insert name of parents*]

As you know [*child's name*] has a statement of special educational needs dated [*here insert date of statement*].

We propose amending [*child's name*]'s statement [*insert reasons e.g. following an annual review*]. Details of the amendments are in the amendment notice [*where amendment notice is a separate document*][enclosed][*where amendment notice is contained within this letter*][below].

If you disagree with the suggested changes and want to meet us to talk please tell us within 15 days.

[*When amendment to Part 4 is recommended*]

We [also] want to amend Part 4 of the statement [*explain reasons why e.g. so that a child can go to secondary school*].

You can tell us which maintained (LEA) school, including an LEA-maintained special school you would like [child's name] to go to and tell us the reasons. To help you decide, a list of all the maintained [primary/secondary] schools[including maintained special schools] in the area is attached. You do not need to name a different school from your child's present school if you do not want to.

[*A list of all primary or secondary [phase] schools, including special schools, depending on whether the child requires primary or secondary education, must be attached to this letter*.]

If you suggest the name of a maintained school, including a maintained special school, we must name the school in Part 4 of the statement unless:

(a) the school is unsuitable to [*child's name*]'s age, ability or aptitude or to [his/her] special educational needs, or

(b) the attendance of [child's name] at the school would be incompatible with the provision of efficient education for the children with whom [he/she] would be educated or the efficient use of resources.

If you think that [*child's name*] should attend a non-maintained special school or an independent school you can suggest the name of a school and tell us why you think that school should be named in [*child's name*]'s statement. A list of non-maintained special schools and independent schools approved by the Secretary of State [*and if such a list is produced by the National Assembly for Wales*][and the National Assembly for Wales] is attached to help you.

[*Such lists of independent and non-maintained special schools as the Secretary of State may from time to time indicate for this purpose (and if the National Assembly for Wales from time to time indicates such a list for a similar purpose, that list also) must be attached to this letter*.]

If you want to tell us the name of a school you want [*child's name*] to go to you must do so within 15 days of getting this letter. However, if you attend a meeting with us to discuss the suggested changes to this statement after getting this letter you will have another 15 days from that meeting to name a school. You can also tell us if you disagree with the changes to the statement that we are suggesting. If you do disagree with the suggested changes you must also tell us within 15 days of getting this letter.

Once all these stages are finished we will send you an amended final statement. If you have any concerns or disagree with any part of the amended final statement you may wish to get advice or support from the local parent partnership service. They can be contacted [*here insert contact address and telephone number*]. They can also put you in touch with the informal arrangements set up to help resolve or prevent any disagreements between you and the authority. Using either of these services does not prevent you from appealing to the Special Educational Needs and Disability Tribunal about Parts 2, 3 or 4 of the Statement at the same time; your rights are not affected and an appeal to the Tribunal can run at the same time as any disagreement resolution. However, using these services does not increase the time you have to make an appeal.

When you receive the amended final statement, if you disagree with Parts 2, 3 or 4 of the statement you can appeal to the Special Educational Needs and Disability Tribunal. The Tribunal can hold a hearing to decide what should be in these parts of [child's name]'s statement. You have to appeal to the Tribunal within two months of getting the final statement. The address of the Tribunal is SENDIST, 2nd Floor Old Hall, Mowden Hall, Staindrop Road DL3 9BG. The telephone number of the Tribunal is 0870 241 2555 and they have a website at: http://www.sendist.gov.uk/. You can obtain a claim form from them.

If you have any questions, now or at any time, about this process or about the statement itself, our case officer [*name*] can be contacted at [*address and telephone number*].

Please do not hesitate to get in touch.

[*Where amendment notice is contained within this letter*]

[Amendment Notice]

[*Here set out details of the amendments to the statement proposed by the authority*.]

Yours sincerely

[*Signature of officer responsible*]"

Appendix G of statement of special educational needs

17.—(1) After paragraph (e) of regulation 16 add the following paragraph—

"(f) have appended to it, in its Appendix G, together with the advice about the child obtained by the authority since the last assessment of the child was made under section 323 of the Education Act 1996—

(i) in the case of a statement falling within paragraph (e)(i) of this regulation—

(aa) where the review was one to which regulation 20 or 21 applied, a copy of the report prepared by the head teacher for the purposes of regulation 18(3), 20(2) or 21(2) as the case may be, a copy of the written record of the decisions of the authority and any written recommendations for amendment to a transition plan, made under regulation 20(13) or 21(13), as the case may be,

(bb) where the review was one to which regulation 22 applied, a copy of the report prepared by the authority under regulation 22(2) and (7), a copy of the written recommendations, new transition plan (where the review is the first commenced after the child has commenced his tenth year of compulsory education) or where a plan exists, the plan as may have been amended, under regulation 22(9),

(ii) in the case of a statement falling within paragraph (e)(ii) of this regulation, the advice and information which the authority has relied on in reviewing the statement,

(iii) in the case of a statement falling within paragraph (e)(iii) of this regulation, a copy of the order of the Tribunal, and

(iv) in the case of a statement falling within paragraph (e)(iv) of this regulation, a copy of the direction of the Secretary of State.".

(2) In paragraph 2 of Schedule 2 for "(In making this statement the authority have taken into account the additional representations, evidence and advice set out in Appendix G to this statement).", substitute "(In making this statement the authority have taken into account the information set out in Appendix G to this statement.)".

(3) For the final paragraph of Schedule 2, "[*Here set out the advice about the child obtained by the authority since the last assessment of the child under section 323 of the Act was made*]", substitute "[*Here append the information specified in regulation 16(f).*]".

Revocations

18. Regulations 18 and 19 of the Education (Maintained Special Schools) (England) Regulations 1999(**a**) are omitted.

Transitional provisions

19.—(1) The amendment made by regulation 10 of these Regulations shall not apply to a transfer between the infant school and junior school phases of schooling occurring before the calendar year 2008.

(2) Where immediately before1 March 2007—

(a) an order of the Tribunal requires an authority to perform an action referred to in regulation 25(2)(a) or (b) of the principal Regulations; or

(b) an appeal to the Tribunal is treated as having been determined in favour of the parent making it in the cases referred to in regulation 26(1)(a) or (b) of the principal Regulations;

those Regulations shall continue to apply in relation to that order or appeal as they had effect immediately before 1 March 2007.

(3) Regulation 17 of these Regulations applies only to statements made or amended after 1 March 2007.

Modifications applying while the Childcare Act 2006 is not in force

20.—(1) During such time as paragraph 23 of Schedule 2 to the Childcare Act 2006(**b**) is not in force in relation to England, these Regulations apply with the modifications in paragraph (2).

(2) The provisions of regulation 3(1) and (5) have no effect.

Andrew Adonis
Parliamentary Under Secretary of State
Department for Education and Skills

14th December 2006

(**a**) S.I. 1999/2212, to which there are amendments not relevant to these Regulations.
(**b**) 2006 c. 21, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (the "principal Regulations") and apply only in relation to England.

Regulation 3 updates definitions in the principal Regulations to reflect the changes in legislation to which they refer and to define the expressions infant school, junior school and maintained special school for the purposes of provisions added by these Regulations. The changes to the definition of "relevant nursery education" and associated reference are subject to modification in accordance with regulation 20 until the Childcare Act 2006 comes into force.

Regulation 4 replaces regulation 18 of the Education (Maintained Special Schools) (England) Regulations 1999 (which is omitted by regulation 18 of these Regulations) with a new regulation 5A in the principal Regulations. The new regulation 5A provides that a pupil attending a maintained special school will attend daily collective worship and receive religious education but may be withdrawn from either in accordance with the wishes of his parent.

Regulation 6 of the principal Regulations applies when certain notices have been sent to the parents of a child indicating that the local education authority ("authority") are about to consider assessing the child or have decided to assess the child. When the regulation applies the authority must serve a copy of the notice on various other persons (including for example the head teacher of a school at which the child is registered) and must set out what assistance the authority are likely to require. Regulation 5 of these regulations amends regulation 6 of the principal Regulations to clarify the circumstances when the copy notice must be sent where the authority have decided to make an assessment under section 323 of the Education Act 1996 or at the request of a responsible body under section 329A of that Act.

Regulation 6 amends regulation 8 of the principal Regulations to make it clearer that advice must be sought by an authority making an assessment of a child from a person responsible for his educational provision if advice cannot be obtained from the persons mentioned in regulation 8(1)(b) of the principal Regulations (a head teacher or person with general special educational needs experience or knowledge).

Regulation 12 of the principal Regulations provides for time limits for serving statutory notices served under sections 323(1) and 329A of the Education Act 1996. Regulation 7 amends regulation 12 of the principal Regulations to assist the reader by reminding him of the statutory time limit set by the periods specified in the notices themselves.

Regulation 8 replaces regulation 19 of the Education (Maintained Special Schools) (England) Regulations 1999 (which is omitted by regulation 18 of these Regulations) with a new regulation 12A in the principal Regulations. The new regulation 12A provides for the circumstances when a child without a statement of special educational needs ("statement") may be admitted to a maintained special school.

Regulation 19 of the principal Regulations provides that where a child with a statement is within twelve calendar months of moving from certain phases of education to certain others, the authority responsible for his statement must ensure that, before 15th February in the year of the transfer, his statement names the school or other institution he will be attending following the transfer. Regulation 10 adds the transfer between infant school and junior school phases to the phases covered.

Regulation 11 amends regulation 23 of the principal Regulations to impose a fifteen working day time limit on transferring statements where a child has moved from the area of one authority to another beginning with the day on which the authority, from whose area the child has moved, is informed of the move.

Regulation 12 amends regulation 24 of the principal Regulations which deals with circumstances in which statements may be disclosed. Regulation 12 amends regulation 24 to update references

to school inspectors and adds a provision allowing statements to be shared with Secure Training Centres for the purpose of carrying out their educational functions.

Regulation 25 of the principal Regulations deals with time limits for compliance with orders of the Special Educational Needs and Disability Tribunal. Regulation 13 amends that regulation where the Tribunal orders that the authority must make an assessment under sections 323(4) or 329A(7) of the Education Act 1996. It makes it clear that the notice informing the parent that the assessment is to be made must be served within four weeks.

Regulation 13 amends regulation 25 of the principal Regulations in relation to three other possible Tribunal orders:

(a) where the Tribunal orders the authority to make and maintain a statement, the time limit is now five weeks to issue a proposed statement rather than to make a statement; and

(b) where an authority is ordered to amend a statement or to continue to maintain and amend a statement the authority must (in either case) amend the statement within five weeks rather than issue an amendment notice within five weeks. (In the case of an order to continue to maintain and to amend the statement the obligation to maintain the statement applies immediately, as before.)

Regulation 13 also provides in keeping with section 336A of the Act that the date from which the periods for compliance referred to in regulation 25 of the principal Regulations commence is the date on which the order is made.

Regulation 26 of the principal Regulations deals with time limits for compliance with parents' requests when an authority concedes an appeal to the Special Educational Needs and Disability Tribunal. Regulation 14 amends regulation 26 to require an authority to serve a proposed statement within five weeks rather than to make a statement within five weeks where an appeal has been conceded against a decision not to make a statement.

Regulation 14 amends regulation 26 where an authority concedes an appeal under sections 328, 329 and 329A of the Act. It makes it clear that the notice informing the parent that the assessment is to be made must be served within four weeks.

Regulation 14 amends the date from which the periods for compliance referred to in regulation 26 of the principal Regulations commence to the date on which the authority concedes the appeal. This is so that regulations 25 and 26 are consistent in relation to the outcomes of appeals which are conceded or upheld.

Regulation 15 replaces Part A of Schedule 1 to the of the principal Regulations which contains a form of notice to accompany a copy of a proposed statement or a proposed amended statement.

The substitute form of notice has been updated to specify more precisely what maintained schools are described in the list to be attached to it; to allow for the Secretary of State to indicate what list must be provided to parents of non-maintained special schools and independent schools; and to allow reference to a list indicated by the National Assembly for Wales (for a similar purpose). The new notice updates reference to the Special Educational Needs and Disability Tribunal and its address.

Regulation 16 replaces Part B of Schedule 1 of the principal Regulations which contains a form of notice to accompany an amendment notice.

The substitute form of notice has similar amendments to update it as the new notice introduced by regulation 15.

Regulation 17 amends regulation 16 of the principal Regulations to specify what information and advice must be appended to a statement of special educational needs and makes consequential amendments to the form of statement of special educational needs in Schedule 2 of the principal Regulations.

Regulation 18 omits regulations 18 and 19 of the Education (Maintained Special Schools) (England) Regulations 1999. Those regulations are respectively replaced by the new regulations 5A and 12A inserted into the principal Regulations by regulations 4 and 8.

Regulation 19 makes transitional provisions. It provides that the obligation introduced by regulation 10, that is to amend by 15th February in any calendar year the statements of children transferring between infant and junior school, only applies to children transferring between those phases in the calendar year 2008 and later. This is so that upon the date these Regulations come into force, authorities do not find themselves in breach of regulation 19 for not having named by 15th February 2007 the schools children transferring between those phases will be attending in 2007.

Regulation 19(2) makes savings for orders of the Tribunal and parental appeals to the Tribunal treated as having been determined in favour of the parent making them before these Regulations come into force. Those orders and appeal determinations will be treated according to the principal Regulations as they had effect before amended by these Regulations.

Regulation 19(3) provides that the changes to the appendices and format of statements prescribed by regulation 17 apply only to statements made or amended after the date these regulations come into force so that these changes are introduced manageably over time.

Regulation 20 sets out modifications to these Regulations which apply while paragraph 23 of Schedule 2 to the Childcare Act 2006 are not in force in England. The modifications are that the definitional change of the term "relevant nursery education" to "relevant early years education" and alteration in statutory reference to the definition of relevant early years education do not occur until paragraph 23 comes into force.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

£3.00

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