

Special Educational Needs (Information) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Children, Schools and Families with the consent of Baroness Pitkeathley, the Member in charge of the Bill, are published separately as HL Bill 59 – EN.

Special Educational Needs (Information) Bill

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B I L L

TO

Amend the Education Act 1996 in relation to the provision and publication of information about children who have special educational needs; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Information about children with special educational needs

After section 332B of the Education Act 1996 (c. 56) insert—

“Information about children with special educational needs

332C Provision of information

- (1) The Secretary of State must exercise the relevant powers with a view to securing, in particular, the provision of special needs information which would, in the opinion of the Secretary of State, be likely to assist the Secretary of State or other persons in improving the well-being of children in England with special educational needs. 5
- (2) For the purposes of subsection (1) the relevant powers are the powers of the Secretary of State under the following provisions of this Act (so far as relating to England)— 10
- (a) section 29,
 - (b) section 408,
 - (c) section 537, 15
 - (d) section 537A,
 - (e) section 537B, and
 - (f) section 538.

332D Publication of information

- (1) The Secretary of State must in each calendar year publish, or arrange to be published, special needs information which has been obtained under this Act and the publication of which would, in the opinion of the 20

Secretary of State, be likely to assist the Secretary of State or other persons in improving the well-being of children in England with special educational needs.

- (2) Information published under subsection (1) may be published in such form and manner as the Secretary of State thinks fit provided that the name of the child or children to whom the information relates is not included. 5
- (3) The Secretary of State may make, or arrange for the making of, a charge (not exceeding the cost of supply) for any documents supplied by virtue of this section. 10

332E Interpretation of sections 332C and 332D

- (1) This section has effect for the interpretation of sections 332C and 332D.
- (2) “Child” means a person under the age of 19 (whether or not the person is a registered pupil at a school).
- (3) “Special needs information” means information about children in England with special educational needs or about special educational provision made for them. 15
- (4) Any reference to the well-being of children with special educational needs is a reference to their well-being so far as relating to— 20
- (a) physical and mental health and emotional well-being;
 - (b) protection from harm and neglect;
 - (c) education, training and recreation;
 - (d) the contribution made by them to society;
 - (e) social and economic well-being.”

2 Short title, commencement and extent 25

- (1) This Act may be cited as the Special Educational Needs (Information) Act 2008.
- (2) This section comes into force on the day on which this Act is passed.
- (3) Section 1 comes into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes. 30
- (4) This Act extends to England and Wales only.

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Brought from the Commons on 19th May 2008

Ordered to be Printed, 19th May 2008

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx

HL Bill 59

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