



# Guide to the Education Act 1996

RANi Need to Know Guides | SEN and Disability: Statute Law, Regulations, and Guidance Advisory sheet 5

*Updated: April 2025*

*With a focus on SEND and key educational duties in England*

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## What is the Education Act 1996?

The **Education Act 1996** is a major piece of legislation that lays out the legal framework for the education system in England and Wales. Although many parts have since been amended or replaced by newer laws (such as the Children and Families Act 2014), it still contains **core legal duties**—particularly around **Special Educational Needs (SEN)** and **local authority responsibilities**.

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## Key Parts of the Education Act 1996

The Act is divided into many Parts and Chapters. The most relevant for SEND and general educational rights include:

- **Part III:** Special Educational Needs (largely repealed and replaced by the Children and Families Act 2014, but still referenced in some cases)

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- **Section 7:** Duty to educate children of compulsory school age
  - **Section 19:** Duty to provide alternative education when a child cannot attend school
  - **Sections 319–332:** (Historic) framework for SEN provision (mostly replaced)
  - **Schedule 27:** (Still used in part) on placement requests for children with an EHCP
  - **Section 324:** Statutory duties regarding Education, Health and Care plans (some parts retained or referenced)
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## Section 7: Duty to Ensure Education

“The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have,  
either by regular attendance at school or otherwise.”

### What this means:

- Parents are legally responsible for making sure their child receives a **suitable** education.
  - This can be through:
    - A **mainstream or special school**
    - **Elective home education (EHE)**
  - The education must meet the child’s needs, including any **SEND**.
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## Section 19: Alternative Education (Children Out of School)

Local authorities must arrange suitable **full-time education** for children of compulsory school age who, for reasons such as **exclusion, illness, or lack of a school place**, cannot attend school.

### Key features:

- The education must start “**as soon as reasonably practicable**”
- It must be **suitable to the child’s age, ability, aptitude, and any SEN**
- This is often referred to as the “**Section 19 duty**”

*This duty is especially important for children awaiting an EHCP or placement.*

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## Special Educational Needs (Historic and Overlapping Duties)

Many of the duties originally in the Education Act 1996 for SEND were **replaced by the Children and Families Act 2014**, but some concepts and terms are still relevant.

### Key areas that remain influential:

- **Parental rights to request a particular school** (Schedule 27)
  - **Definition of SEND** and obligations to provide for those needs
  - **Right of appeal** to the SEND Tribunal in certain areas
  - Statutory guidance and processes still **reference this Act** (e.g. in transport and exclusions)
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## Placement of Pupils with EHCPs (Schedule 27)

Parents of children with an EHC plan have the right to request a school or institution. Under **Schedule 27**, local authorities **must comply** with this request unless:

1. The school is unsuitable for the child's age, ability, aptitude or SEN
2. The child's attendance would be incompatible with the efficient education of others
3. It would not be an efficient use of resources

This still underpins parts of **Section I (placement)** decisions in EHCPs.

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## Home to School Transport (Sections 508A–508F)

Though added later as amendments, the Act includes **detailed duties on school transport**, especially for:

- Pupils with **special educational needs or disabilities**
- Low-income families
- Pupils living far from school

### Local authority must:

- Provide **free transport** for eligible children
- Consider **mobility difficulties, medical needs, safety, and distance**
- Use **individualised assessments** rather than blanket policies

The law also allows parents to **appeal** transport decisions.

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## Exclusions and Appeals (Section 51A)

Amendments to the Act also added procedures for **school exclusions**, including:

- The right of parents to **make representations**
  - The requirement for schools and local authorities to follow statutory procedures
  - The role of **Independent Review Panels (IRPs)** after permanent exclusions
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## Parental Rights and Appeals

The Act includes:

- The right to **appeal to the First-tier Tribunal** if a child is excluded unfairly or denied appropriate education
  - The right to **information about SEN processes**
  - Protection for **looked-after children** and children in care
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## Crucial Protections and Safeguards

- Children with SEN must **not be discriminated against**
  - Children without school placements must **still receive education**
  - Children in **hospital or medical settings** also have a right to suitable learning opportunities
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## Penalties and Enforcement

- Failure to provide education (e.g. breaches of Section 19) may lead to **Judicial Review**
  - Parents can face prosecution if they **fail to secure education** (unless electively home educating)
  - Local authorities may issue **School Attendance Orders (SAOs)** if they believe education is not being provided
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## Practical Implications for Families and SEND Professionals

Topic	Duty/Right	Relevant Section
Right to suitable education	Parental duty	Section 7
Alternative education	LA duty when child can't attend	Section 19
SEND placement rights	Parental right to request a school	Schedule 27
Home to school transport	LA duty	Sections 508A–508F
SEND appeals	Right to tribunal challenge	Section 326 (old); Children & Families Act now applies
Exclusions	Legal protections	Section 51A

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## Summary: Why the Education Act 1996 Still Matters

Even though newer laws have taken centre stage in the SEND system, the Education Act 1996:

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- Continues to underpin **core educational duties**
  - Protects children **out of school**
  - Supports rights to **transport, inclusion, and suitable education**
  - Provides **legal tools** families can still use to challenge unlawful decisions
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## Support and Resources

You can get further support from:

- **RANi** – Help with advice, support and impartial information
- **Local Offer** - Help with advice, support and impartial information
- **Education Act 1996 (Full text)**  
[www.legislation.gov.uk/ukpga/1996/56/contents](http://www.legislation.gov.uk/ukpga/1996/56/contents)
- **IPSEA Guide to SEN Law** [www.ipsea.org.uk](http://www.ipsea.org.uk)
- **SEND Tribunal Guidance**  
[www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability)
- **SENDIASS** – Local impartial information and advice service for parents and young people [www.iasmanchester.org](http://www.iasmanchester.org)
- **IPSEA** – Independent Provider of Special Education Advice:  
[www.ipsea.org.uk](http://www.ipsea.org.uk)
- **Contact** – A national charity supporting families with disabled children:  
[www.contact.org.uk](http://www.contact.org.uk)

If you'd like help preparing your request or understanding your appeal options, RANi can provide guidance and templates.

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## Remember:

Always keep a copy of all correspondence you send, along with proof of postage or delivery. If you send documents by post, we recommend using a **signed-for** service. If sending by email, request a **read receipt** if possible.

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## Get in Touch

If you need more information or have a question, we're here to help.

**Email us:** [info@rani.org.uk](mailto:info@rani.org.uk)

Please include:

- Your name
- Your child's name
- Your child's date of birth
- Your query

Or, if you prefer, you can fill out our online **contact form** and we'll get back to you as soon as possible.

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