



A Detailed Guide to SEN and Disability: Statute Law, Regulations, and Guidance

RANi Need to Know Guides | SEN and Disability: Statute Law, Regulations, and Guidance Advisory sheet 1

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A guide to Parents, Carers and Young Persons

*Understanding the legal foundations of Special Educational Needs (SEN) and disability support is essential for parents, carers, professionals, and young people. This guide outlines the **key laws, statutory instruments, and official guidance** that govern SEND in England.*

1. Core Statutory Framework

Children and Families Act 2014 (Part 3)

This is the **primary law** governing how children and young people with special educational needs and disabilities (SEND) are assessed and supported.

Key Provisions:

- **Education, Health and Care (EHC) Plans** replace Statements of SEN and Learning Difficulty Assessments (LDAs).

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- Local authorities must consider **the views, wishes and feelings** of the child or young person and their parents.
 - Introduced **EHC needs assessments, EHC plans**, and **joint commissioning duties** between education, health and care services.
 - Legal right to **mediation and Tribunal appeal**.
 - Covers children and young people **aged 0–25** in education or training.
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The SEND Code of Practice (2015) – *Statutory Guidance*

This Code explains how the Children and Families Act and its associated regulations should be implemented in practice.

Key points:

- Provides guidance for schools, colleges, local authorities, and health services.
 - Must be followed unless there is a legally justified reason not to ("must" = legal duty; "should" = strong expectation).
 - Covers graduated response, EHC assessments, annual reviews, transition planning, and preparing for adulthood.
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Special Educational Needs and Disability Regulations 2014 (SI 2014/1530)

These are the detailed legal rules under the Children and Families Act, specifying duties and processes.

Examples:

- Timeframes for EHC assessments and plan reviews.
- What advice must be gathered during assessment.

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- What must be included in an EHC plan.
 - Requirements for annual reviews and phase transfers.
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2. Equality and Disability Law

Equality Act 2010

Protects children and young people from **disability discrimination** in education and beyond.

Key points:

- Schools, colleges, local authorities, and other education providers have a duty not to discriminate.
- Must make **reasonable adjustments** to avoid disadvantage.
- Prohibits **harassment, victimisation, and indirect discrimination**.
- Duty to make **auxiliary aids or services** available (e.g. assistive technology, visual timetables).

Definition of disability:

“A physical or mental impairment that has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities.”

3. Education Law – Broader Context

Education Act 1996 (as amended)

Still relevant for key legal duties, especially in areas such as:

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- Duty to identify and assess pupils with SEN (Section 321).
 - Duty to provide suitable education for children unable to attend school (Section 19).
 - Transport to school and post-16 education (Sections 508B, 508C).
 - Responsibility of mainstream schools to use **best endeavours** to meet SEN (Section 66 of CFA 2014, but rooted in earlier Education Acts).
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School Standards and Framework Act 1998

- Governs school admissions and exclusions.
 - Includes protections for children with SEN/disabilities regarding fair admissions and exclusion processes.
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4. Tribunal and Mediation Law

The First-tier Tribunal (Special Educational Needs and Disability)

Established under the **Tribunals, Courts and Enforcement Act 2007**, this tribunal hears appeals related to:

- EHC assessments, plans and placement.
- Discrimination claims under the Equality Act 2010.

Tribunal panels can now also make **non-binding recommendations** about health and social care (Single Route of Redress National Trial).

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5. Health and Social Care Law in SEND

Care Act 2014 (for adults aged 18+)

- Young people with EHC plans who turn 18 and continue education may also have care needs under the Care Act.
- Right to a **transition assessment** from children's to adult services.
- Duty to promote **wellbeing** and ensure **joined-up planning**.

NHS Act 2006 & Health and Social Care Act 2012

- Clinical Commissioning Groups (now Integrated Care Boards – ICBs) must **arrange health provision** specified in an EHC plan under Section G.

6. Other Key Regulations and Guidance

Area	Legislation/Guidance
EHC Plan format	Schedule 2 of the SEN Regulations 2014
Annual Reviews	Reg. 20 & 21 of the SEN Regs; Para 9.166 of Code
Phase Transfers	SEND Code of Practice paras 9.179–9.185
Mediation	SEN Regs 32–38; CFA 2014 S.52
Personal Budgets	SEN Regs 49–50; SEND Code paras 9.95–9.124
Mental Capacity	Mental Capacity Act 2005
Children's Services	Children Act 1989 & Working Together 2018
Reasonable Adjustments	Equality Act 2010 Part 2 and Schedule 13

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7. Case Law and Legal Precedents

The Tribunal and courts have helped clarify key legal principles, including:

- **“Provision must be specified and quantified”** – Provision in Section F of an EHCP must not be vague.
- **“Best endeavours” standard in schools** – Must be demonstrable and documented.
- **“Suitable education” in exclusions or absence** – LA must provide full-time education that is appropriate to need (Section 19, Ed Act 1996).

Case law often influences how statutes are interpreted in real-world disputes.

8. Key Resources

- SEND Code of Practice (2015)
 - Children and Families Act 2014
 - SEN Regulations 2014
 - Equality Act 2010 Guidance (EHRC)
 - IPSEA legal advice & case summaries
 - GOV.UK – SEND Tribunal information
 - Council for Disabled Children – Law and Guidance Hub
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Summary: Your Rights Are Based in Law

Understanding the law gives you **confidence, clarity, and power** when advocating for your child or yourself. Every SEND-related decision made by a school or local authority must comply with these legal duties. If they do not, you have the right to **challenge, appeal, or seek redress**.

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
- **SENDIASS** – Local impartial information and advice service for parents and young people www.iasmanchester.org
- **IPSEA** – Independent Provider of Special Education Advice: www.ipsea.org.uk
- **Contact** – A national charity supporting families with disabled children: www.contact.org.uk

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

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

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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