



A Detailed Guide to the Children and Families Act 2014 – Part 3 (Special Educational Needs and Disability)

RANi Need to Know Guides | SEN and Disability: Statute Law, Regulations, and Guidance Advisory sheet 3

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A detailed guide for Parents, Carers and Young Persons

Overview

Part 3 of the **Children and Families Act 2014 (CFA 2014)** sets out the **statutory duties** on **local authorities**, **health bodies**, **education providers**, and others in relation to **children and young people aged 0 to 25** with **special educational needs (SEN)** and/or **disabilities (SEND)**.

This Act marked a major reform of the previous SEND system, replacing Statements of SEN and Learning Difficulty Assessments with a unified **Education, Health and Care (EHC) Plan**.

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Key Aims of Part 3

- Promote **inclusive education** and participation of children and young people with SEND.
 - Ensure **children, young people and their families are at the centre** of planning and decision-making.
 - Deliver **better coordination** between education, health, and care services.
 - Introduce **EHC plans** for ages 0–25 that integrate support across services.
 - Improve **transparency, accountability, and support for families**.
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Scope and Application

Part 3 of the Act applies to:

- **Children and young people aged 0 to 25** in England with SEND.
 - **Local authorities**, health bodies, early years providers, schools, academies, colleges, and training providers.
 - **Parents and carers**, young people (16+), and disabled children.
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Legal Duties and Rights Under Part 3

1. Local Authority Duties (Sections 22–30)

♦ *Duty to Identify (Section 22)*

Local authorities must identify **all children and young people** in their area who have or may have SEN.

♦ *Duty to Keep Education and Training Provision Under Review (Section 27)*

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LAs must keep **education and training arrangements** under review to ensure they meet the needs of learners with SEN.

♦ ***Joint Commissioning (Section 26)***

LAs and health services must work together to commission services to meet the needs in their area.

♦ ***Local Offer (Section 30)***

LAs must publish a clear, accessible **Local Offer** detailing:

- SEN provision
- Eligibility
- How to access support
- Complaints processes

2. Education, Health and Care (EHC) Needs Assessments and Plans (Sections 36–50)

♦ ***Right to Request an EHC Needs Assessment (Section 36)***

A **parent, young person, or school/setting** can request an assessment if they believe a child may need special educational provision beyond what is available through SEN support.

♦ ***Duty to Assess and Issue EHC Plan***

If criteria are met, the LA must:

- Conduct a **statutory assessment**.
- Seek **advice** from professionals (education, health, social care).
- Decide whether to **issue an EHC plan**.

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♦ ***EHC Plan Content (Section 37)***

The plan must include:

- Special educational needs
- Outcomes
- Special educational provision
- Placement (Section I)
- Health and care needs and provision (if relevant)

♦ ***Right to Request Personal Budget (Section 49)***

Parents and young people may request a **personal budget** for some or all of the EHC provision.

♦ ***Review and Ceasing of Plans (Sections 44 and 45)***

EHC plans must be **reviewed annually**. The LA may cease a plan only if:

- The young person no longer needs the provision.
- They are no longer in education or training.

3. Joint Working: Education, Health and Care (Sections 25–33, 42, 50)

- Education, health, and social care services must **cooperate and jointly commission services**.
- Health services must provide any **healthcare provision** specified in **Section G** of an EHC plan (Section 42(3)).
- Local authorities must also consider whether the child or young person needs **social care provision** under the Children Act 1989 or the Chronically Sick

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and Disabled Persons Act 1970.

4. Participation and Decision-Making (Sections 19, 32, 51–57)

♦ *Section 19: Involving Children, Young People, and Parents*

Local authorities must:

- Support the **child or young person's views, wishes, and feelings**.
- Enable **full participation** in decisions.
- Support the child or young person to achieve the **best possible outcomes**.

♦ *Young People's Rights at 16+ (Section 51)*

From age 16, rights under Part 3 of the Act generally transfer to the young person, unless they lack capacity.

5. Disagreement Resolution, Mediation and Appeals (Sections 52–57)

- Parents and young people can access **mediation** before appealing to the **First-tier SEND Tribunal**.
- The SEND Tribunal hears appeals on:
 - Refusals to assess or issue an EHC plan
 - Content of EHC plans (Sections B, F, and I)
 - Ceasing to maintain a plan
 - Placement (Section I)

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- Under the **National Trial** (now part of law), the Tribunal may also make **non-binding recommendations** on **health and social care issues**.
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6. Duty to Use “Best Endeavours” (Section 66)

Schools, colleges, and post-16 providers must use their **best endeavours** to ensure that children with SEN receive the support they need — even without an EHC plan.

7. Mental Capacity and Best Interests (Section 80–82)

- If a young person **lacks capacity** under the **Mental Capacity Act 2005**, decisions may be made in their **best interests** by a parent or representative.
 - This is especially important for decision-making around EHC plans post-16.
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8. Key Regulations and Guidance Under the Act

- **SEND Regulations 2014**
- **SEND Code of Practice: 0–25 years (2015)**
- **Children Act 1989 / 2004**
- **Equality Act 2010**
- **Mental Capacity Act 2005**

These documents **work together** with the CFA 2014 to ensure legal protections and rights for children and young people with SEND.

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Summary of Your Rights and Local Authority Duties Under CFA 2014 Part 3

Area	Your Rights	LA Duties
Identification	Right to be identified and supported	Duty to find and assess children with SEN
Assessment	Right to request EHC needs assessment	Must assess if criteria are met
EHC Plan	Right to receive one if needed	Must issue and maintain plan
Participation	Must be involved in all decisions	Must involve and listen to families
Review	Annual reviews of plan	Must keep plan up to date
Disagreements	Right to mediation and Tribunal appeal	Must cooperate and explain decisions

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.

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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.

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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