

*These notes refer to the Children and Families Act 2014
(c.6) which received Royal Assent on 13 March 2014*

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 3 - children and young people in England with special Educational Needs OR DISABILITIES

Detained Persons

Section 70: Application of Part to detained persons

306. This section sets out which sections of this Part apply to those in custody, namely children and young people that are detained in pursuance of a court order or an order of recall made by the Secretary of State (*subsection (1)*).
307. *Subsection (3)* provides a power for regulations to apply any provision of this Part with or without modifications and *subsection (4)* places a duty on the Secretary of State to consult with the Welsh Ministers before making those regulations if they apply provision under the Part to those detained in Wales.
308. This section defines key terms such as “detained person” (a child or young person under 19 who is detained in a young offender institution, secure training centre or secure children’s home), “detained person’s EHC needs assessment” and “appropriate person”.
309. *Subsection (7)* provides a power for the Secretary of State to make regulations to modify the definition of “the home authority” which is set out in the Education Act 1996. This power might be required for instance where a detained person with an EHC plan is also a looked after child.