

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 73: EHC plans for certain detained persons: appeals and mediation

315. This section provides a right of appeal for detained persons. It enables the parents of children and young people to appeal to the First Tier Tribunal about: a decision by their local authority not to secure an EHC needs assessment; a decision not to secure an EHC plan after an assessment; the school or institution named in the plan; or if no school or institution is named in the plan. Regulations may make provision about appeals made to the Tribunal under this section. Section 52(2) to (5) applies when a detained young person or the parent of a detained child appeals under this section.
316. This section also sets out that where the parent or young person wants to make an appeal to the Tribunal and wishes to pursue mediation, the local authority must arrange for mediation, ensure that the mediation is conducted by an independent person and participate in the mediation. If the mediation issues include education and/or social care then the local authority must arrange the mediation, ensure it is conducted by an independent person and the local authority. An independent person, in this context, is someone who is not employed by a local authority in England or a clinical commissioning group or the National Health Service Commissioning Board.