

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

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

Children and young people for whom a local authority is responsible

Section 24: When a local authority is responsible for a child or young person

175. This section specifies the children and young people for whom a local authority is responsible for the purposes of Part 3 of the Act. These functions include identifying and assessing a child or young person's education, health and care needs and drawing up an EHC plan to meet them, and preparing a local offer of services that are available for children and young people with special educational needs and their families.
176. A local authority is responsible for a child or young person if he or she is in the authority's area and he or she has been identified by the authority or brought to its attention as someone who has or may have special educational needs. This will cover children and young people who live in the authority's area and are educated within it and those who live in the authority's area but who are educated outside its area. This would include, for example, children and young people with an EHC plan from the local authority's area who the authority has placed in an independent school or post-16 Independent Specialist College. This section allows anyone to bring a child to the attention of the local authority as having or possibly having special educational needs. Explicit rights for parents and young people and schools and colleges to request a statutory assessment, carried forward from the present SEN system, are set out in section 36.
177. This section replaces, in England, section 321 of the Education Act 1996 and section 139B(4) of the Learning and Skills Act 2000. Section 81 makes clear that references in this Part to a child or young person who is in the area of a local authority in England do not include a child or young person who is wholly or mainly resident in the area of a local authority in Wales.