

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

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

Information and advice

Section 30: Local offer

195. This section requires local authorities to publish information about services they expect to be available for children and young people with special educational needs and disabilities. This will be called the “local offer” and local authorities will keep their local offer under review and revise it. The local offer must include information about the provision the local authority expects to be available in its own area for children and young people with special educational needs and disabilities and outside its area for those children and young people, regardless of whether or not they have EHC plans. Information about provision outside the local authority’s area could include, for example, specialist provision located in a neighbouring authority but which is available to children and young people in its area.
196. The local offer will cover special educational, health care and social care provision, other educational provision, training provision, provision to assist in preparing children and young people for adulthood and independent living (such as finding employment or obtaining accommodation), arrangements for children and young people to travel to schools or post-16 education (including further education colleges, sixth form colleges, independent specialist providers and training providers) and providers of relevant early years education.
197. Regulations will set out the information local authorities should include in their local offer, how it is to be published, who is to be consulted in preparing it and how the authority will involve children and young people with special educational needs and disabilities and parents of children with special educational needs and disabilities in preparing and reviewing it. This involvement will include publishing comments about the local offer that have been received from or on behalf of those children and young people and parents, and the authority’s responses to those comments, including any action it intends to take. Local authorities will also have to include information about how to seek an assessment for an EHC plan, about other sources of information, advice and support, and about how to make a complaint about provision in the local offer. The regulations will also set out the extent of the information local authorities should include about provision outside their area. Local authorities will be free to include other information in their local offer if they wish. This section on the local offer works alongside section 27 which requires local authorities to keep their education and social care provision for children and young people with special educational needs and disabilities under review, and also section 26 which requires local authorities to make joint commissioning arrangements with partner clinical commissioning groups.

Section 31: Co-operating in specific cases: local authority functions

198. This section supplements the duties in section 28 and 29. It requires health service partners, other local authorities, the person in charge of any relevant youth accommodation, and youth offending teams to co-operate when asked by a local authority for help in carrying out its duties towards children and young people with special educational needs.
199. Requests for cooperation could be in relation to assessments of individual children's special educational needs and preparation of EHC plans. Regulations may impose time limits where a request to co-operate relates to local authority duties in these areas.
200. This section replaces, in England, section 322 of the Education Act 1996.

Section 32: Advice and information

201. This section requires local authorities to make arrangements for advice and information about special educational needs and disabilities to be provided for children, young people and the parents of children in its area with those needs, and to make the services provided known to those people, schools, colleges and others they consider appropriate.
202. This section replaces and extends section 332A of the Education Act 1996 under which local authorities have provided parent partnership services which already provide information and advice to parents of children with special educational needs. Section 332A related to children, parents and schools. The section extends the reach of the provision in section 332A to children and young people with SEN, disabled children and their parents and disabled young people. It places a duty on local authorities to make these provisions known to the head teachers, proprietors and principals of schools and post-16 institutions in their area. The local authority may also inform anyone else it thinks is appropriate.