



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 3

#### CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES

##### *Co-operation and assistance*

#### **28 Co-operating generally: local authority functions**

- (1) A local authority in England must co-operate with each of its local partners, and each local partner must co-operate with the authority, in the exercise of the authority's functions under this Part.
- (2) Each of the following is a local partner of a local authority in England for this purpose—
  - (a) where the authority is a county council for an area for which there is also a district council, the district council;
  - (b) the governing body of a maintained school or maintained nursery school that is maintained by the authority or provides education or training for children or young people for whom the authority is responsible;
  - (c) the proprietor of an Academy that is in the authority's area or provides education or training for children or young people for whom the authority is responsible;
  - (d) the proprietor of a non-maintained special school that is in the authority's area or provides education or training for children or young people for whom the authority is responsible;
  - (e) the governing body of an institution within the further education sector that is in the authority's area, or is attended, or likely to be attended, by children or young people for whom the authority is responsible;
  - (f) the management committee of a pupil referral unit that is in the authority's area, or is in England and is or is likely to be attended by children or young people for whom the authority is responsible;

- (g) the proprietor of an institution approved by the Secretary of State under section 41 (independent special schools and special post 16 institutions: approval) that is in the authority's area, or is attended, or likely to be attended, by children or young people for whom the authority is responsible;
  - (h) any other person (other than a school or post-16 institution) that makes special educational provision for a child or young person for whom the authority is responsible;
  - (i) a youth offending team that the authority thinks has functions in relation to children or young people for whom it is responsible;
  - (j) a person in charge of relevant youth accommodation—
    - (i) in which there are detained persons aged 18 or under for whom the authority was responsible immediately before the beginning of their detention, or
    - (ii) that the authority thinks is accommodation in which such persons are likely to be detained;
  - (k) the National Health Service Commissioning Board;
  - (l) a clinical commissioning group—
    - (i) whose area coincides with, or falls wholly or partly within, the authority's area, or
    - (ii) which is under a duty under section 3 of the National Health Service Act 2006 to arrange for the provision of services or facilities for any children and young people for whom the authority is responsible;
  - (m) an NHS trust or NHS foundation trust which provides services in the authority's area, or which exercises functions in relation to children or young people for whom the authority is responsible;
  - (n) a Local Health Board which exercises functions in relation to children or young people for whom the authority is responsible.
- (3) A local authority in England must make arrangements for ensuring co-operation between—
- (a) the officers of the authority who exercise the authority's functions relating to education or training,
  - (b) the officers of the authority who exercise the authority's social services functions for children or young people with special educational needs, and
  - (c) the officers of the authority, so far as they are not officers within paragraph (a) or (b), who exercise the authority's functions relating to provision which is within section 30(2)(e) (provision to assist in preparing children and young people for adulthood and independent living).
- (4) Regulations may prescribe circumstances in which a clinical commissioning group that would otherwise be a local partner of a local authority by virtue of subsection (2)(1)(ii) is to be treated as not being a local partner of the authority.

## **29 Co-operating generally: governing body functions**

- (1) This section applies where an appropriate authority for a school or post-16 institution mentioned in subsection (2) has functions under this Part.
- (2) The schools and post-16 institutions referred to in subsection (1) are—
  - (a) mainstream schools;
  - (b) maintained nursery schools;

- (c) 16 to 19 Academies;
  - (d) institutions within the further education sector;
  - (e) pupil referral units;
  - (f) alternative provision Academies.
- (3) The appropriate authority must co-operate with each responsible local authority, and each responsible local authority must co-operate with the appropriate authority, in the exercise of those functions.
- (4) A responsible local authority, in relation to an appropriate authority for a school or post-16 institution mentioned in subsection (2), is a local authority in England that is responsible for any child or young person who is a registered pupil or a student at the school or post-16 institution.
- (5) The “appropriate authority” for a school or post-16 institution is—
- (a) in the case of a maintained school, maintained nursery school, or institution within the further education sector, the governing body;
  - (b) in the case of an Academy, the proprietor;
  - (c) in the case of a pupil referral unit, the management committee.