



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 3

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

##### *Special educational provision: functions of governing bodies and others*

#### **66 Using best endeavours to secure special educational provision**

- (1) This section imposes duties on the appropriate authorities for the following schools and other institutions in England—
  - (a) mainstream schools;
  - (b) maintained nursery schools;
  - (c) 16 to 19 Academies;
  - (d) alternative provision Academies;
  - (e) institutions within the further education sector;
  - (f) pupil referral units.
- (2) If a registered pupil or a student at a school or other institution has special educational needs, the appropriate authority must, in exercising its functions in relation to the school or other institution, use its best endeavours to secure that the special educational provision called for by the pupil's or student's special educational needs is made.
- (3) The "appropriate authority" for a school or other 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.

## **67 SEN co-ordinators**

- (1) This section imposes duties on the appropriate authorities of the following schools in England—
  - (a) mainstream schools;
  - (b) maintained nursery schools.
- (2) The appropriate authority must designate a member of staff at the school (to be known as the “SEN co-ordinator”) as having responsibility for co-ordinating the provision for pupils with special educational needs.
- (3) Regulations may—
  - (a) require appropriate authorities which are subject to the duty imposed by subsection (2) to ensure that SEN co-ordinators have prescribed qualifications or prescribed experience (or both);
  - (b) confer other functions relating to SEN co-ordinators on appropriate authorities which are subject to the duty imposed by subsection (2).
- (4) The “appropriate authority” for a school is—
  - (a) in the case of a maintained school or maintained nursery school, the governing body;
  - (b) in the case of an Academy, the proprietor.

## **68 Informing parents and young people**

- (1) This section applies if—
  - (a) special educational provision is made for a child or young person at a maintained school, a maintained nursery school, an Academy school, an alternative provision Academy or a pupil referral unit, and
  - (b) no EHC plan is maintained for the child or young person.
- (2) The appropriate authority for the school must inform the child’s parent or the young person that special educational provision is being made for the child or young person.
- (3) The “appropriate authority” for a school is—
  - (a) in the case of a maintained school or maintained nursery school, the governing body;
  - (b) in the case of an Academy school or an alternative provision Academy, the proprietor;
  - (c) in the case of a pupil referral unit, the management committee.

## **69 SEN information report**

- (1) This section imposes a duty on—
  - (a) the governing bodies of maintained schools and maintained nursery schools in England, and
  - (b) the proprietors of Academy schools.
- (2) A governing body or proprietor must prepare a report containing SEN information.
- (3) “SEN information” is—

- (a) such information as may be prescribed about the implementation of the governing body's or proprietor's policy for pupils at the school with special educational needs;
  - (b) information as to—
    - (i) the arrangements for the admission of disabled persons as pupils at the school;
    - (ii) the steps taken to prevent disabled pupils from being treated less favourably than other pupils;
    - (iii) the facilities provided to assist access to the school by disabled pupils;
    - (iv) the plan prepared by the governing body or proprietor under paragraph 3 of Schedule 10 to the Equality Act 2010 (accessibility plan).
- (4) In this section—
- “disabled person” means a person who is a disabled person for the purposes of the Equality Act 2010;
  - “disabled pupil” includes a disabled person who may be admitted to a school as a pupil.