
STATUTORY INSTRUMENTS

2014 No. 1530

The Special Educational Needs and Disability Regulations 2014

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Special Educational Needs and Disability Regulations 2014 and come into force on 1st September 2014.

Interpretation

2.—(1) In these Regulations ^{M1}—

“the Act” means the Children and Families Act 2014;

“the appropriate authority” means—

(a) in relation to a community, foundation or voluntary school ^{M2} or a maintained nursery school ^{M3}, the governing body of the school; and

(b) in relation to an Academy school ^{M4}, the proprietor;

[^{F1}“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);]

“educational institution” means a school or post-16 institution;

“health care professional” means an individual who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 ^{M5};

“infant school” means a primary school for the purpose of providing education for children who are of compulsory school age but have not attained the age of eight, even though it may also provide education for children below compulsory school age;

“junior school” means a primary school for the purpose of providing education for children who are of compulsory school age who have attained the age of eight;

“relevant school” means a mainstream school or a maintained nursery school;

“responsible commissioning body” has the meaning given in section 42(4) of the Act;

“the SENCO”, in relation to a relevant school, means the person who has been designated to be the special educational needs co-ordinator for the school by the appropriate authority in accordance with section 67 of the Act;

“transfer between phases of education” means a transfer from—

(a) relevant early years education to school;

(b) infant school to junior school;

(c) primary school to middle school;

- (d) primary school to secondary school;
- (e) middle school to secondary school; or
- (f) secondary school ^{M6} to a post-16 institution;

“year 9” means the year of compulsory schooling in which the majority of pupils in the class attain the age of 14.

- (2) Preparation for adulthood and independent living includes preparation relating to—
 - (a) finding employment;
 - (b) obtaining accommodation;
 - (c) participation in society.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) inserted (temp.) (1.5.2020) by virtue of [The Special Educational Needs and Disability \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/471\)](#), [regs. 1, 4](#) (with [reg. 2\(2\)](#))

Marginal Citations

- M1** The definitions in the Act are applied throughout these Regulations.
- M2** Community, foundation and voluntary school have the same meaning as in section 20 of the [School Standards and Framework Act 1998 \(c.31\)](#) (“the 1998 Act”)
- M3** Maintained nursery school has the meaning given by section 22(9) of the 1998 Act
- M4** Academy school has the meaning given in section 1A of the [Academies Act 2010 \(c.32\)](#). Section 1A was inserted by section 53(7) of the [Education Act 2011 \(c.21\)](#) (“the 2011 Act”)
- M5** [2002 c.17](#)
- M6** Primary school, middle school and secondary school have the meaning in section 5 of the [Education Act 1996 \(c.56\)](#) (“the 1996 Act”).

[^{F2}Relaxation of time periods due to coronavirus exception

2A.—(1) Where the coronavirus exception applies, any requirement in any of the regulations specified in paragraph (3) for action to be taken within a specified period of time or by a certain day is to be read instead as a requirement for such action to be taken as soon as reasonably practicable.

(2) The coronavirus exception applies where it is not reasonably practicable for a person to meet a requirement referred to in paragraph (1) for a reason relating to the incidence or transmission of coronavirus.

- (3) The following regulations are specified for the purposes of paragraphs (1) and (2)—
 - (a) regulation 15(2) (transfer of EHC plans) (in relation to the second reference to 15 working days), (4), (5), (7) (in relation to the second reference to 15 working days) and (8);
 - (b) regulation 16(2) and (3) (change of responsible commissioning body);
 - (c) regulation 20(9) and (10) (review where the child or young person attends a school or other institution);
 - (d) regulation 21(7), (8) and (9) (review of EHC plan where the child or young person does not attend a school or other institution);
 - (e) regulation 25(1) (notification of decision whether it is necessary to re-assess educational, health care and social care provision);
 - (f) regulation 27(4) (amending or replacing an EHC plan following a re-assessment);
 - (g) regulation 33 (requirement to consider mediation);

- (h) regulation 34(1) and (2) (where a parent or young person does not wish to or fails to pursue mediation);
- (i) regulation 35(2), (3) and (4) (mediation – health care issues);
- (j) regulation 36(2) (mediation - no health care issues);
- (k) regulation 39(1) and (3) (mediation certificate under section 55(5));
- (l) regulation 42(3) and (4) (steps to be taken by a local authority);
- (m) regulation 44(2)(d), (e), (f) and (h) (compliance with the orders of the First-tier Tribunal);
- (n) regulation 45(4), (5) and (6A) (unopposed appeals);
- (o) regulation 47 (disclosure of EHC plans in relation to higher education); and
- (p) regulation 56(3) (publication of comments on the local offer).]

Textual Amendments

- F2** [Reg. 2A](#) inserted (temp.) (1.5.2020) by virtue of [The Special Educational Needs and Disability \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/471\)](#), regs. 1, **5** (with reg. 2(2))

Changes to legislation:

There are currently no known outstanding effects for the The Special Educational Needs and Disability Regulations 2014, PART 1.