
STATUTORY INSTRUMENTS

2014 No. 1530

The Special Educational Needs and Disability Regulations 2014

PART 2

Children and young people with special educational needs

Assessments

Decision not to secure an EHC plan

10.—(1) Where, following an EHC needs assessment, a local authority decides that it is not necessary for special educational provision to be made for a child or young person in accordance with an EHC plan, the notification given in accordance with section 36(9) must be given as soon as practicable, and in any event within 16 weeks of the local authority receiving a request for an EHC needs assessment in accordance with section 36(1) of the Act, or of the local authority becoming responsible for the child or young person in accordance with section 24 of the Act.

(2) It must also notify the responsible commissioning body and the person notified in accordance with regulation 4(2)(c) or (d).

(3) When notifying a child's parent or young person in accordance with paragraph (1) the local authority must also notify them of—

- (a) their right to appeal that decision;
- (b) the time limits for doing so;
- (c) the information concerning mediation, set out in regulation 32; and
- (d) the availability of—
 - (i) disagreement resolution services; and
 - (ii) information and advice about matters relating to the special educational needs of children and young people [^{F1}; and
- (e) the First-tier Tribunal's power to make recommendations under the Special Educational Needs and Disability (First-tier Tribunal Recommendations Power) Regulations 2017.]

(4) The local authority need not comply with the time limit referred to in paragraph (1) if it is impractical to do so because—

- (a) the authority has requested advice from the head teacher or principal of a school or post-16 institution during a period beginning one week before any date on which that school or institution was closed for a continuous period of not less than 4 weeks from that date and ending one week before the date on which it re-opens;
- (b) the authority has requested advice from the person identified as having responsibility for special educational needs (if any) in relation to, or other person responsible for, a child's education at a provider of relevant early years education during a period beginning one week before any date on which that provider was closed for a continuous period of not less than 4 weeks from that date and ending one week before the date on which it re-opens;

Changes to legislation: The Special Educational Needs and Disability Regulations 2014, Section 10 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) exceptional personal circumstances affect the child or the child's parent, or the young person during that time period; [^{F2} or]
- (d) the child or the child's parent, or the young person, are absent from the area of the authority for a continuous period of not less than 4 weeks during that time period [^{F3}; or
- (e) of a reason relating to the incidence or transmission of coronavirus].

Textual Amendments

- F1** Reg. 10(3)(e) and word inserted (3.4.2018) by [The Special Educational Needs and Disability \(First-tier Tribunal Recommendations Power\) Regulations 2017 \(S.I. 2017/1306\)](#), regs. 1, **8(2)**
 - F2** Word in reg. 10(4)(c) omitted (temp.) (1.5.2020) by virtue of [The Special Educational Needs and Disability \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/471\)](#), regs. 1, **9(a)** (with reg. 2(2))
 - F3** Reg. 10(4)(e) and word inserted (temp.) (1.5.2020) by virtue of [The Special Educational Needs and Disability \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/471\)](#), regs. 1, **9(b)** (with reg. 2(2))
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Modifications etc. (not altering text)

- C1** Reg. 10 applied (with modifications) (1.9.2014) by [The Children and Families Act 2014 \(Transitional and Saving Provisions\) \(No. 2\) Order 2014 \(S.I. 2014/2270\)](#), **arts. 1(2), 22(3)**, as amended (1.9.2015) by [The Children and Families Act 2014 \(Transitional and Saving Provisions\) \(Amendment\) \(No. 2\) Order 2015 \(S.I. 2015/1619\)](#), arts. 1, **4**
- C2** Reg. 10(1) excluded (1.9.2014) by [The Children and Families Act 2014 \(Transitional and Saving Provisions\) \(No. 2\) Order 2014 \(S.I. 2014/2270\)](#), arts. 1(2), **7(12)**
- C3** Reg. 10(1) excluded (1.9.2014) by [The Children and Families Act 2014 \(Transitional and Saving Provisions\) \(No. 2\) Order 2014 \(S.I. 2014/2270\)](#), arts. 1(2), **27(8)**
- C4** Reg. 10(3) applied (with modifications) (1.4.2015) by [The Special Educational Needs and Disability \(First-tier Tribunal Recommendation Power\) \(Pilot\) Regulations 2015 \(S.I. 2015/358\)](#), regs. 1, **7**

Changes to legislation:

The Special Educational Needs and Disability Regulations 2014, Section 10 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 inserted by [S.I. 2024/535 Sch.](#)
- reg. 49(7)-(9) inserted by [S.I. 2024/535 reg. 2\(2\)\(c\)](#)