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STATUTORY INSTRUMENTS

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**2014 No. 2270**

**The Children and Families Act 2014 (Transitional  
and Saving Provisions) (No. 2) Order 2014**

**PART 5**

Children etc with statement on commencement: transfer to new regime

**Effect of decision to prepare EHC plan following EHC needs assessment**

**21.**—(1) This Article applies if, in the light of an EHC needs assessment under this Part, the local authority decides it is necessary for special educational provision to be made for a child or young person in accordance with an EHC plan.

(2) The new law applies in relation to the child or young person as if the assessment had been carried out under Part 3 of the 2014 Act, subject to paragraphs (3) and (4).

(3) Regulation 13 of the SEND Regulations 2014 applies as if paragraph (2) required the finalised EHC plan to be sent to—

- (a) the child's parent or the young person,
- (b) the governing body, proprietor or principal of any school or other institution, or the provider of relevant early years education, named in the EHC plan, and
- (c) the responsible commissioning body,

as soon as is practicable and in any event within the period of 14 weeks beginning with the day on which the notification under Article 18 was given.

(4) Section 44 of the 2014 Act applies as if the date on which the EHC assessment under this Part was concluded was the date on which the EHC plan was last reviewed under that section.

(5) The local authority must cease to maintain the statement for the child or young person when the EHC plan is made.

(6) The new law has effect in relation to the child or young person (to the extent that it has not done so already), and the old law ceases to have effect in relation to the child or young person, at that time.