STATUTORY INSTRUMENTS

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 not to replace statement following re-assessment

25.—(1) This Article applies if, in the light of a re-assessment by virtue of Article 23, a local authority decides not to replace a statement for a child or young person with an EHC plan.

(2) The parent of the child, or the young person, may appeal under section 51(2)(b) against the decision as if it were a decision following an EHC needs assessment.

(3) The local authority must cease to maintain the statement in respect of the child or young person at the relevant time (but must maintain the statement until that time).

(4) 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 the relevant time.

(5) If no appeal is brought under section 51 of the 2014 Act against the decision referred to in paragraph (1) within the period allowed for bringing such an appeal, the relevant time is the end of that period.

(6) If such an appeal is brought within that period, the relevant time is—

   (a) where the appeal is withdrawn or abandoned, when it is withdrawn or abandoned;

   (b) where, on the final determination of the appeal, it is dismissed, when it is dismissed;

   (c) where, on the final determination of the appeal, the local authority is ordered to make and maintain an EHC plan, when the EHC plan is made;

   (d) where, on the final determination of the appeal, the case is referred back to the local authority for it to consider whether it is necessary for it to determine the special educational provision for the child or young person, the time found by applying paragraph (5) and this paragraph to the authority's decision following the consideration as if the decision were one under paragraph (1).