



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 3

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

##### *Appeals, mediation and dispute resolution*

#### **57 Resolution of disagreements**

- (1) A local authority in England must make arrangements with a view to avoiding or resolving disagreements within subsection (2) or (3).
- (2) The disagreements within this subsection are those about the exercise by the local authority or relevant bodies of their functions under this Part, where the disagreement is between—
  - (a) the local authority or a relevant body, and
  - (b) the parents of children, and young people, in the authority's area.
- (3) The disagreements within this subsection are those about the exercise by the local authority of its functions relating to EHC needs assessments, the preparation and review of EHC plans, and re-assessment of educational, health care and social care needs, where the disagreement is between—
  - (a) the local authority and a responsible commissioning body, or
  - (b) a responsible commissioning body and the parents of children, or young people, in the authority's area.
- (4) A local authority in England must make arrangements with a view to avoiding or resolving, in each relevant school or post-16 institution, disagreements within subsection (5).
- (5) The disagreements within this subsection are those about the special educational provision made for a child or young person with special educational needs who is a

- registered pupil or a student at the relevant school or post-16 institution concerned, where the disagreement is between—
- (a) the child’s parent, or the young person, and
  - (b) the appropriate authority for the school or post-16 institution.
- (6) Arrangements within this section must provide for the appointment of independent persons with the function of facilitating the avoidance or resolution of the disagreements to which the arrangements apply.
- (7) For the purposes of subsection (6) a person is not independent if he or she is employed by any of the following—
- (a) a local authority in England;
  - (b) a clinical commissioning group;
  - (c) the National Health Service Commissioning Board.
- (8) A local authority in England must take such steps as it thinks appropriate for making the arrangements under this section known to—
- (a) the parents of children in its area with special educational needs,
  - (b) young people in its area with special educational needs, and
  - (c) the head teachers, governing bodies, proprietors and principals of schools and post-16 institutions in its area.
- (9) A local authority in England may take such steps as it thinks appropriate for making the arrangements under this section known to such other persons as it thinks appropriate.
- (10) In this section—
- “relevant body” means—
- (a) the governing body of a maintained school, maintained nursery school or institution within the further education sector;
  - (b) the proprietor of an Academy;
- “relevant school or post-16 institution” means—
- (a) a maintained school;
  - (b) a maintained nursery school;
  - (c) a post-16 institution;
  - (d) an Academy;
  - (e) an independent school;
  - (f) a non-maintained special school;
  - (g) a pupil referral unit;
  - (h) a place at which relevant early years education is provided;
- “responsible commissioning body”, in relation to any particular health care provision, means a body that is under a duty to arrange health care provision of that kind in respect of the child or young person concerned.
- (11) For the purposes of this section, the “appropriate authority” for a relevant school or post-16 institution is—
- (a) in the case of a maintained school, maintained nursery school or non-maintained special school, the governing body;
  - (b) in the case of a post-16 institution, the governing body, proprietor or principal;
  - (c) in the case of an Academy or independent school, the proprietor;
  - (d) in the case of a pupil referral unit, the management committee;

- (e) in the case of a place at which relevant early years education is provided, the provider of the relevant early years education.