



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 3

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

#### *Supplementary*

#### **83 Interpretation of Part 3**

(1) In this Part—

- “EA 1996” means the Education Act 1996;
- “ESA 2008” means the Education and Skills Act 2008;
- “SSFA 1998” means the School Standards and Framework Act 1998.

(2) In this Part—

- “appropriate person” has the meaning given by section 70(5);
- “beginning of the detention” has the meaning given by section 70(6);
- “detained person” has the meaning given by section 70(5);
- “detained person's EHC needs assessment” has the meaning given by section 70(5);
- “education, health and care provision” has the meaning given by section 26(2);
- “EHC needs assessment” has the meaning given by section 36(2);
- “EHC plan” means a plan within section 37(2);
- “health care provision” has the meaning given by section 21(3);
- “the home authority” has the meaning given by section 70(6) (subject to subsection (7) of that section);
- “mainstream post-16 institution” means a post-16 institution that is not a special post-16 institution;
- “mainstream school” means—

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*Changes to legislation: There are currently no known outstanding effects for the Children and Families Act 2014, Section 83. (See end of Document for details)*

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- (a) a maintained school that is not a special school, or
  - (b) an Academy school that is not a special school;
- “maintained school” means—
- (a) a community, foundation or voluntary school, or
  - (b) a community or foundation special school not established in a hospital;
- “post-16 institution” means an institution which—
- (a) provides education or training for those over compulsory school age, but
  - (b) is not a school or other institution which is within the higher education sector [F1 and which is solely or principally concerned with the provision of] higher education;
- “proprietor”, in relation to an institution that is not a school, means the person or body of persons responsible for the management of the institution;
- “relevant early years education” has the meaning given by section 123 of SSFA 1998;
- “relevant youth accommodation” has the meaning given by section 70(5);
- “social care provision” has the meaning given by section 21(4);
- “social services functions” in relation to a local authority has the same meaning as in the Local Authority Social Services Act 1970;
- “special educational needs” has the meaning given by section 20(1);
- “special educational provision” has the meaning given by section 21(1) and (2);
- “special post-16 institution” means a post-16 institution that is specially organised to make special educational provision for students with special educational needs;
- “training” has the same meaning as in section 15ZA of EA 1996;
- “young person” means a person over compulsory school age but under 25.
- (3) A child or young person has a disability for the purposes of this Part if he or she has a disability for the purposes of the Equality Act 2010.
- (4) A reference in this Part to “education”—
- (a) includes a reference to full-time and part-time education, but
  - (b) does not include a reference to higher education,
- and “educational” and “educate” (and other related terms) are to be read accordingly.
- (5) A reference in this Part to—
- (a) a community, foundation or voluntary school, or
  - (b) a community or foundation special school,
- is to such a school within the meaning of SSFA 1998.
- (6) A reference in this Part to a child or young person who is “in the area” of a local authority in England does not include a child or young person who is wholly or mainly resident in the area of a local authority in Wales [F2 or who would be wholly or mainly resident in the area of a local authority in Wales were it not for provision secured for the child or young person under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018].
- (7) EA 1996 and the preceding provisions of this Part (except so far as they amend other Acts) are to be read as if those provisions were contained in EA 1996.

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**Changes to legislation:** There are currently no known outstanding effects for the Children and Families Act 2014, Section 83. (See end of Document for details)

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#### Textual Amendments

- F1** Words in s. 83(2) substituted (1.8.2019) by [The Higher Education and Research Act 2017 \(Further Implementation etc.\) Regulations 2019 \(S.I. 2019/1027\)](#), regs. 1, **13**
- F2** Words in s. 83(6) inserted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 23(5)**; S.I. 2021/373, art. 8(j)(xxxviii)

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#### Commencement Information

- I1** S. 83 in force at 1.9.2014 by [S.I. 2014/889](#), **art. 7(a)** (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#) and (1.9.2015) by [S.I. 2015/1619](#)))

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Families Act 2014, Section 83.