

2016 No. 822

EDUCATION, ENGLAND

The Special Educational Needs and Disability (First-tier Tribunal Recommendation Power) (Pilot) (Revocation and Transitional Provision) Regulations 2016

<i>Made</i>	- - - -	<i>28th July 2016</i>
<i>Laid before Parliament</i>		<i>1st August 2016</i>
<i>Coming into force</i>	- -	<i>31st August 2016</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 51(4)(c) and (5) and 135(2) and (3) of the Children and Families Act 2014(a).

Citation and commencement

1. These Regulations may be cited as the Special Educational Needs and Disability (First-tier Tribunal Recommendation Power) (Pilot) (Revocation and Transitional Provision) Regulations 2016 and come into force on 31st August 2016.

Interpretation

2. In these Regulations –

“the 2015 Pilot Regulations” means the Special Educational Needs and Disability (First-tier Tribunal Recommendation Power) (Pilot) Regulations 2015(b);

“the 2016 Pilot Amendment Regulations” means the Special Educational Needs and Disability (First-tier Tribunal Recommendation Power) (Pilot) (Amendment) Regulations 2016(c);

Revocation and transitional provision

3.—(1) Subject to paragraph (2), the 2015 Pilot Regulations and the 2016 Pilot Amendment Regulations are revoked.

(2) The 2015 Pilot Regulations and the 2016 Pilot Amendment Regulations continue to have effect where, before 31st August 2016, an appeal under section 51 of the Children and Families Act 2014 has been brought against a local authority listed in the Schedule to the 2015 Pilot Regulations and not determined.

(a) 2014 c.6. For the meaning of “regulations” see section 579 (1) of the Education Act 1996 (c.56) which applies to the 2014 Act by virtue of section 83(7) of that Act
(b) S.I. 2015/358, amended by S.I. 2016/2
(c) S.I. 2016/2

28th July 2016

Edward Timpson
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke both the Special Educational Needs and Disability (First-tier Tribunal Recommendation Power) (Pilot) Regulations 2015 (“the 2015 Pilot Regulations”) and the Special Educational Needs and Disability (First-tier Tribunal Recommendation Power) (Pilot) (Amendment) Regulations 2016 (“the 2016 Pilot Amendment Regulations”).

The 2015 Pilot Regulations made provision for a pilot scheme to operate in specified local authorities listed in those regulations (“the Pilot Scheme”). The Pilot Scheme started on 1st April 2015.

Under the Pilot Scheme when the First-tier Tribunal (Special Educational Needs and Disability) is determining an appeal brought under section 51(2)(b), (c), (d), (e) or (f) of the Children and Families Act 2014 (“the Act”) and the respondent local authority is participating in the pilot, the Tribunal may make recommendations in respect of certain health and social care matters within an Education, Health and Care plan (against which no appeal may be brought under the Act).

The 2016 Pilot Amendment Regulations added four additional local authorities to the list of local authorities participating in the Pilot Scheme.

These Regulations bring the Pilot Scheme to an end on 31st August 2016. Any relevant appeals made before the 31st August will continue until completed.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private voluntary or public sectors is foreseen.

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