

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 3 - children and young people in England with special Educational Needs OR DISABILITIES

Special educational provision: functions of governing bodies and others

Section 66: Using best endeavours to secure special educational provision

297. This section requires that the governing bodies, proprietors or management committees of those institutions listed in *subsection (1)* use their best endeavours to secure that the special educational provision that is called for by a pupil or student's special educational needs is made.
298. The section replaces, in England, and expands the remit of section 317(1)(a) of the Education Act 1996. Section 317 applied to the governing bodies of community, foundation or voluntary schools or maintained nursery schools. The new section takes account of the age remit of the new special educational needs provisions and the expansion in the number of Academies by applying the duty to further education institutions, Academy schools and 16 to 19 Academies. The new section also applies to pupil referral units.

Section 67: SEN co-ordinators

299. This section requires governing bodies of maintained mainstream schools, (including Academy schools) and maintained nursery schools to ensure that there is a member of staff designated as Special Educational Needs (SEN) co-ordinator. The SEN Co-ordinator will have responsibility for co-ordinating special educational provision for children and young people with special educational needs in their school. This can include providing advice to other teachers on supporting children with special educational needs and liaising with agencies outside the school such as social care services.
300. The section gives the Secretary of State power to make regulations requiring governing bodies and proprietors to ensure that SEN Co-ordinators have prescribed qualifications and/or experience and conferring other functions on them in relation to SEN co-ordinators.
301. This section replaces, in England, section 317(3A) and (3B) of the Education Act 1996.

Section 68: Informing parents and young people

302. This section, which applies where a child or young person has no EHC plan, requires governing bodies of maintained schools, maintained nursery schools, the management committees of pupil referral units, and the proprietors of Academy schools and Alternative Provision Academies to tell a child's parent, or the young person when special educational provision is being made for the child or young person. This does not

*These notes refer to the Children and Families Act 2014
(c.6) which received Royal Assent on 13 March 2014*

need to happen if the child or young person has an EHC plan since parents of children with EHC plans and young people who have EHC plans will already be aware that special educational provision is being made.

303. This section replaces, in England, section 317A of the Education Act 1996 and extends the provision to include young people.

Section 69: SEN information report

304. This section imposes a duty on the governing bodies of maintained schools and maintained nursery schools in England, and proprietors of Academy schools in England to prepare a report containing “special educational needs information”. Special educational needs information is information about the implementation of the governing body’s or proprietor’s policy for pupils at the school with special educational needs, and information as to the arrangements for the admission of disabled pupils to the school; the steps taken to prevent less favourable treatment of disabled pupils; the facilities provided to assist access to the school by disabled pupils; and the accessibility plan which schools must publish under the Equality Act 2010. Regulations will set out the information to be provided.
305. This section replaces, in England, section 317(5) and (6) of the Education Act 1996. This information is currently published on schools’ websites.