

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

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

Identifying children and young people with special educational needs and disabilities

Section 22: Identifying children and young people with special educational needs and disabilities

172. This section places a duty on local authorities to identify all those children and young people in their area who have or may have special educational needs or disabilities. Children and young people can be brought to the attention of the local authority by their parents, their school or college, or other professionals, for example a social worker, General Practitioner, health visitor, teacher, early years professional or a further education tutor.
173. This section is based on, but differs from, sections 13(5) and 321 of the Education Act 1996 and will apply in England. The Education Act provisions will be repealed in relation to England when these provisions come into force.

Section 23: Duty of health bodies to bring certain children to local authority's attention

174. The section replicates section 332 of the Education Act 1996 and extends it to disabled children. Where a clinical commissioning group (CCG), NHS Trust or NHS Foundation Trust, in carrying out their functions in relation to a child under compulsory school age, are of the opinion that the child has or probably has special educational needs or a disability they must tell the child's parents and give them the chance to discuss this with an officer of the group or trust. They must then tell the appropriate local authority. They must also tell the parent if they think a particular voluntary organisation is likely to be able to give them advice or assistance in respect of their child's special educational needs or disability. This section helps to ensure that young children who may need special educational provision or information and support in relation to a disability are brought to the local authority's attention early on.