



Children and Families Act 2014

2014 CHAPTER 6

PART 3

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

Code of practice

77 Code of practice

- (1) The Secretary of State must issue a code of practice giving guidance about the exercise of their functions under this Part to—
 - (a) local authorities in England;
 - (b) the governing bodies of schools;
 - (c) the governing bodies of institutions within the further education sector;
 - (d) the proprietors of Academies;
 - (e) the management committees of pupil referral units;
 - (f) the proprietors of institutions approved by the Secretary of State under section 41 (independent special schools and special post-16 institutions: approval);
 - (g) providers of relevant early years education;
 - (h) youth offending teams;
 - (i) persons in charge of relevant youth accommodation;
 - (j) the National Health Service Commissioning Board;
 - (k) clinical commissioning groups;
 - (l) NHS trusts;
 - (m) NHS foundation trusts;
 - (n) Local Health Boards.
- (2) The Secretary of State may revise the code from time to time.
- (3) The Secretary of State must publish the current version of the code.

- (4) The persons listed in subsection (1) must have regard to the code in exercising their functions under this Part.
- (5) Those who exercise functions for the purpose of the exercise by those persons of functions under this Part must also have regard to the code.
- (6) The First-tier Tribunal must have regard to any provision of the code that appears to it to be relevant to a question arising on an appeal under this Part.

78 Making and approval of code

- (1) Where the Secretary of State proposes to issue or revise a code under section 77, the Secretary of State must prepare a draft of the code (or revised code).
- (2) The Secretary of State must consult such persons as the Secretary of State thinks fit about the draft and must consider any representations made by them.
- (3) If the Secretary of State decides to proceed with the draft (in its original form or with modifications), the Secretary of State must lay a copy of the draft before each House of Parliament.
- (4) The Secretary of State may not take any further steps in relation to—
 - (a) a proposed code unless the draft is approved by a resolution of each House, or
 - (b) a proposed revised code if, within the 40-day period, either House resolves not to approve the draft.
- (5) Subsection (6) applies if—
 - (a) both Houses resolve to approve the draft, as mentioned in subsection (4)(a), or
 - (b) neither House resolves not to approve the draft, as mentioned in subsection (4)(b).
- (6) The Secretary of State must issue the code or revised code in the form of the draft, and it comes into force on such date as the Secretary of State may by order appoint.
- (7) Subsection (4) does not prevent a new draft of a proposed code (or proposed revised code) from being laid before Parliament.
- (8) In this section “40-day period”, in relation to the draft of a proposed revised code, means—
 - (a) if the draft is laid before one House on a later day than the day on which it is laid before the other, the period of 40 days beginning with the later of the two days, and
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House.
- (9) For the purposes of subsection (8), no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

79 Review of resolution of disagreements

- (1) The Secretary of State and the Lord Chancellor must carry out a review of how effectively disagreements about the exercise of functions under this Part are being resolved.

- (2) The Secretary of State and the Lord Chancellor must prepare a report on the outcome of the review.
- (3) The Secretary of State and the Lord Chancellor must lay the report before Parliament before the end of the period of three years beginning with the earliest date on which any provision of this Part comes into force.