



Children and Families Act 2014

2014 CHAPTER 6

PART 3

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

Appeals, mediation and dispute resolution

51 Appeals

- (1) A child's parent or a young person may appeal to the First-tier Tribunal against the matters set out in subsection (2), subject to section 55 (mediation).
- (2) The matters are—
 - (a) a decision of a local authority not to secure an EHC needs assessment for the child or young person;
 - (b) a decision of a local authority, following an EHC needs assessment, that it is not necessary for special educational provision to be made for the child or young person in accordance with an EHC plan;
 - (c) where an EHC plan is maintained for the child or young person—
 - (i) the child's or young person's special educational needs as specified in the plan;
 - (ii) the special educational provision specified in the plan;
 - (iii) the school or other institution named in the plan, or the type of school or other institution specified in the plan;
 - (iv) if no school or other institution is named in the plan, that fact;
 - (d) a decision of a local authority not to secure a re-assessment of the needs of the child or young person under section 44 following a request to do so;
 - (e) a decision of a local authority not to secure the amendment or replacement of an EHC plan it maintains for the child or young person following a review or re-assessment under section 44;

Changes to legislation: There are currently no known outstanding effects for the Children and Families Act 2014, Section 51. (See end of Document for details)

- (f) a decision of a local authority under section 45 to cease to maintain an EHC plan for the child or young person.
- (3) A child's parent or a young person may appeal to the First-tier Tribunal under subsection (2)(c)—
- (a) when an EHC plan is first finalised for the child or young person, and
 - (b) following an amendment or replacement of the plan.
- (4) Regulations may make provision about appeals to the First-tier Tribunal in respect of EHC needs assessments and EHC plans, in particular about—
- (a) other matters relating to EHC plans against which appeals may be brought;
 - (b) making and determining appeals;
 - (c) the powers of the First-tier Tribunal on determining an appeal;
 - (d) unopposed appeals.
- (5) Regulations under subsection (4)(c) may include provision conferring power on the First-tier Tribunal, on determining an appeal against a matter, to make recommendations in respect of other matters (including matters against which no appeal may be brought).
- (6) A person commits an offence if without reasonable excuse that person fails to comply with any requirement—
- (a) in respect of the discovery or inspection of documents, or
 - (b) to attend to give evidence and produce documents,
- where that requirement is imposed by Tribunal Procedure Rules in relation to an appeal under this section or regulations under subsection (4)(a).
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Modifications etc. (not altering text)

- C1** S. 51(1)(3) modified (1.9.2014) by [The Special Educational Needs and Disability Regulations 2014 \(S.I. 2014/1530\)](#), regs. 1, 64(1)(b), 64(2), **Sch. 3 Pt. 2**

Commencement Information

- I1** S. 51 in force at 1.4.2014 for specified purposes by [S.I. 2014/889](#), **art. 3(g)**
- I2** S. 51 in force at 1.9.2014 in so far as not already in force 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 51.