



# 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;

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*Status: This is the original version (as it was originally enacted).*

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- (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.