
STATUTORY INSTRUMENTS

2014 No. 2270

**The Children and Families Act 2014 (Transitional
and Saving Provisions) (No. 2) Order 2014**

PART 6

Learning difficulty assessments

Learning difficulty assessment in progress on commencement date

27.—(1) This Article applies if an assessment under section 139A of the Learning and Skills Act 2000⁽¹⁾ in relation to a person was begun but not completed before the commencement date.

(2) For this purpose an assessment under that section is completed when the written report described in section 139B of the Learning and Skills Act 2000 which results from the assessment is completed.

(3) Despite the amendments and repeals made by Schedule 3 to the 2014 Act—

- (a) sections 139A to 139C of the Learning and Skills Act 2000 continue to have effect in relation to the person, and
- (b) any other provision of or made under an Act⁽²⁾ that, immediately before the repeal of those sections, had effect in relation to a person to whom those sections applied continues to have effect in relation to that person in that form.

(4) But the following provisions of this Article apply in place of paragraph (3) if—

- (a) the local authority notifies the person that it proposes to treat the assessment as an EHC needs assessment, and
- (b) the person gives his or her consent to that course of action.

(5) The assessment is to be treated for all purposes as an EHC needs assessment.

(6) Anything done in relation to the assessment is to be treated as having been done under Part 3 of the 2014 Act and the SEND Regulations 2014.

(7) The local authority must comply with section 36(9) of the 2014 Act—

- (a) where the assessment is carried out under section 139A(2) or (4), before the end of the period of 14 weeks beginning with the day on which consent is given under paragraph (4)(b);
- (b) where the assessment is carried out under section 139A(5), before the end of the period of 20 weeks beginning with the day on which consent is given under paragraph (4)(b).

(8) Where, following the assessment, the local authority decides that it is not necessary for special educational provision to be made for the person in accordance with an EHC plan, paragraph (7) has

⁽¹⁾ 2000 c.21

⁽²⁾ This includes the secondary legislation included in the Special Educational Needs (Consequential Amendments to Subordinate Legislation) Order 2014 [S.I. 2014/2103](#), as in force immediately before that Order took effect.

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effect in place of regulation 10(1) of the SEND Regulations 2014 (but this Article does not otherwise affect the operation of that regulation).

(9) Articles 12 to 15 do not apply in relation to the person.