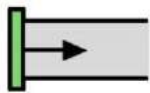


Children and Families Act 2014 – Summary of Main Points



This guide is for parents and carers of children and young people aged 0-25 years who have special educational needs (SEN) or disabilities.



start

The Children and Families Act became law on 13th March 2014. The new system started on 1st September 2014. This summary only talks about the parts of the Act relating to people with special educational needs (SEN) or disabilities and their families.



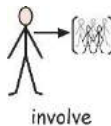
local authority

The key principles

There are four key principles in the Act that Local Authorities have to follow. They must:



1. consider the views, wishes and feelings of the child, young person and their parents;



2. involve the child, young person and their parents in decisions that affect them;



3. give the child, young person and their parents the information and support they need to be involved in decision making;



4. support the child, young person and their parents to achieve the best possible outcomes.



advice

Impartial information, advice and support

Local Authorities must arrange for children or young people with special educational needs (SEN) or disabilities and their parents to have information and advice about these. This should include information on health and social care and personal budgets.



work together

Working together across education, health and care

Everyone should work together to care for and improve the wellbeing of the child or young person. This includes:

- the Local Authority
- the health body
- anyone else involved in health or social care
- the school or college



services

They must work together in how they design, deliver and buy services and how these are paid for.



provider

The Local Offer

Local Authorities need to develop and publish a Local Offer setting out the support and services available for local children and young people with special educational needs (SEN) or disabilities.



support

Support for children, young people and parents

The four stages of support are:

1. Assess
2. Plan
3. Do
4. Review



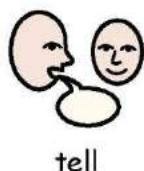
Local Authorities should talk to parents and young people about how to assess their education, health and care needs.



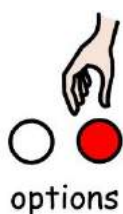
They should also talk to them about developing their education, health and care (EHC) plan, including the schools and colleges they can choose and how they can use personal budgets.



All parents, children and young people should have access to impartial information, advice and support about special educational needs and disabilities. This means information that is not biased and includes different options.



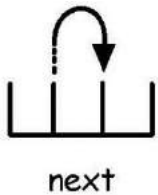
This should include the assessment process, EHC plans and Personal Budgets (including getting and managing a direct payment). They should be told about what support they can get from the Local Authority and other organisations.



How Local Authorities will meet people's special educational needs

Local Authorities will meet people's needs in different ways, for example they may:

- arrange for a service to be provided by someone else through the local offer
- provide a service from the Local Authority (like a school place)
- prepare a personal budget so that a child's parent or the young person can be involved in buying services
- make direct payments



Next Steps after Assessment - The Education, Health and Care (EHC) Plan

An EHC plan brings a child or young person's education, health and social care needs into a single, legal document.

The Local Authority should:

- work closely with parents, children and young people to make sure the plan takes full account of their views, wishes and feelings
- tell the child's parent or the young person about personal budgets and which of their needs can be met using a direct payment



The education, health and care (EHC) plan will say:

- what the child or the young person's special educational needs are
- what their outcomes are (what they want to achieve)
- what special educational support and services they need
- what health care support and services they need (because of their learning difficulty or disability)
- any social care support and services that the law says the Local Authority must provide
- any other social care support and services that they need (because of their learning difficulty or disability)



budget

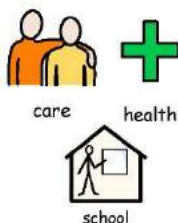
A Personal Budget

A personal budget is a sum of money available for children and young people to pay for the extra support and services they need.



care plan

The young person or child's parent can ask their Local Authority to prepare a personal budget for them. The Local Authority prepares the personal budget to meet the needs set out in the education, health and care (EHC) plan. The young person or child's parent will then be involved in getting the support and services.



care health school

A child or young person can have a personal budget that includes funding from education, social care and health all together (this is called an integrated fund). This means that money from education, either from the Local Authority or from a school or college, can be added to a personal health budget and a personal social care budget. Some or all of this can then be taken as a direct payment.



budget

Direct Payments

The Local Authority or health body can pay some or all of the personal budget to the child's parent, the young person or their nominee. They use this to arrange and buy the support or services they need. This is called a "direct payment".



care plan

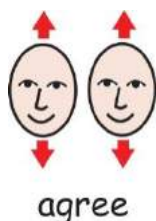
A direct payment can only pay for the needs identified in the education, health and care (EHC) plan. If a direct payment is used for something which is not agreed in the plan then the Local Authority or health body can stop paying it and may ask for a repayment of some or all of the money.



Disagreeing with or challenging decisions

If a parent or young person disagrees with their Local Authority's decisions they can challenge it. This includes:

- not doing an education, health and care (EHC) needs assessment or re-assessment
- not producing an EHC plan, or changing it after re-assessment
- stopping the EHC plan
- how the child or young person's special educational needs are described
- the special educational support in the EHC plan
- the school (or other educational establishment) the Local Authority says the child should attend, or if they do not include a school
- changing any of these details without agreement



The Local Authority must have ways of dealing with disagreements including mediation services. These services will be independent from the Local Authority and can provide a quick and informal way of resolving disagreements.



Parents and young people can also appeal to the Special Educational Needs and Disability (SEND) Tribunal. The SEND Tribunal is a legal body. It hears appeals against decisions made by Local Authorities. The SEND Tribunal also hears disability discrimination claims against schools and Local Authorities responsible for schools.



A parent or young person needs to appeal within one month of receiving the certificate or two months from the original decision (whichever is the later date).



Other key points

- With permission, the local authority and its partners should share relevant information (including EHC plans) so people and their families do not have to repeat information to different people
- Help and support should be given to the child and family as soon as a need is identified and not wait until the completion of an EHC needs assessment and plan
- Everyone working in education (including early years, schools, colleges and 16-19 organisations), health and social care should support children and young people with special educational needs (SEN) or disabilities to prepare for adult life. They should help them go on to achieve the best outcomes in employment, independent living, health and community participation.
- There are specific extra responsibilities for local authorities where children and young people with SEN or disabilities are:
 - in care (looked after children)
 - care leavers
 - in need of additional social care as well as special educational support and services
 - educated away from home (in another Local Authority area)
 - educated at home
 - in education somewhere other than at school
 - in hospital or some other similar place
 - in custody or detention
 - the children of parents in the armed forces



factsheet

About this factsheet

This factsheet was written by Uemploy. Uemploy supports children and adults with a learning disability to employ their own personal assistant.



contact

We have also written other factsheets about the Children and Families Act. If you would like a copy of another factsheet or you would like this factsheet in another format, please contact us:

- Website: www.uemploy.org.uk
- E-mail: enquiries@uemploy.org.uk
- Tel: 0300 303 8163
- Post: Uemploy, The West House, Alpha Court, Swingbridge Road, Grantham, NG31 7XT



information

Text: © Uemploy 2014 Uemploy is part of the Thera Group of companies. Uemploy is a company limited by guarantee, company number 08114936. Images: Widgit Literacy Symbols © Widgit Software 2014

Please note, while we have tried to make sure this information is correct, it is not legal advice and we cannot guarantee its accuracy. Neither Uemploy Ltd nor any other member of the Thera Group accept any responsibility for liabilities arising if you use any of this information.