

**TO: CHILDREN, YOUNG PEOPLE AND LEARNING OVERVIEW & SCRUTINY PANEL  
11 JUNE 2014**

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**CHILDREN AND FAMILIES ACT 2014  
Director of Children, Young People and Learning**

**1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to brief the Panel regarding the Children and Families Act 2014.

**2 RECOMMENDATION(S)**

- 2.1 **That the Panel considers and notes this briefing.**

**3 REASONS FOR RECOMMENDATION(S)**

- 3.1 To keep the Panel up to date regarding new legislation and the implications thereof.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None.

**5 SUPPORTING INFORMATION**

- 5.1 The Children and Families Bill was introduced into the House of Commons on 4 February 2013. It received Royal Assent and became an Act at the end of March 2014. The Act's purpose (according to the 'long title') has been amended to include people with disabilities, and now reads:

*An Act to make provision about children, families, and people with special educational needs or disabilities; to make provision about the right to request flexible working; and for connected purposes.*

- 5.2 As with any legislation of this nature substantial changes were made as the Bill progressed through various parliamentary stages before becoming an Act. The Act has 250 pages and consists of ten parts and a total of 149 sections.

The Act covers:

- Adoption and contact
- Family justice
- Children and young people in England with special educational needs (SEN) or disabilities
- Childcare
- Welfare of children
- The Children's Commissioner

- Statutory rights to leave and pay
- Time off work: ante-natal care etc
- Right to request flexible working
- General provisions

5.3 The intended benefits of the new legislation are to provide:

- clearer and more accessible information about available support for children and families
- a single co-ordinated assessment process for young people aged 0-25 if they have a disability and special educational needs, which means they have a learning difficulty which requires the LA to make special educational provision
- personal budgets for families, improving choice and increasing control
- improved transition to adulthood including housing, work, apprenticeships, benefits and leisure activities

5.4 The Act implements the Government's plans to see more children being adopted by loving families with less delay. Several other areas are covered including restrictions on the use of tobacco, child performances, the Virtual School for looked after children, parental leave and flexible working.

5.5 Section 3 is the most substantial for schools and implements the Government's proposals which were first published in the Green Paper Support and Aspiration: a new approach to special educational needs and disability (2011) and the Progress and next steps report (2012).

5.6 The Act replaces existing SEN legislation in the Education Act 1996 and achieves the Green Paper objectives of bringing together the separate arrangements for children in schools and young people in post-16 institutions and training up to their 25<sup>th</sup> birthday, and the integrated Education, Health and Care Plan to replace the statement of Special Educational Needs. The Act also removes in most instances the separate treatment of local authority maintained schools and academies under SEN legislation.

5.7 Schools must use their 'best endeavours' to secure special educational provision for pupils or students who have special educational needs. Schools, but not further education colleges, must appoint an SEN co-ordinator. Parents must be informed if special educational provision is being made for their child, and a young person must also be informed. Schools must prepare an SEN information report about the implementation of the school's policy for 'pupils at the school with special educational needs'. Information will be prescribed in regulations. Information will also have to be included about facilities for children with disabilities, whether or not they have special educational needs. This largely follows the pre existing duties under the 1996 Act. Further guidance and a revised SEN Code of Practice will supplement the Act.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS / EQUALITIES IMPACT ASSESSMENT / STRATEGIC RISK MANAGEMENT ISSUES / CONSULTATION**

6.1 Not applicable.

Background Papers

Full details can be found at: <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>.

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