

<http://edyourself.org/seninchildrenfamiliesbillmarch2014.pdf>

<http://services.parliament.uk/bills/2013-14/childrenandfamilies/documents.html>

### **Royal Assent March 13<sup>th</sup> 2014**

### **Commons consideration Lords Amendments February 10<sup>th</sup> 2014**

Commons [considered the SEN amendments from the Lords](#), notably around increasing the right to social care provision [[Cl 37](#)]; review and pilot of appeals and tribunals between 2015 and 2017 (as potential move towards single point of redress) [[Cl 74](#)]; leaving out "best endeavours" [[Cl 70](#)]; and new assessments for parent carers [[Cl 89](#)]

### **Lords Third Reading Amendments February 6<sup>th</sup> 2014**

See list of Lord Nash's amendments [here](#). To see exactly what the Government promised, the index for Third Reading debate is [here](#)

[All Lords amendments Explanatory notes to Lords amendments](#) published February 6th 2014 [Timetable for consideration of Lords amendments](#) published February 10th. [Mencap Press Release Contact-a-Family welcomes improved rights parents caring for disabled child](#) February 14th 2014

### **Amendments to the end of Report in the Lords**

<http://edyourself.org/summarylordstoreport.pdf>

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## **Home Education**

On January 7th 2014 the Government set out what should happen to the special educational provision and the health provision specified in the EHC plan when a child or young person is home educated.

Government amendment 38A to Clause 42, page 34, line 14, leave out "to the extent that" and insert "if", [agreed House of Lords January 7th 2014](#)

Government spokesperson, House of Lords 7 Jan 2014 : Column 1449: "In the current system, set out in the Education Act 1996, when a statement is maintained for a child or young person the local authority is under a duty to secure the special educational provision specified in it. The local authority is relieved of its duty to arrange the special educational provision in the statement, including securing a place in a school or college named in a statement of SEN, if the parents or the young person have made suitable alternative arrangements for special educational provision to be made, for example, in an independent school or college or at home."

"The Bill introduced to Parliament in February 2013 retained this provision, but when government amendments were introduced in Committee in the other place to place a duty on health bodies to arrange the healthcare provision specified in an education, health and care plan, Clause 42 was amended so that, under Clause 42(5), local authorities' and health bodies' duties to secure and arrange specified provision would not apply "to the extent that the child's parent or the young person has made suitable alternative arrangements"."

"We made this change with the intention of ensuring that, in cases where a parent or young person had made suitable alternative arrangements only for education provision, the duty on responsible health commissioners to arrange required health provision would remain in place. On reflection, that wording is problematic and could have unintended consequences, since it could be interpreted to mean that when a parent or young person makes alternative arrangements for only some of the provision the local authority or health body is only relieved from its duty to make that provision and

must secure and arrange the remainder. This would not be sensible or fair."

"Amendment 38A would address this issue and ensure that local authorities have a clear duty to secure the special educational provision in a child or young person's education, health and care plan; it would enable parents or young people to make alternative arrangements; it would require local authorities to satisfy themselves that those arrangements are suitable; and it would enable local authorities to assist parents in making their own arrangements suitable, if they consider it appropriate, without imposing any duty on them to do so. It has not been sufficiently clear that local authorities can assist parents in this way until now and I am pleased that this amendment gives me the opportunity to clarify the position."

"Where parents or a young person make alternative arrangements, the local authority must satisfy itself that those arrangements are suitable before it is relieved of its duty to secure the provision. It can only conclude that arrangements are suitable if there is a realistic possibility of them being funded for a reasonable period of time. If it is satisfied, the authority need not name its nominated school or college in the plan and may specify only the type of provision. This is to avoid the school having to keep a place free that the parents have no intention of taking up. If the local authority is not satisfied that the parent or young person's alternative arrangements are suitable, it could either name another appropriate school or college in the EHC plan or assist parents in making their arrangements suitable, including, if they consider it appropriate, through a financial contribution, though it will be under no obligation to meet the costs of those arrangements."

"Where parents make suitable alternative arrangements for educational provision, the health commissioning body is still responsible for arranging the healthcare specified in the child or young person's EHC plan. If parents make alternative arrangements for healthcare provision, then the health commissioning body would need to satisfy itself that those arrangements were suitable. If the arrangements were not suitable, they would arrange the provision specified in the plan or, if they felt it appropriate, assist the parents in making their own arrangements suitable. We will, of course, clarify this position in the SEN code of practice."

## **EHC Plans**

Can parents be involved after 16; direct payments; personal budget; do plans go up to 25?; has the code already changed?; will statement end as soon as law changes?; do EHC plans entail the same legal duties?; do you need EHC plan to get support?; what can you appeal in the EHC plan?; does LA have to carry out social care assessment as part of EHC plan? See Contact A Family Information Sheets <http://www.cafamily.org.uk/advice-and-support/resource-library/guidance-on-the-top-children-and-families-bill-myths-part-2/> <http://www.cafamily.org.uk/advice-and-support/resource-library/guidance-on-the-top-children-and-families-bill-myths-part-2/>

## **Strengthening Access to Support Post-19 Ministerial Amendments 2014**

[Amendments tabled by Minister Lord Nash](#) agreed [January 7th 2014](#)

## **Health and Social Care Ministerial Amendments Passed December 17th 2013**

[Health care provision or social care provision which educates or trains a child or young person is to be treated as special educational provision \(instead of health care provision or social care provision\)](#)

[New duty on health amendment](#) April 2013. Read more [here](#) [Note from DfE duty on health](#)

## **Adding Back Disability Ministerial Amendments Passed December 2013**

[Ministerial amendments passed December 17th adding back disability](#) See also [Ministerial amendments to Clause 26](#) NB clause 23 is now clause 24.

## **Online Blended Learning Alternative Provision in EHC Plans and Personal Budgets**

Baroness Northover speaking for the Government: the provisions in this Bill do not prevent the use of alternative provision, including online and blended learning...it can be included within an EHC plan, it can be funded by personal budgets and it can be part of the local offer used to support pupils without an EHC plan.

[House of Lords 17th Dec 2013 : Column 1216](#)

[Report House of Commons June 2013 Graham Stuart amendments related to home education](#) [Minister Ed Timpson follow-up letter](#) [Ministerial Summary](#) [Quotes from Minister](#)

[Implementing the new system, message from DfE December 9th 2013](#)

## **Pathfinders and the Local Offer**

To learn more about the proposed new Local Offer for children and young people with special needs, click [here](#)

## **Lessons Learned from Children Missing Education: Guidance is Not Enough**

Read more [here](#). [CME consultation response February 2013](#); [new CME Guidance November 2013](#)

[Taking away Legal Aid for pre-court Judicial Review work](#) [Update Judicial Review February 5th 2014](#) Law Society Gazette

[Changes following Commons committee](#) [Tracked changes](#)

[Pre-legislative scrutiny changes](#)