

2014 No. 2103

EDUCATION, ENGLAND

**The Special Educational Needs (Consequential Amendments to
Subordinate Legislation) Order 2014**

<i>Made</i>	- - - -	<i>5th August 2014</i>
<i>Laid before Parliament</i>		<i>8th August 2014</i>
<i>Coming into force</i>	- -	<i>1st September 2014</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 136(1) and (2) of the Children and Families Act 2014(a).

Citation and commencement

1. This Order may be cited as the Special Educational Needs (Consequential Amendments to Subordinate Legislation) Order 2014 and comes into force on 1st September 2014.

Amendment to the Education (Schools and Further Education) Regulations 1981

2. In regulation 5(1) of the Education (Schools and Further Education) Regulations 1981 (interpretation)(b), omit the words “; and, for the purposes hereof” to the end.

Amendment to the Income Support (General) Regulations 1987

3.—(1) The Income Support (General) Regulations 1987(c) are amended as follows.
(2) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), after paragraph 78 insert—

“79. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)”.

(3) In Schedule 10 (capital to be disregarded), after paragraph 70 insert—

“71. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)”.

Amendment to the Jobseeker’s Allowance Regulations 1996

4. The Jobseeker’s Allowance Regulations 1996(d) are amended as follows.

(a) 2014 c. 6. Section 136(3) provides that an “enactment” includes a Measure or Act of the National Assembly for Wales.
(b) S.I. 1981/1086, amended by S.I. 1983/262, S.I. 2010/1172. There are other amending instruments but none is relevant.
(c) S.I. 1987/1967, to which there are amendments not relevant to this instrument.
(d) S.I. 1996/207, to which there are amendments not relevant to this instrument.

(1) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings), after paragraph 74 insert—

“75. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)”.

(2) In Schedule 8 (capital to be disregarded), after paragraph 63 insert—

“64. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)”.

Amendment to the Education (Areas to which Pupils and Students Belong) Regulations 1996

5.—(1) The Education (Areas to which Pupils and Students Belong) Regulations 1996(a) are amended as follows.

(2) In regulation 2(4) (interpretation) insert at the end “and section 24 of the Children and Families Act 2014”.

(3) For regulation 4(2)(a) (school pupils with statements of special educational needs living in boarding accommodation) substitute—

“(a) for whom—

- (i) a statement of special educational needs is maintained under Part 4 of the Education Act 1996; or
- (ii) an EHC plan is maintained under Part 3 of the Children and Families Act 2014 Act; and”

(4) After regulation 5(2)(a) (school pupils with statements of special educational needs and pupils at special schools) insert—

“(aa) for whom an EHC plan is maintained under Part 3 of the Children and Families Act 2014; or”

(5) After regulation 7(2)(a) (children looked after by a local authority) insert—

“(aa) for whom an EHC plan is maintained under Part 3 of the Children and Families Act 2014; or”

Amendment to the National Minimum Wage Regulations 1999

6. For regulation 12(7B)(d)(ii) of the National Minimum Wage Regulations 1999 (workers who do not qualify for the national minimum wage)(b) substitute—

“(ii) at least 16 years but under the age of 26 years in the case of persons subject to an EHC plan within the meaning of section 37(2) of the Children and Families Act 2014.”.

Amendment to the Education (National Curriculum) (Temporary Exceptions for Individual Pupils) (England) Regulations 2000

7.—(1) The Education (National Curriculum) (Temporary Exceptions for Individual Pupils) (England) Regulations 2000(c) are amended as follows.

(2) In regulation 1(3) (interpretation)—

(a) after the definition of “the 1996 Act” insert the following definition—

“the 2014 Act” means the Children and Families Act 2014”; and

(b) in the definition of “responsible authority” for “Part IV of the 1996 Act” substitute “Part III of the 2014 Act”.

(a) S.I. 1996/615.

(b) S.I. 1999/584, amended by S.I. 2014/546. There are other amending instruments but none is relevant.

(c) S.I. 2000/2121, amended by S.I. 2010/1172.

- (3) In regulation 3(2) (cases and circumstances in which directions may be given)—
- (a) for “section 323 of the 1996 Act” substitute “section 36 of the 2014 Act”; and
 - (b) for “a statement of special education needs” substitute “an EHC plan”.
- (4) For regulation 4(3)(b)(i) (general and special directions) substitute —
- “(i) a period ending when an EHC plan is maintained by the local authority in respect of a pupil under section 37 of the 2014 Act or, as the case may be, where an existing EHC plan is amended under paragraph 44(7)(c) of the 2014 Act;”.
- (5) In regulation 10(1) (further directions)—
- (a) for the words “a statement of special educational needs” each time they occur, substitute “an EHC plan”;
 - (b) in sub-paragraph (a) for “statement”, at the end, substitute “plan”;
 - (c) in sub-paragraph (b) for “section 325 of the 1996 Act” substitute “section 51(2)(b) of the 2014 Act”; and
 - (d) in sub-paragraph (c) for “section 326 of the 1996 Act” substitute “section 51(2)(c) of the 2014 Act”.
- (6) In regulation 10(2), for “statement for special educational needs” substitute “EHC plan”.

Amendment to the Children’s Homes Regulations 2001

8.—(1) The Children’s Homes Regulations 2001(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) after the definition of “designated teacher”, insert the following definition—
 - ““EHC plan” means a plan within the meaning of section 37(2) of the Children and Families Act 2014”;
- (b) in the definition of “special educational needs”, for the words from “section 312 of the Education Act 1996” substitute “section 20(1) of the Children and Families Act 2014”; and
- (c) omit the definition of “statement of special educational needs”.

(3) In regulation 12B(3)(d)(notifications with respect to children admitted into, or discharged from, the children’s home)—

- (a) for the words “a statement of special educational needs” substitute “an EHC plan”; and
- (b) for the word “statement” at the end, substitute “plan”.

(4) In paragraph 12 of Schedule 3, for the words “statement of special educational needs” substitute “EHC plan”.

Amendment to the Police Act 1997 (Criminal Records) Regulations 2002

9. In regulation 5B(9)(b)(ii) and (iii) of the Police Act 1997 (Criminal Records) Regulations 2002 (work with adults)(b) for “section 312” each time it occurs, substitute “section 579”.

Amendment to the Education (Special Educational Needs) (City Colleges) (England) Regulations 2002

10.—(1) The Education (Special Educational Needs) (City Colleges) (England) Regulations 2002(c) are amended as follows.

(a) S.I. 2001/3967, amended by S.I. 2013/3239. There are other amending instruments but none is relevant.
 (b) S.I. 2002/233, amended by S.I. 2013/1194 and S.I. 2014/955. There are other amending instruments but none is relevant.
 (c) S.I. 2002/2071, amended by S.I. 2010/1172.

- (2) In regulation 1(2) (citation, commencement and interpretation)—
- (a) in the definition of a “relevant child”, for “a statement is maintained under section 324 of the Act” substitute “an EHC plan is maintained under section 37 of the Children and Families Act 2014”; and
 - (b) for the definition “statemented provision” substitute the following definition—
 - “special provision” means special educational provision specified in an EHC plan maintained under section 37(1) of the Children and Families Act 2014”.
- (3) In regulation 2 (payment and assistance), for “statemented provision”, both times where it occurs, substitute “special provision”.
- (4) For regulation 4 (precedence of duty under section 324(5) of the Act) substitute—

“Precedence of duty under section 42 of the Children and Families Act 2014

4. Nothing in these Regulations shall affect the duty of a local authority under section 42 of the Children and Families Act 2014 to secure the special educational provision which is specified in an EHC plan.”.

Amendment to the School Organisation Proposals by the Learning and Skills Council for England Regulations 2003

11.—(1) The School Organisation Proposals by the Learning and Skills Council for England Regulations 2003(a) are amended as follows.

- (2) In regulation 2(1) (interpretation)—
- (a) after the definition “consultative proposals”, insert the following definition—
 - ““EHC plan” means a plan within the meaning of section 37(2) of the Children and Families Act 2014”; and
 - (b) omit the definition “statement of special educational needs”.
- (3) In—
- (a) regulation 9(1)(c) (decision by the Secretary of State);
 - (b) regulation 10(2)(d) (implementation of proposals);
 - (c) regulation 16(2)(b) (other bodies to whom information should be sent – special schools);
 - (d) regulation 18(2)(b) (approval of proposals subject to modifications after consultation);
 - (e) regulation 22(2)(b) (modification of approved proposals);
 - (f) regulation 23(2)(c) (provision of information); and
 - (g) paragraph 13 of Schedule 3 (information to be contained in proposals published under Schedule 7),

for the words “a statement of special educational needs” substitute “an EHC plan”.

Amendment to the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003

12. In regulation 9(1) of the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (pupils not subject to provisions of the National Curriculum)(b), for “statements of special educational needs” substitute “EHC plans”.

(a) S.I. 2003/507, to which there are amendments not relevant to this instrument.
 (b) S.I. 2003/1038, to which there are amendments not relevant to this instrument.

Amendment to the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003

13. In regulation 6(1) of the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003 (pupils not subject to provisions of the National Curriculum)(a), for “statements of special educational needs” substitute “EHC plans”.

Amendment to the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004

14. In regulation 7(1) of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (pupils not subject to provisions of the National Curriculum)(b), for “statements of special educational needs” substitute “EHC plans” .

Amendment to the Adoption Agencies Regulations 2005

15.—(1) The Adoption Agencies Regulations 2005(c) are amended as follows.

(2) In regulation 35(6)(b) (requirements imposed on the adoption agency before the child may be placed for adoption), for “the Education Act 1996” substitute “the Children and Families Act 2014”.

(3) For paragraph 12(c) of Part 1 of Schedule 1 (information about the child), substitute—

“(c) whether an EHC plan is maintained for him under section 37 of the Children and Families Act 2014;”.

Amendment to the Adoptions with a Foreign Element Regulations 2005

16. In regulation 22(b) of the Adoptions with a Foreign Element Regulations 2005 (applicable requirements in respect of an adoption agency before the child enters the United Kingdom)(d), at the end, insert “or the Children and Families Act 2014”.

Amendment to the Local Government (Best Value) Performance Indicators and Performance Standards (England) Order 2005

17. In Schedule 2 to the Local Government (Best Value) Performance Indicators and Performance Standards (England) Order 2005 (education performance indicators)(e), at Indicator Number 6 in the table—

- (a) for “special educational need statements” substitute “EHC plans”; and
- (b) for “Special Educational Needs Code of Practice” substitute “Special Educational Needs and Disability Code of Practice: 0-25 years published under section 77 of the Children and Families Act 2014 in July 2014”.

Amendment to the Special Guardianship Regulations 2005

18. In paragraph 1(o) of the Schedule to the Special Guardianship Regulations 2005 (matters to be dealt with in report for the court)(f), for “Education Act 1996” substitute “the Children and Families Act 2014”.

(a) S.I. 2003/1039, to which there are amendments not relevant to this instrument.
(b) S.I. 2004/2783, to which there are amendments not relevant to this instrument.
(c) S.I. 2005/389, amended by S.I. 2010/1172 and S.I. 2013/235. There are other amending instruments but none is relevant.
(d) S.I. 2005/392, amended by S.I. 2010/1172 and S.I. 2013/235. There are other amending instruments but none is relevant.
(e) S.I. 2005/598, amended by S.I. 2006/553 and S.I. 2010/1172. There are other amending instruments but none is relevant.
(f) S.I. 2005/1109, amended by S.I. 2008/1747. There are other amending instruments but none is relevant.

Amendment to the Education (Pupil Information) (England) Regulations 2005

19.—(1) The Education (Pupil Information) (England) Regulations 2005(a) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “responsible person” insert the following definition—

“SEN support” means the type of special educational needs provision forming part of the graduated approach adopted pursuant to “The Special Educational Needs and Disability Code of Practice: 0-25 years” published on 29th July 2014 under section 77 of the Children and Families Act 2014”; and

(b) in the definition of “special educational needs”, for “section 312 of the Education Act 1996” substitute “section 20(1) of the Children and Families Act 2014”.

(3) In regulation 3(4)(a) (meaning of educational record), for “statement of special educational needs” substitute “EHC plan”.

(4) In paragraph 2 of Schedule 2 (information forming part of the common transfer file), for ““School Action, “School Action Plus” or Statement”” substitute ““SEN support” or EHC plan”.

Amendment to the Housing Benefit Regulations 2006

20.—(1) The Housing Benefit Regulations 2006(b) are amended as follows.

(2) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings) after paragraph 65 insert—

“**66.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)”.

(3) In Schedule 6 (capital to be disregarded), after paragraph 60 insert—

“**61.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)”.

Amendment to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

21. In Part 1 of Schedule 6 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (capital to be disregarded generally)(c), after paragraph 26E insert—

“**26F.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)”.

Amendment to the Childcare Act 2006 (Childcare Assessments) Regulations 2007

22. In regulation 1(2) of the Childcare Act 2006 (Childcare Assessments) Regulations 2007 (citation, commencement and interpretation)(d), in the definition of “special educational needs”, for “section 312 of the Education Act 1996” substitute “section 20(1) of the Children and Families Act”.

(a) S.I. 2005/1437, to which there are amendments not relevant to this instrument.

(b) S.I. 2006/213, to which there are amendments not relevant to this instrument.

(c) S.I. 2006/214, to which there are amendments not relevant to this instrument.

(d) S.I. 2007/463, to which there are amendments not relevant to this instrument.

Amendment to the Education (Information About Children in Alternative Provision) (England) Regulations 2007

23. In regulation 2(1) of the Education (Information About Children in Alternative Provision) (England) Regulations 2007 (interpretation)(a) in the definition of “special education needs provision type” for the words “pursuant to” to the end substitute ““The Special Educational Needs and Disability Code of Practice: 0-25 years” published on 29th July 2014 under section 77 of the Children and Families Act 2014”.

Amendment to the Childcare Providers (Information, Advice and Training) Regulations 2007

24. In regulation 4(3)(c) of the Childcare Providers (Information, Advice and Training) Regulations 2007 (information, advice and training)(b) for “section 312(1) of the Education Act 1996” substitute “section 20(1) of the Children and Families Act 2014”.

Amendment to the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007

25. In regulation 5(2)(b) of the Education (Provision of Full-Time Education for Excluded Pupil) (England) Regulations 2007 (exceptions to duty to provide full-time education)(c) —

- (a) for “a statement of special educational needs is maintained by the local authority in respect of a pupil pursuant to section 324 of the 1996 Act” substitute “an EHC plan is maintained by the local authority in respect of a pupil under section 37(1) of the Children and Families Act 2014”; and
- (b) for the word “statement” at the end, substitute “plan”.

Amendment to the Education (School Performance Information) (England) Regulations 2007

26.—(1) The Education (School Performance Information) (England) Regulations 2007(d) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) after the definition of “the 2004 Order” insert the following definition—
““the 2014 Act” means the Children and Families Act 2014”;
- (b) omit the definitions of “school action” and “school action plus”;
- (c) after the definition of “school year” insert the following definition—
- (d) ““SEN Support” means the support referred to in the Special Educational Needs and Disability Code of Practice: 0-25 years”;
- (e) in the definition of “special educational needs”, for “section 312(1) of the 1996 Act” substitute “section 20(1) of the 2014 Act”; and
- (f) in the definition of “Special Educational Needs and Disability Code of Practice: 0-25 years” for the words “issued under” to the end substitute “published under section 77 of the 2014 Act in July 2014”.

(3) In Schedule 6 (provision of general information for the Secretary of State: secondary schools)—

- (a) in paragraph 11 for the words “school action plus” to the end, substitute “SEN support or for whom an EHC plan is maintained under section 37(1) of the 2014 Act”; and

(a) S.I. 2007/1065, to which there are amendments not relevant to this instrument.

(b) S.I. 2007/1797, to which there are amendments not relevant to this instrument.

(c) S.I. 2007/1870, to which there are amendments not relevant to this instrument.

(d) S.I. 2007/2324, to which there are amendments not relevant to this instrument.

- (b) in paragraphs 12 and 13, for the words “school action” to the end, substitute, each time, “SEN support but for whom an EHC plan is not maintained under section 37(1) of the 2014 Act”.

(4) In Schedule 7 (provision of general information to the Secretary of State: primary schools and middle deemed secondary schools)—

- (a) in paragraph 6, for the words “school action plus” to the end substitute “SEN support or for whom an EHC plan is maintained under section 37(1) of the 2014 Act”;
- (b) in paragraph 7, for the words “school action” to the end substitute “SEN support but for whom an EHC plan is not maintained under section 37(1) of the 2014 Act”;
- (c) in paragraph 8, for “school action plus” to the end substitute “SEN support or for whom an EHC plan is maintained under section 37(1) of the 2014 Act”; and
- (d) in paragraph 9, for the words “school action” to the end substitute “SEN support but for whom an EHC plan is not maintained under section 37(1) of the 2014 Act”.

Amendment to the Employment and Support Allowance Regulations 2008

27. The Employment and Support Allowance Regulations 2008(a) are amended as follows—

(1) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings) insert, after paragraph 66 insert—

“**67.** Any direct payments within the meaning of section 49 of the Children and Families Act 2014 made to a claimant.”

(2) In Schedule 9 (capital to be disregarded) insert, after paragraph 58 insert—

“**59.** Any direct payments within the meaning of section 49 of the Children and Families Act 2014 made to a claimant.”

Amendment to the Childcare (General Childcare Register) Regulations 2008

28.—(1) The Childcare (General Childcare Register) Regulations 2008(b) are amended as follows.

(2) In paragraph 17(1)(c) of Schedule 3 (manner in which the later years provision is organised), for “section 312(2) of the Education Act 1996” substitute “section 20(2) of the Children and Families Act 2014”.

(3) In paragraph 18(1)(c) of Schedule 6 (manner in which the childcare is organised) for “section 312(2) of the Education Act 1996”, substitute “section 20(2) of the Children and Families Act 2014”

Amendment to the School Information (England) Regulations 2008

29.—(1) The School Information (England) Regulations 2008(c) are amended as follows.

(2) In regulation 2 (interpretation) omit the definitions of “special educational needs” and “special educational provision”.

(3) For paragraph 10 of Schedule 4 (specified information to be published on a school’s website) substitute—

“**10.** The report prepared by the governing body or the proprietor under section 69(2) of the Children and Families Act 2014 (SEN information report).”.

(a) S.I. 2008/794, to which there are amendments not relevant to this instrument.

(b) S.I. 2008/975, amended by S.I. 2014/912. There are other amending instruments but none is relevant.

(c) S.I. 2008/3093, as amended by S.I. 2012/1124. There are other amending instruments not relevant to this instrument.

Amendment to the Childcare (Provision of Information About Young Children) (England) Regulations 2009

30. In regulation 2 of the Childcare (Provisions of Information About Young Children) (England) Regulations 2009 (interpretation)(a), in the definition of “special educational needs” for “section 312 of the Education Act 1996” substitute “section 20(1) of the Children and Families Act 2014”.

Amendment to the Education (Individual Pupil Information) (Prescribed Persons) Regulations 2009

31. In regulation 2(2)(b) of the Education (Individual Pupil Information) (Prescribed Persons) Regulations 2009 (interpretation)(b)—

- (a) for “Part IV of the Act (special educational needs)” substitute “Part 3 of the Children and Families Act 2014 (children and young people in England with special educational needs or disabilities)”; and
- (b) for “section 321(3) of the Act” substitute “section 24(1) of that Act”.

Amendment to the Education (Outturn Statements) (England) Regulations 2009

32. In regulation 2(1) of the Education (Outturn Statements) (England) Regulations 2009 (interpretation)(c), omit the definitions of “special educational needs” and “special educational provision”.

Amendment to the Care Planning, Placement and Case Review (England) Regulations 2010

33. In regulation 2(1) of the Care Planning, Placement and Case Review (England) Regulations 2010 (interpretation) (d), in the definitions of “special educational needs” and “special educational provision”, for “section 312” substitute “section 579”.

Amendment to the Education (Educational Provision for Improving Behaviour) Regulations 2010

34.—(1) The Education (Educational Provision for Improving Behaviour) Regulations 2010(e) are amended as follows.

(2) For regulation 3(3)(b) (requirements and other matters relating to the imposition of a requirement upon a pupil under section 29A(1) of the 2002 Act), substitute—

“(b) where the pupil has an EHC plan, the local authority maintaining that plan”.

(3) For regulation 5(1)(e) (conduct of review meetings), substitute—

“(e) where the pupil has an EHC plan, a representative of the local authority maintaining the plan”.

(4) For regulation 6(c) (notification of the outcome of a review), substitute

“(c) where the pupil has an EHC plan, the local authority maintaining the plan”.

Amendment to the Education (Independent School Standards) (England) Regulations 2010

35.—(1) The Education (Independent School Standards) (England) Regulations 2010(f) are amended as follows.

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- (a) S.I. 2009/1554, to which there are amendments not relevant to this instrument.
 - (b) S.I. 2009/1563, as amended by S.I. 2010/1172. There are other amending instruments but none is relevant.
 - (c) S.I. 2009/1586, to which there are amendments not relevant to this instrument.
 - (d) S.I. 2010/959, to which there are amendments not relevant to this instrument.
 - (e) S.I. 2010/1156, to which there are amendments not relevant to this instrument.
 - (f) S.I. 2010/1997, as amended by S.I. 2012/2962. There are other amending instruments but none is relevant.

(2) In regulation 2(1) (interpretation) —

- (a) after the definition of “boarder” insert ““EHC plan” means a plan within the meaning of section 37(2) of the Children and Families Act 2014”; and
- (b) omit the definition of “statement”.

(3) In paragraph 2(2)(b) and (e) of Part 1 Schedule 1 (quality of education provided), for “a statement” in both places where it occurs, substitute “an EHC plan”.

(4) In paragraph 24(1)(i) of Part 6 of Schedule 1 (provision of information)—

- (a) for “a statement” substitute “an EHC plan”; and
- (b) for “the statement” substitute “the EHC plan”.

(5) In paragraph 24(3)(b) for “statements” substitute “EHC plans”.

Amendment to the Education (Independent Educational Provision in England) (Provision of Information) Regulations 2010

36. For paragraph 5(1) of Part 3 of the Schedule to the Education (Independent Educational Provision in England) (Provision of Information) Regulations 2010 (information required in an initial return)(a), substitute—

“(1) The number of students at the school for whom a local authority maintain an EHC plan under section 37 of the Children and Families Act 2014.”.

Amendment to the Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011

37. In paragraph 2 of Schedule 4 to the Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011 (general considerations to which responsible authorities are to have regard in reviewing the child’s case)(b) for “Education Act 1996” substitute “Children and Families Act 2014”.

Amendment to the Education (Non Maintained Special Schools) (England) Regulations 2011

38. In Part 2 of the Schedule to the Education (Non Maintained Special Schools) (England) Regulations 2011 (requirements to be complied with by a school while approved under section 342 of the 1996 Act)(c) —

- (a) in paragraph 29 (reports on pupils to local authorities) for “a statement under section 324 of the 1996 Act” substitute “an EHC plan under section 37 of the Children and Families Act 2014”.
- (b) in paragraph 34(2) (access to school by local authorities and participation in annual reviews)—
 - (i) for “section 328 of the 1996 Act” substitute “section 44 of the Children and Families Act 2014”; and
 - (ii) for “section 324 of that Act” substitute “section 37 of that Act”.

Amendment to the Education (Student Support) Regulations 2011

39. In regulation 45(2)(b) of the Education (Student Support) Regulations 2011 (childcare grant)(d) for “section 312 of the Education Act 1996” substitute “section 20 of the Children and Families Act 2014”.

(a) S.I. 2010/2919, to which there are amendments not relevant to this instrument.
(b) S.I. 2011/582, to which there are amendments not relevant to this instrument.
(c) S.I. 2011/1627, to which there are amendments not relevant to this instrument.
(d) S.I. 2011/1986, to which there are amendments not relevant to this instrument.

Amendment of the School Admissions (Infant Class Sizes) (England) Regulations 2012

40.—(1) The School Admissions (Infant Class Sizes) (England) Regulations 2012(a) are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition “child with a statement” substitute the following definition—

““child with an EHC plan” means a child for whom an EHC plan is maintained by a local authority under section 37 of the Children and Families Act 2014;”.

(3) For paragraph 2 of the Schedule (excepted pupils) substitute—

“**2.** A child with an EHC plan admitted to the school outside a normal admission round as a result of the local authority specifying the school in the child’s EHC plan as required under section 43(2) of the Children and Families Act 2014.”.

Amendment to the Schools Forums (England) Regulations 2012

41. In regulation 1(3) of the Schools Forums (England) Regulations 2012 (citation, commencement, application and interpretation)(b) in sub-paragraph (b) of the definition “16-19 provider” omit the words “or learning difficulties” to the end.

Amendment to the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012

42. In Schedule 1 to the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (additional persons for whom a CCG has responsibility)(c)—

- (a) in paragraph 4(2)(d) for the words “a statement of special educational needs” to the end substitute “an EHC plan made under section 37 of the Children and Families Act 2014”; and
- (b) in paragraph 8(1)(a) for the words “a statement of special educational needs” to the end substitute “an EHC plan made under section 37 of the 2014 Act”.

Amendment to the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013

43. In Regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013 (schemes for assisting persons to obtain employment)(d)—

- (a) in paragraph (8B)(b)(ii) after “subject to” insert—
“an EHC plan or to”; and
- (b) in paragraph (9) before the definition of “Learning Difficulty Assessment” insert—
““EHC plan” means a plan maintained under section 37(1) of the Children and Families Act 2014;”.

Amendment to the Inter-authority Recoupment (England) Regulations 2013

44.—(1) The Inter-authority Recoupment (England) Regulations 2013(e) are amended as follows.

(2) For regulation 4(1)(a) (cases in which recoupment is required: English home authority, Welsh providing authority) substitute —

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- (a) S.I. 2012/10, to which there are amendments not relevant to this instrument.
 - (b) S.I. 2012/2261, as amended by S.I. 2013/3104. There are other amending instruments but none is relevant.
 - (c) S.I. 2012/2996, to which there are amendments not relevant to this instrument.
 - (d) S.I. 2013/276, amended by S.I. 2013/276. There are other amending instruments but none is relevant.
 - (e) S.I. 2013/492.

“(a) a child for whom an EHC plan is maintained under section 37(1) of the Children and Families Act 2014;”.

(3) For regulation 5(1)(a) (cases in which recoupment is required: English home authority, English providing authority), substitute—

“(a) a child for whom an EHC plan is maintained under section 37(1) of the Children and Families Act 2014;”.

Amendment to the Education (Information About Individual Pupils) (England) Regulations 2013

45. In regulation 2 of the Education (Information About Individual Pupils) (England) Regulations 2013 (interpretation)(a), in the definition of “special educational needs provision type”, for ““The Special Educational Needs Code of Practice issued on 3rd December 2001 under section 313 of the 1996 Act”” substitute ““The Special Educational Needs and Disability Code of Practice: 0-25 years” published on 29th July 2014 under section 77 of the Children and Families Act 2014”.

Amendment to the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013

46. In regulation 2(1) of the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 (interpretation)(b) omit the definition of “special educational needs”.

Amendment to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

47. In regulation 2(1) of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (interpretation)(c), omit the definition of “special educational needs”.

John Nash
Parliamentary Under Secretary of State
Department for Education

5th August 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order makes amendments to secondary legislation in consequence of Part 3 of the Children and Families Act 2014 (the “2014 Act”) which replaces Part 4 of the Education Act 1996 (the “1996 Act”) for children in England.

From 1 September 2014 a child in England with special educational needs will no longer be assessed for a statement under section 324 of the 1996 Act but for an educational, health and care plan (an “EHC plan”) under section 37 of the 2014 Act. Part 3 of the 2014 Act also extends provision of an EHC plan to a young person replacing learning difficulty assessments under section 139A of the Learning and Skills Act 2000 (the “2000 Act”) in England.

Part 4 of the 1996 Act and section 139A of the 2000 Act will continue to apply to children and young persons in Wales.

(a) S.I. 2013/2094, to which there are amendments not relevant to this instrument.
(b) S.I. 2013/3109.
(c) S.I. 2013/3110.

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