

The Special Educational Needs (Local Offer) Regulations 2014

Clause 30

Citation and commencement

1. These Regulations may be cited as the Special Educational Needs (Local Offer) (England) Regulations 2014 and come into force on 1st September 2014.

Interpretation

2. In these Regulations—

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

“health and wellbeing board” means a board established under section 194 of the Health and Social Care Act 2012; and

“provision to assist in preparation for adulthood and independent living” has the meaning in section 30(3) of the Act.

Information to be included in the local offer

3. A local authority must include the information in the Schedule when it publishes its local offer.

Consultation

4.—(1) When preparing and reviewing its local offer, a local authority must consult the following persons in its area—

- (a) children with special educational needs, their parents and young people with special educational needs;
- (b) the governing bodies of maintained schools and maintained nursery schools;
- (c) the proprietors of Academies;
- (d) the governing bodies, proprietors or principals of post-16 institutions;
- (e) the governing bodies of non-maintained special schools;
- (f) the management committees of pupil referral units;
- (g) the advisory boards of children’s centres;
- (h) the providers of relevant early years education;
- (i) the youth offending teams that the authority thinks have functions in relation to children or young people for whom it is responsible;
- (j) any other person that makes special educational provision for a child or young person for whom it is responsible and those who provide advice in relation to making that provision;
- (k) persons who make provision to assist in preparing children and young people for adulthood and independent living;
- (l) its officers who—
 - (i) exercise the authority’s functions relating to education or training;
 - (ii) exercise the authority’s social services functions for children or young people with special educational needs;

- (iii) so far as they are not officers within paragraph (i) or (ii), exercise the authority's functions relating to provision to assist in preparing children and young people for adulthood and independent living; and
 - (m) such other persons as it thinks appropriate.
- (2) When preparing and reviewing its local offer, a local authority must also consult—
- (a) the National Health Service Commissioning Board;
 - (b) a clinical commissioning group—
 - (i) whose area coincides with, or falls wholly or partly within, the local authority's area, or
 - (ii) which exercises functions in relation to children or young people for whom the authority is responsible;
 - (c) an NHS trust or NHS foundation trust which provides services in the authority's area, or which exercises functions in relation to children or young people for whom the authority is responsible;
 - (d) a local Health Board which exercises functions in relation to children or young people for whom the authority is responsible;
 - (e) a health and wellbeing board which exercises functions in relation to children or young people for whom the authority is responsible.
- (3) When preparing and reviewing its local offer, a local authority must also consult any bodies specified in paragraphs 1(b) to (k) and (m) that are not in the local authority's area, but which the local authority thinks are or are likely to either—
- (a) be attended by children or young people for whom it is responsible; or
 - (b) have functions in relation to children or young people for whom it is responsible.

Involvement of children, their parents and young people in preparation and review of local offer.

5. A local authority must consult children with special educational needs, their parents and young people with special educational needs in their area about—
- (a) the services children and young people with special educational needs require;
 - (b) how the information in the local offer is to be set out when published;
 - (c) how the information in the local offer will be available for those people without access to the Internet
 - (d) how the information in the local offer will be available to those with a disability which prevents them from accessing the information on the Internet;
 - (e) how they can provide comments on the local offer.

Publication of comments on the local offer

6.—(1) A local authority must seek from children with special educational needs, their parents and young people with special educational needs comments on—

- (a) the content of its local offer, including the quality of the provision available and any provision that is not available;
- (b) the accessibility of the information contained in its local offer; and
- (c) how the local offer has been developed or reviewed, including how those children, parents and young people have been involved in the development and review of the local offer.

(2) A local authority must publish comments received by or on behalf of those people in accordance with paragraph (1), and its response to those comments on its website, with the local offer.

(3) Comments received and the local authority's response must be published at least annually, and must be in a form that does not enable any individual to be identified.

Manner of publication

7.—(1) A local authority must—

- (a) publish its local offer by placing it on their website;
- (b) publish its arrangements for enabling—
 - (i) people without access to the Internet; and
 - (ii) enabling different groups, including people with a disability, to obtain a copy of the offer.

8. In this regulation, “disability” has the meaning given by section 6 of the Equality Act 2010.

SCHEDULE 1

Regulation 3

Information to be published by a local authority in their local offer

1. The special educational provision which the local authority expects to be available in its area for children and young people for whom it is responsible by—

- (a) providers of relevant early years education;
- (b) maintained schools, including provision made available in any separate unit;
- (c) Academies, including provision made available in any separate unit;
- (d) non-maintained special schools;
- (e) post-16 institutions;
- (f) institutions approved under section 41 of the Act;
- (g) pupil referral units; and
- (h) persons commissioned by the local authority to support children and young people with special educational needs.

2. The special educational provision the local authority expects to be made outside of its area by persons specified in sub-paragraphs (a) to (g) of paragraph 2 for children and young people with special educational needs for whom the local authority is responsible.

3. The information in paragraphs 1 and 2 must include information about—

- (a) the special educational provision provided by mainstream schools and mainstream post-16 institutions including any support provided in relation to learning or the curriculum;
- (b) the special educational provision provided by special schools and special post-16 institutions, including those approved under section 41 of the Act;
- (c) the special educational provision secured by the local authority in mainstream schools, mainstream post-16 institutions, pupil referral units and alternative provision Academies; and
- (d) the arrangements the local authority has for funding children and young people with special educational needs.

4. The arrangements the persons specified in paragraphs 1 and 2 have for—

- (a) identifying the particular special educational needs of children and young people;
- (b) consulting with parents of children with special educational needs and with young people with special educational needs;
- (c) securing the services, provision and equipment required by children and young people with special educational needs; and

- (d) supporting children and young people with special educational needs in moving between phases of education, and in preparing for adulthood.

5.Information, in relation to the bodies specified in paragraph 2, about-

- (a) their approach to teaching of children and young people with special educational needs;
- (b) how they adapt the curriculum and the learning environment for children and young people with special educational needs;
- (c) the additional learning support available to children and young people with special educational needs;
- (d) how the progress towards any the outcomes identified for children and young people with special educational needs will be assessed and reviewed, including information about how those children, their parents and young people will take part in any assessment and review;
- (e) how the effectiveness of special educational provision will be assessed and evaluated, including information about how children, their parents and young people will take part in any assessment and evaluation;
- (f) how facilities that are available can be accessed by children and young people with special educational needs;
- (g) what activities are available for children and young people with special educational needs in addition to the curriculum;
- (h) what support is available for children and young people with special educational needs;
- (i) how expertise in supporting children and young people with special educational needs is secured for teaching staff and others working with those children and young people;
- (j) how the emotional and social development of children and young people with special educational needs will be supported and improved.

6.Where further information about the bodies specified in paragraphs 1 and 2, including the information required by section 64 of the Act, can be obtained.

7.Special educational provision the local authority expects to be made in relation to young people for whom it is responsible who have entered into an apprenticeship agreement within the meaning of section 32(1) of the Apprenticeships, Skills, Children and Learning Act 2009.

8.Special educational provision the local authority expects to be made by providers of training in its area, and outside its area for young people for whom it is responsible.

9.Provision available in the local authority's area to assist in preparing children and young people for adulthood and independent living.

10.Health care provision for children and young people with special educational needs, including in particular—

- (a) speech and language and other therapies, including any criteria that must be satisfied before this provision can be provided,
- (b) services relating to mental health, including any criteria that must be satisfied before this provision can be provided, and
- (c) services for relevant early years providers, schools and post-16 institutions to assist them in supporting children and young people with medical conditions.

11.Social care provision for children and young people with special educational needs and their families including, in particular—

- (a) services provided in accordance with section 17 of the Children Act 1989;
- (b) the arrangements for supporting young people when moving from receiving services for children to receiving services for adults;

- (c) support for young people in planning and obtaining support to assist with independent living.

12. Transport arrangements for children and young people with special educational needs to get to and from school or post-16 institution, or other institution in which they are receiving special educational provision including in particular—

- (a) arrangements for specialist transport,
- (b) arrangements for free or subsidised transport,
- (c) support available in relation to the cost of transport, whether from the local authority or otherwise.

13. Sources of information, advice and support in the local authority's area for children and young people with special educational needs and their families including information—

- (a) provided in accordance with section 32 of the Act,
- (b) about forums for parents and carers of children and young people with special educational needs,
- (c) about support groups for children and young people with special educational needs and their families,
- (d) about childcare for children with special educational needs,
- (e) about leisure activities for children and young people with special educational needs and their families.
- (f) about persons who can provide further support, information and advice for children and young people with special educational needs and their families.

14. The procedure for making a complaint about provision mentioned in section 30(2) of the Act.

15. The procedure for making a complaint about any provision or service set out in the local offer.

16. Information about any criteria that must be satisfied before any provision or service set out in the local offer can be provided

17. Information about how to request an EHC needs assessment.

18. Information on where the list of institutions approved under section 41 of the Act is published.

19. Arrangements for notifying parents and young people of their right to appeal a decision of the local authority to the Tribunal.

20. Arrangements for mediation made in accordance with section 51 of the Act.

21. Arrangements for the resolution of disagreements made in accordance with section 52 of the Act.