STATUTORY INSTRUMENTS

2015 No. 1619

EDUCATION, ENGLAND

The Children and Families Act 2014 (Transitional and Saving Provisions) (Amendment) (No. 2) Order 2015

Made - - - -	*18th August 2015*
Coming into force - -	*1st September 2015*

The Secretary of State, in exercise of the powers conferred by section 137(1) of the Children and Families Act 2014(**1**), makes the following Order:

Citation and commencement

1. This Order may be cited as the Children and Families Act 2014 (Transitional and Saving Provisions) (Amendment) (No. 2) Order 2015 and comes into force on 1st September 2015.

Amendment of the Children and Families Act 2014 (Transitional and Saving Provisions) (No. 2) Order 2014

2. The Children and Families Act 2014 (Transitional and Saving Provisions) (No. 2) Order 2014 (**2**) is amended as follows.

3. Article 21 (effect of decision to prepare EHC plan following EHC needs assessment) is amended as follows—

(1) In paragraph (2) after "subject to paragraphs (3)" insert ", (3A)".

(2) In paragraph (3)—

(a) for "Regulation 13" substitute "Subject to paragraph (3A), regulation 13"; and

(b) for "14 weeks" substitute "18 weeks".

(3) After paragraph (3) insert—

"(3A) Where notice of an assessment has been given under Article 18(1) before 1stSeptember 2015, the finalised EHC plan is required to be sent to the parties listed in paragraph (3) as soon as is practicable, and in any event within the period of 14 weeks beginning with the day on which the EHC needs assessment began.".

(**1**) 2014 c. 6.
(**2**) S.I. 2014/2270.

4. Article 22 (effect of decision not to prepare EHC plan following EHC needs assessment) is amended as follows—

(1) In paragraph (2) for "subject to paragraph (3)" substitute "subject to paragraphs (3) and (3A)".

(2) In paragraph (3)—

(a) for "Regulation 10" substitute "Subject to paragraph (3A), regulation 10"; and

(b) for "10 weeks" substitute "14 weeks".

(3) After paragraph (3) insert—

"(3A) Where notice of an assessment has been given under Article 18(1) before 1st September 2015, paragraph (3) of this Article applies except that regulation 10 of the SEND Regulations 2014 applies as if paragraph (1) of that regulation required the notification to be given in accordance with section 36(9) of the 2014 Act to be given as soon as is practicable, and in any event within the period of 10 weeks beginning with the day on which the EHC needs assessment began.".

5. Article 24 (effect of decision to replace statement following re-assessment) is amended as follows—

(1) In paragraph (2)—

(a) for "Regulation 27" substitute "Subject to paragraph (2A), regulation 27";

(b) for "14 weeks" substitute "18 weeks"; and

(c) for "Article 22(4)" substitute "Article 23(4)".

(2) After paragraph (2) insert—

"(2A) Where the request for assessment was made before 1st September 2015 or, in a case within Article 23(4), the date on which the assessment was ordered on appeal was before 1st September 2015, the finalised EHC plan is required to be sent to the parties listed in paragraph (2) as soon as is practicable, and in any event within the period of 14 weeks beginning with the day on which the request was made or, in a case within Article 23(4), the assessment was ordered on appeal.".

6. Article 34 (effect of decision to prepare EHC plan following detained person's EHC needs assessment) is amended as follows—

(1) In paragraph (2) after "subject to paragraphs (3)" insert ", (3A)".

(2) In paragraph (3)—

(a) for "Regulation 13" substitute "Subject to paragraph (3A), regulation 13"; and

(b) for "14 weeks" substitute "18 weeks".

(3) After paragraph (3) insert—

"(3A) Where notice of an assessment has been given under Article 32(1) before 1stSeptember 2015, the finalised EHC plan is required to be sent to the parties listed in paragraph (3) as soon as is practicable, and in any event within the period of 14 weeks beginning with the day on which the detained person's EHC needs assessment began.".

7. Article 35 (effect of decision not to prepare EHC plan following detained person's EHC needs assessment) is amended as follows—

(1) In paragraph (2) for "subject to paragraph (3)" substitute "subject to paragraphs (3) and (3A)".

(2) In paragraph (3)—

(a) for "Regulation 10" substitute "Subject to paragraph (3A), regulation 10"; and

(b) for "10 weeks" substitute "14 weeks".

(3) After paragraph (3) insert—