STATUTORY INSTRUMENTS

2015 No. 359

EDUCATION, ENGLAND

The Special Educational Needs and Disability (Amendment) Regulations 2015

Made - - - -	*24th February 2015*
Laid before Parliament	*26th February 2015*
Coming into force - -	*23rd March 2015*

The Secretary of State for Education makes these Regulations in exercise of the powers conferred by sections 37(4), 44(7), 51(4) and 135(3) of the Children and Families Act 2014(**1**).

Citation and commencement

1. These Regulations may be cited as the Special Educational Needs and Disability (Amendment) Regulations 2015 and come into force on 23rd March 2015.

Amendment of the Special Educational Needs and Disability Regulations 2014

2. The Special Educational Needs and Disability Regulations 2014(**2**) are amended as follows.

3. In regulation 17 (restriction on disclosure of EHC plans) in paragraph (1) after "shall not be disclosed" insert "by the local authority".

4. In regulation 20 (review where the child or young person attends a school or other institution) for paragraph (11)(a) substitute—

"(a) their right to appeal in accordance with section 51(2)(e) or (f) of the Act;".

5. In regulation 21 (review of EHC plan where the child or young person does not attend a school or other institution) for paragraph (10)(a) substitute—

"(a) their right to appeal in accordance with section 51(2)(e) or (f) of the Act;".

6. In regulation 43 (powers of the First-tier Tribunal)—

(a) in paragraph (2)(e), omit "(c), (e) or ";

(b) in paragraph (2)(f), for "section 51(2)(c) or (e)" substitute "section 51(2)(c), (e) or (f)";

(c) in paragraph (2)(g)—

(**1**) 2014 c.6.
(**2**) S.I. 2014/1530, as amended by S.I. 2014/2096.

(i) omit "where the appeal concerns, the specific school or other institution, or the type of school or other institution, or the type of school or other institution named in the EHC Plan,";

(ii) at the end insert ",(e) or (f)".

7. In regulation 44 (compliance with the orders of the First-tier Tribunal)—

(a) in paragraph (2)(b)(ii), after "the finalised plan to" insert "the child's parent or the young person under regulation 14(2) and";

(b) in paragraph (2)(c)(ii), for "Regulation 14" substitute "Regulation 14(2) and to those specified in regulation 13(2)".

8. In regulation 45 (unopposed appeals)—

(a) for paragraphs (3) to (6) substitute—

"(3) If the appeal is made under section 51(2)(a) or (d) of the Act, the local authority must, within 2 weeks of the date it notified the First-tier Tribunal under paragraph (1), notify the child's parent or the young person that it must make the EHC needs assessment or reassessment.

(3A) If following the EHC needs assessment or reassessment, the local authority—

(a) decides that it is not necessary for special educational provision to be made for the child or young person in accordance with an EHC plan, the local authority must notify the child's parent or the young person of its decision, giving reasons for it as soon as practicable, and in any event within 10 weeks of the date it notified the First-tier Tribunal under paragraph (1), or

(b) decides that it is necessary for special educational provision to be made for the child or young person in accordance with an EHC plan, it must send the finalised plan to the child's parent or the young person under regulation 14(2) and those specified in regulation 13(2) as soon as practicable and in any event within 14 weeks of the date it notified the First-tier Tribunal under paragraph (1).

(4) If the appeal is made under section 51(2)(c)(i) or (ii), or (e) of the Act, the local authority must issue the amended EHC plan to those specified in regulation 22(3) within 5 weeks of the date it notified the First-tier Tribunal under paragraph (1).

(5) If the appeal is made under section 51(2)(c)(iii) or (iv) of the Act, the local authority must issue the amended EHC plan to those specified in regulation 22(3)—

(a) within 2 weeks of the date it notified the First-tier Tribunal under paragraph (1), or

(b) where the local authority is also required to amend the EHC plan under paragraph (4), within 5 weeks of the date it notified the First-tier Tribunal under paragraph (1).

(6) If the appeal is made under section 51(2)(b) of the Act, the local authority must—

(a) issue a draft EHC plan within 5 weeks of the date it notified the First-tier Tribunal under paragraph (1), and

(b) send a copy of the finalised EHC plan to the child's parent or the young person under regulation 14(2) and to those specified in regulation 13(2), within 11 weeks of the date it notified the First-tier Tribunal under paragraph (1).

(6A) If the appeal is made under section 51(2)(f) of the Act, the local authority must continue to maintain the EHC plan, and where the local authority has also agreed to