



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 3

#### CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES

##### *Assessment*

#### **36 Assessment of education, health and care needs**

- (1) A request for a local authority in England to secure an EHC needs assessment for a child or young person may be made to the authority by the child's parent, the young person or a person acting on behalf of a school or post-16 institution.
- (2) An "EHC needs assessment" is an assessment of the educational, health care and social care needs of a child or young person.
- (3) When a request is made to a local authority under subsection (1), or a local authority otherwise becomes responsible for a child or young person, the authority must determine whether it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.
- (4) In making a determination under subsection (3), the local authority must consult the child's parent or the young person.
- (5) Where the local authority determines that it is not necessary for special educational provision to be made for the child or young person in accordance with an EHC plan it must notify the child's parent or the young person—
  - (a) of the reasons for that determination, and
  - (b) that accordingly it has decided not to secure an EHC needs assessment for the child or young person.
- (6) Subsection (7) applies where—
  - (a) no EHC plan is maintained for the child or young person,

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*Changes to legislation: There are currently no known outstanding effects for the Children and Families Act 2014, Cross Heading: Assessment. (See end of Document for details)*

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- (b) the child or young person has not been assessed under this section or section 71 during the previous six months, and
  - (c) the local authority determines that it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.
- (7) The authority must notify the child's parent or the young person—
- (a) that it is considering securing an EHC needs assessment for the child or young person, and
  - (b) that the parent or young person has the right to—
    - (i) express views to the authority (orally or in writing), and
    - (ii) submit evidence to the authority.
- (8) The local authority must secure an EHC needs assessment for the child or young person if, after having regard to any views expressed and evidence submitted under subsection (7), the authority is of the opinion that—
- (a) the child or young person has or may have special educational needs, and
  - (b) it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.
- (9) After an EHC needs assessment has been carried out, the local authority must notify the child's parent or the young person of—
- (a) the outcome of the assessment,
  - (b) whether it proposes to secure that an EHC plan is prepared for the child or young person, and
  - (c) the reasons for that decision.
- (10) In making a determination or forming an opinion for the purposes of this section in relation to a young person aged over 18, a local authority must consider whether he or she requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete his or her education or training.
- (11) Regulations may make provision about EHC needs assessments, in particular—
- (a) about requests under subsection (1);
  - (b) imposing time limits in relation to consultation under subsection (4);
  - (c) about giving notice;
  - (d) about expressing views and submitting evidence under subsection (7);
  - (e) about how assessments are to be conducted;
  - (f) about advice to be obtained in connection with an assessment;
  - (g) about combining an EHC needs assessment with other assessments;
  - (h) about the use for the purposes of an EHC needs assessment of information obtained as a result of other assessments;
  - (i) about the use of information obtained as a result of an EHC needs assessment, including the use of that information for the purposes of other assessments;
  - (j) about the provision of information, advice and support in connection with an EHC needs assessment.

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**Changes to legislation:** There are currently no known outstanding effects for the Children and Families Act 2014, Cross Heading: Assessment. (See end of Document for details)

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**Modifications etc. (not altering text)**

- C1** S. 36 modified by 2002 c. 41, s. 36(9)(aa) (as inserted (1.9.2014) by [Children and Families Act 2014](#) (c. 6), s. 139(6), [Sch. 3 para. 79\(7\)](#); S.I. 2014/889, art. 7(a))
- C2** S. 36(1)(4)(5)(7)(9) modified (1.9.2014) by [The Special Educational Needs and Disability Regulations 2014](#) (S.I. 2014/1530), regs. 1, 64(1)(b), 64(2), [Sch. 3 Pt. 2](#)

**Commencement Information**

- I1** S. 36 in force at 1.4.2014 for specified purposes by S.I. 2014/889, [art. 3\(c\)](#)
- I2** S. 36 in force at 1.9.2014 in so far as not already in force by S.I. 2014/889, [art. 7\(a\)](#) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505 and (1.9.2015) by S.I. 2015/1619))

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Heading: Assessment.