

# The Children & Families Act



## What is the Children & Families Act?

The Children and Families Act is the law the coalition government has introduced to take forward its plans for improving services for vulnerable children and families in England. It covers a whole range of different areas of children's lives; one of which is services for children with special educational needs (SEN). The Children and Families Bill was accepted by the House of Commons and has received Royal Assent so it is now the Children & Families Act. It is going to result in a huge change to the law around SEN. At the moment although we know what changes will be in place, we are waiting the detail of how these will happen. This will be in the accompanying guidance: the SEN Code of Practice, currently in draft form. When this is finalised we will then know more about what the Act will mean for children with SLCN and their families, we have some information about what SEN support will look like, but some of the details are still being worked out.

## When are the changes going to take place?

The new systems for supporting SEN will be in place by September 2014. Local authorities and other places that provide services for children and young people are already thinking about the changes that will be taking place next September. From September there will be a new system for identifying and supporting children and young people with SEN.

## What exactly is the Code of Practice – is this the same as the Children and Families Act?

Government needs to write a guide to tell everybody involved in supporting children and young people with SEN what the law says they have to do. This guide is called the SEN Code of Practice. The Government has written a draft Code of Practice and is gathering opinions about it, from children and young people and their families, as well as professionals and organizations who are interested in SEN. The next step is for the exact content of the Code of Practice to be agreed, and we are working with other organisations to try to make sure it is right for children with speech, language and communication needs.

## I have heard that there will not be statements anymore for children with special educational needs. Is this right?

Statements of SEN are going to be replaced by Education Health and Care plans (EHCPs). A plan will be a legal document describing a child/young person's needs, the provision to meet those needs (how they can be supported) and the suitable educational

---

**I CAN Help enquiry service** [www.ican.org.uk/help](http://www.ican.org.uk/help)

Call 020 7843 2544 to arrange a free phone call from one of our speech and language therapists or email [enquiries@ican.org.uk](mailto:enquiries@ican.org.uk)

**Talking Point** [www.talkingpoint.org.uk](http://www.talkingpoint.org.uk)

Visit this website for information about children's communication.

placement. The government has stated that the plan must be person centred, focusing on the needs and aspirations of the child/young person.

Guidance says that EHC Plans should be given when the local authority thinks that the mainstream early years setting, school or college can't give a child all of the extra support they need for learning (e.g. they need extra help and/or money). We understand from the information we have at the moment that children and young people whose main needs are to do with health or care will not be given a plan, unless the difficulties they have affect their education.

### **My son already has a statement. Will anything change for him?**

The Department for Education says that a child or young person who currently has a Statement of SEN will have an EHC Plan. For these children there will be a 3 year period from September 2014, during which time their existing statement will have to be changed to be an EHC Plan.

### **My daughter has speech, language and communication needs and we were hoping that she might get a statement at some point. What does this new Act mean for her?**

At the moment we are still trying to understand what the new system will mean for children with speech, language and communication needs (SLCN). I CAN and The Communication Trust are working hard to make sure that children with SLCN get supported in the best way. The Government has said that Communication and Interaction is one of the core areas of special educational needs; the main issue will be whether a child's SLCN are severe enough to be described as special educational need. As we get more information we will keep people updated through our blogs and tweets.

### **How old can a child be to get an Education, Health and Care plan?**

The new EHC Plans can apply to children from birth and if needed will continue into further education and training, and for some young people up to the age of 25. This is a wider age range than the existing system for supporting educational needs.

### **Will there be help for children without an EHC Plan?**

At the moment there is additional help and support for children at nursery and school without a Statement of SEN, through Early Years or School Action and Early Years and School Action Plus.

Under the new Children and Families Act and the Code of Practice, School Action and School Action Plus won't exist; instead there will be something called 'SEN Support'. SEN Support will be the support available in nursery and school for children and young people who have special educational needs but do not have Education, Health and Care plans. Additional SEN support is support to meet a student's needs so that they can meet their individual goals.

---

**I CAN Help enquiry service** [www.ican.org.uk/help](http://www.ican.org.uk/help)

Call 020 7843 2544 to arrange a free phone call from one of our speech and language therapists or email [enquiries@ican.org.uk](mailto:enquiries@ican.org.uk)

**Talking Point** [www.talkingpoint.org.uk](http://www.talkingpoint.org.uk)

Visit this website for information about children's communication.



### **How will I know what services are available for my child in my local area?**

Local authorities (LAs) are busy putting together their plans to publish a 'Local Offer'. The Local Offer must have, in one place, information about provision LAs expect to be available for children and young people in their area who have SEN. At the moment, Local Offers are still being put together and it isn't completely clear what they will contain. The plan is that they will have information on the services that are available, including education services, health services and social care and support information on how to access these services.

Schools must also publish a 'local offer'; information on how they are able to include all children in their setting. There is information available on the I CAN website about what high quality teaching for children with SEN should look like.

This factsheet will be updated when further announcements are made.

Current version from: March 2014

---

**I CAN Help enquiry service** [www.ican.org.uk/help](http://www.ican.org.uk/help)

Call 020 7843 2544 to arrange a free phone call from one of our speech and language therapists or email [enquiries@ican.org.uk](mailto:enquiries@ican.org.uk)

**Talking Point** [www.talkingpoint.org.uk](http://www.talkingpoint.org.uk)

Visit this website for information about children's communication.

