

All our information sheets are available to download free of charge because we believe that money should not be a barrier to getting the information you need when you need it.

Please see the end of this information sheet for details of how to support us.

We want to make sure our resources are helpful. Please spend a few minutes giving us some feedback: [Feedback form](#)

Children and Families Act 2014

This section of the Family Carer Advocacy Pack covers the Children and Families Act 2014 which is relevant if your relative is 25 years old or under. Early intervention and good planning for the transition from child to adulthood is a key element of this Act. If your relative's rights from this Act and the Care Act are followed, then they should experience a seamless transition from children to adult services. This period is recognised as a trigger point for crisis, which often results in admission to a mental health service so it is important to know what should happen.

As with the Care Act 2014 the Children and Families Act has brought together a number of different laws and added some additional rights. The Act's main aim is to protect children who are considered vulnerable or at risk and raise the profile of children with special educational needs and disabilities. This group of children are likely to interact with local government agencies more often and the Act sets out their entitlements (and their families).



There are 10 parts to the Act:

- **Part 1:** Adoption and Contract
- **Part 2:** Family Justice
- **Part 3:** Children and Young People in England with Special Educational Needs and Disabilities (SEND)
- **Part 4:** Childcare Act
- **Part 5:** Welfare of Children
- **Part 6:** The Children's Commissioner
- **Part 7:** Statutory Rights to Leave and Pay
- **Part 8:** Time off Work
- **Part 9:** Right to Request Flexible Working
- **Part 10:** General Provisions

Part 3: Children and Young People in England with Special Educational Needs and Disabilities (SEND)

The [SEND Code of Practice](#) sets out guidance for organisations which work with and support children and young people who have special educational needs or disabilities. Here is a summary of your relative and your (family carer) rights:

- There are clear definitions of:
 - special educational needs
 - special educational provision
 - disability
 - healthcare provision
 - social care provision
 - child
 - young person
- Children, young people and their family carers are entitled to choice and control in any decisions made
- All information should be provided in an accessible format suitable for both children, young people and their family carers to support their involvement
- Education, health and social care agencies must work in partnership, including:
 - being proactive in identifying and monitoring children and young people with SEND
 - carrying out coordinated assessments of needs
 - plan how to meet assessed needs
 - joint commissioning of support and services to meet any assessed needs
- All children and young people with SEND must have an Education, Health, and Care (EHC) plan in place, supplied by the local authority
- The local authority must consider whether to carry out an assessment for an EHC plan if a family carer, child or young person asks for it, or if a child or young person with SEND is brought to the attention of the authority
- EHC plans must be:
 - completed within 20 weeks
 - person-centred
 - outcome focused, e.g. support that enables children and young people with SEND to succeed in their education and make a successful transition to adulthood
 - reviewed regularly
 - include relevant health and social care needs
- Children and young people with SEND have the right to special education provision. The local authority is responsible for arranging this
- To support a person-centred approach the Act introduced the entitlement to personal budgets. This means that children and young people with an EHC plan and/or their family carers have more control over how allocated funding is spent:
 - Notional Budgets: Your relative and their family carers can say how they would like the funding spent but ask services to continue to manage this on their behalf
 - Direct Payments: The funding is paid directly into a specified bank account and managed independently
 - Third Party: Somebody else is nominated to manage the funding
 - or a combination of the above
- The funding may come from the local authority and/or from health

- Children and young people with SEND who are detained under the MHA have the right to special education provision. This is the responsibility of their 'home' local authority. Special provisions also need to be made, if required, when they are discharged
- Family carers have a right to mediation if they don't agree with a plan and must be kept informed of any changes
- All schools must have a qualified SEND coordinator and publish reports regularly
- Local authorities are required to publish a 'local offer' via a website which includes information about services for children and young people with SEND and their family carers. This website must include a way for family carers to give feedback and influence local service developments
- Co-ordinated early planning for transition to adult services must take place, including:
 - Care Act assessment
 - health services
 - further education, e.g. college or work
 - family carers of SEND children and young people are entitled to an assessment of their own needs to identify and provide any relevant support required and this should be recorded in the EHC plan

Rights applicable to all family carers are detailed in:

- **Part 7:** Statutory Rights to Leave and Pay
- **Part 8:** Time off Work
- **Part 9:** Right to Request Flexible Working

Advocacy and the Children and Families Act 2014

Self-Advocate

Local authorities should involve children (and their family carers) in education, care and support decisions. This includes providing additional resources, if required, to support their involvement (children and their family carers).

Family Carer Advocate

You have a right to make decisions with and on behalf of your child until they reach the age of 16 years old. The Mental Capacity Act then comes into force. Your relative can ask for you to continue to be involved or if your relative is assessed as lacking capacity you can act as their advocate. This should not prevent your relative from being involved as much as possible in making decisions and additional resources should be available to support this.

Professional Independent Advocate

If your relative will struggle to be involved in making decisions and they have nobody available to support them, e.g. family carer, other family members, friend then the local authority must fund a professional independent advocate.

Further information



Factsheet from Irwin Mitchell Solicitors explaining in detail your relative's and your (family carer) rights:

<http://senadgroup.com/wp-content/uploads/2014/01/IM-Children-and-Families-Act-2014.pdf>

Factsheet from Living Autism about the links between the Children and Families Act and the Care Act. The factsheet also has

some case studies and links to additional resources:

<https://livingautism.com/pfa-factsheet-links-children-families-act-2014-care-act-2014-autism-spectrum/>

Disability Rights UK webpage providing links to resources about the Children and Families Act:

<https://www.disabilityrightsuk.org/links-key-documents-children-and-families-act-2014>

'Young Person's Guide to the Children and Families Act' guide published by the Department of Health:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/359681/Young_Person_s_Guide_to_the_Children_and_Families_Act.pdf

Summary of the Children and Families Act 2014:

<http://www.bromleyparentvoice.org.uk/wp-content/uploads/2017/01/children-and-families-act-2014-summary.pdf>



We are the charity for people with severe learning disabilities who display challenging behaviour. We make a difference to the lives of children and adults across the UK by:

- Providing information about challenging behaviour
- Organising peer support for family carers and professionals
- Giving information and support by phone or email
- Running workshops which reduce challenging behaviour

To access our information and support, call 01634 838739, email info@thecbf.org.uk, or visit our website: www.challengingbehaviour.org.uk

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