

Appendix 1 Children and Families Act 2014. Herefordshire Position 1 July 2014

Part	Area	C+F Act Reference	New in law and practice	New in law but not in policy	Modernises existing law	Date required	Risk	Herefordshire Council Position Statement Risk 1 = requires significant work/decision 2 = partially met/some additional work required 3 = minor or no change	
1 Adoption and Contact	Adoption	1-7	X			July 2014	1	New duty to consider where adoption is the likely outcome and family/friends have been discounted, placing a child with a foster carer who is also an approved prospective adopter.	
					X		2015	3	Repeal of specific duty to give due consideration to child's racial origin, ethnicity, linguistic, religious background
						x	July 2014	2	Personal budgets for adoption support (pilot project in 10 LAs in interim) Duty to provide information regarding adoption support services
	Contact	8, 9	xx		x	July 2014	2	Limits effect of LA's duty to promote contact between CIC and particular people ie parents	
						July 2014	2	Court has power to require adoptive parents to enable /prohibit contact	
2 Family Justice	Family Justice	10-18							
3 Children and Young People in England with SEN or Disabilities	Local authority functions: general principles	19	X			September 2014	1	New duties re involving families and CYP in decision making (consultation, co-production)	
	SEN etc	20, 21			X	September 2014	3	Definitions of SEN and disability unchanged, still require significant SEN to be eligible for an EHC Plan	

Identifying children and young people with SEN and disabilities	22, 23			X	September 2014	2	Some integration of processes with health but requires further work
Children and young people for whom an LA is responsible	24			X	September 2014	3	No change so low impact expected
Education, health and care provision: integration and joint commissioning	25, 26	X			September 2014	2	New duties relating to joint commissioning including need for internal dispute resolution
Review of education and care provision	27			X	September 2014	2	New duty relating to joint reviewing
Co-operation and assistance	28, 29	X			September 2014	1	Duties on LAs and governing bodies
Information and advice	30-32	X			September 2014	1	New statutory duty to publish LA Local Offer. In place but will require further work/refinement
Mainstream education	33-35			X	September 2014	1	Reinforces right to mainstream education and extends to include FE and training providers
Assessment	36	X			September 2014	1	Likely increase in number of assessments with extended age range
Education, health and care plans	37-50	X			September 2014	1	New approach/culture required, focus on outcomes, challenge of meaningful conversion of Statements/LDAs in very tight timeframe. With age range extending 0 to 25, expected increase in number of statutory plans. Option of Personal Budget must be offered; impact unknown but DfE estimate uptake of 5% in Year 1, 10% Year 2, 13% Year 3. Care and Health eligibility etc. requires work. Subject to Mental capacity, young person 'owns' EHC Plan from 16.

Appeals, mediation and dispute resolution	51-60			X	September 2014	1	New compulsory requirement for mediation including Social Care and Health (LA to fund education and care). Regional tender re. mediation contract with Herefordshire leading. Increase in appeals to Special Educational Needs and Disabilities Tribunal (SENDIST) predicted with extension to include further education including 19-25 and appeals against 2010 Equality Act.
Special educational provision: functions of LAs	61-65				September 2014	1	Right of appeal to SENDIST extended to include non-school based FE, potential implication for residential college placements
Special educational provision: functions of governing bodies and others	66-69			X	September 2014	3	Low impact for LA with responsibility for reasonable adjustments etc. sitting with governing body
Detained persons	70-75	X			September 2014	1	Impact of new duties relating to assessment and EHC Plans for certain detained persons unknown
Information to improve well-being of children and young people with SEN	76	X			September 2014	1	Until confirmation of what this involves, unknown risk
SEND Code of Practice	77-79	X			September 2014	1	Currently before parliament and unlikely to be published before July 2014 for implementation in September 2014. Risk to LA if significant changes to June 2014 draft
Supplementary	80-83	X			September 2014	1	Impact of young people owning EHC Plan from 16 unknown but includes right of appeal to 1 st tier tribunal

4 Childcare etc.		84-89			X		2	Amendments to existing legislation which covers registration of childminder agencies and childcare providers, inspection, LA duty to secure free early years provision, repeal of LA duty to assess sufficiency of childcare provision,
5 Welfare of Children	Child performances	90			X		3	National change extending licensing of child performers to children under 14
	Tobacco, nicotine products and smoking	91-95			X		3	Purchase of tobacco etc (nicotine products). on behalf of persons under 18, prohibiting sale to people under 18, changes to packaging of products, smoking in a private vehicle. Implications for licensing and trading standards
	Young carers and parent carers	96, 97			X			Additional considerations in assessment of young carers' and parent carers' needs
	Staying put arrangements	98			X		3	Enabling some young people leaving care to stay with their former foster carers
	Educational achievement of LAC	99	X			September 2014	3	The role of the Virtual Head for LAC is now a statutory requirement for LAs .
	Pupils with medical conditions	100	X			September 2014	1	Fresh guidance for educational settings, impact/risk unknown
	LA functions: intervention	101						
	Regulation of children's homes etc	102-105			X			Strengthening regulation including in relation to those working in homes. For providers to take forward
	Free school lunches	106			X	September 2014	1	Onus is on primary schools to deliver. LA has had role in facilitating money from central government to all primary schools and assessing readiness to deliver.
6 The Children's Commissioner		107-116			X		N/A	Updates roles and powers of national Children's Commissioner

7 Statutory Rights to Leave and Pay	Shared parental leave	117, 118						National change which Council as employer must have due regard to
	Statutory shared parental pay	119, 120						National change which Council as employer must have due regard to
	Other statutory rights	121-125						National change which Council as employer must have due regard to
	Further amendments	126						National change which Council as employer must have due regard to
8 Time Off Work – Ante-Natal Care etc.		127-130						National change which Council as employer must have due regard to
9 Right to Request Flexible Working		131-134						National change which Council as employer must have due regard to
10 General Provisions		135-140						