



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 3

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

##### *Education, health and care provision: integration and joint commissioning*

#### **26 Joint commissioning arrangements**

- (1) A local authority in England and its partner commissioning bodies must make arrangements (“joint commissioning arrangements”) about the education, health and care provision to be secured for—
  - (a) children and young people for whom the authority is responsible who have special educational needs, and
  - (b) children and young people in the authority’s area who have a disability.
- (2) In this Part “education, health and care provision” means—
  - (a) special educational provision;
  - (b) health care provision;
  - (c) social care provision.
- (3) Joint commissioning arrangements must include arrangements for considering and agreeing—
  - (a) the education, health and care provision reasonably required by—
    - (i) the learning difficulties and disabilities which result in the children and young people within subsection (1)(a) having special educational needs, and
    - (ii) the disabilities of the children and young people within subsection (1)(b);
  - (b) what education, health and care provision is to be secured;
  - (c) by whom education, health and care provision is to be secured;

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*Status: This is the original version (as it was originally enacted).*

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- (d) what advice and information is to be provided about education, health and care provision;
  - (e) by whom, to whom and how such advice and information is to be provided;
  - (f) how complaints about education, health and care provision may be made and are to be dealt with;
  - (g) procedures for ensuring that disputes between the parties to the joint commissioning arrangements are resolved as quickly as possible.
- (4) Joint commissioning arrangements about securing education, health and care provision must in particular include arrangements for—
- (a) securing EHC needs assessments;
  - (b) securing the education, health and care provision specified in EHC plans;
  - (c) agreeing personal budgets under section 49.
- (5) Joint commissioning arrangements may also include other provision.
- (6) The parties to joint commissioning arrangements must—
- (a) have regard to them in the exercise of their functions, and
  - (b) keep them under review.
- (7) Section 116B of the Local Government and Public Involvement in Health Act 2007 (duty to have regard to assessment of relevant needs and joint health and wellbeing strategy) applies in relation to functions exercisable under this section.
- (8) A local authority’s “partner commissioning bodies” are—
- (a) the National Health Service Commissioning Board, to the extent that it is under a duty under section 3B of the National Health Service Act 2006 to arrange for the provision of services or facilities for—
    - (i) any children and young people for whom the authority is responsible who have special educational needs, or
    - (ii) any children and young people in the authority’s area who have a disability, and
  - (b) each clinical commissioning group that is under a duty under section 3 of that Act to arrange for the provision of services or facilities for any children and young people within paragraph (a).
- (9) Regulations may prescribe circumstances in which a clinical commissioning group that would otherwise be a partner commissioning body of a local authority by virtue of subsection (8)(b) is to be treated as not being a partner commissioning body of the authority.