



# 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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*Changes to legislation: There are currently no known outstanding effects for the Children and Families Act 2014, Section 26. (See end of Document for details)*

- (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 [<sup>F1</sup>local] health and wellbeing strategy) applies in relation to functions exercisable under this section.
- (8) A local authority's “partner commissioning bodies” are—
- (a) [<sup>F2</sup>NHS England], 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 [<sup>F3</sup>integrated care board] 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 [<sup>F4</sup>an integrated care board] 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.

#### Textual Amendments

- F1** Word in s. 26(7) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 26(7)(b)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F2** Words in s. 26 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Words in s. 26(8)(b) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 201(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F4** Words in s. 26(9) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 201(3)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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#### **Commencement Information**

- II** S. 26 in force at 1.9.2014 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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