

*These notes refer to the Children and Families Act 2014  
(c.6) which received Royal Assent on 13 March 2014*

# CHILDREN AND FAMILIES ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **PART 3 - children and young people in England with special Educational Needs OR DISABILITIES**

##### **Education, health and care plans**

##### ***Section 42: Duty to secure special educational provision and health care provision in accordance with EHC plan***

234. Where an EHC plan is maintained for a child or young person, the local authority must make sure that the special educational provision set out in it is made. The local authority need not make the special educational provision set out in the EHC plan if the child's parent or the young person makes alternative, suitable arrangements.
235. The responsible commissioning body must make sure that any health provision set out in the EHC plan is made. The "responsible commissioning body" in relation to any specified health care provision means the body (or each body) that is under a duty to arrange the health care provision for the child or young person. This will typically be the relevant clinical commissioning group but may also be the NHS Commissioning Board. The responsible commissioning body need not make the health provision set out in the EHC plan if the child's parent or the young person makes alternative, suitable arrangements.
236. This section replaces and expands, in England, section 324 of the Education Act 1996.