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STATUTORY INSTRUMENTS

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**2014 No. 2270**

**The Children and Families Act 2014 (Transitional  
and Saving Provisions) (No. 2) Order 2014**

**PART 6**

Learning difficulty assessments

**Young people who have had a pre-commencement learning difficulty assessment**

**28.**—(1) This Article applies to a young person for whom an assessment under section 139A of the Learning and Skills Act 2000 was completed before the commencement date.

(2) For this purpose an assessment under that section is completed when the written report described in section 139B of the Learning and Skills Act 2000 which results from the assessment is completed.

(3) Despite the coming into force of section 36 of the 2014 Act on 1st September 2014, that section does not have effect in relation to the young person before 1st September 2016.

(4) Paragraph (3) does not apply if, before 1st September 2016—

- (a) the young person requests the local authority who is responsible for him or her to secure an EHC needs assessment for him or her,
- (b) a person acting on behalf of a post-16 institution requests that authority to secure such an assessment, or
- (c) that authority decides to secure such an assessment.

(5) The local authority may decide to secure such an assessment only if it thinks that—

- (a) the young person has or may have special educational needs, and
- (b) it may be necessary for special educational provision to be made for him or her in accordance with an EHC plan.

(6) In forming an opinion for the purposes of paragraph (5) in relation to a person aged over 18, the authority must consider whether he or she requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete his or her training.

(7) Where a local authority secures an EHC needs assessment under this paragraph, the new law applies in relation to the assessment as if it were an assessment under section 36 of that Act.