

# KNOW YOUR RIGHTS, OWN YOUR LIFE

**Rights exist to protect and guide people.** When we know how and when to use them, we gain the clarity to make decisions with confidence and the strength to act when it matters.

**Knowing our rights can change our lives.** It gives us the tools to make decisions that define our future.

## Children and Families Act 2014

### What You Need to Know and How It Can Help You

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## 1. OVERVIEW

The **Children and Families Act 2014** is the legal framework governing services for children, young people, and families in England. It includes provisions on adoption, family justice, special educational needs and disabilities (SEND), childcare, child welfare, the powers of the Children's Commissioner, and parental leave and employment rights.

The Act replaces Statements of Special Educational Needs with **Education, Health and Care (EHC) plans** for children and young people aged 0–25, sets a **26-week time limit** for care and supervision proceedings in the family courts, requires local authorities to publish a **local offer** of SEND services, and strengthens the role of the Children's Commissioner. It also extends parental rights by introducing **shared parental leave** and giving all employees the right to request **flexible working**.

**\* Many parts apply primarily in England; some provisions do not extend to Scotland, Wales or Northern Ireland.**

## GUIDANCE FOR FAMILIES / CHILDREN

This section summarises the rights, entitlements, and protections the Act gives to children, young people, and their families.

### 1. Adoption and fostering reforms (Part 1)

- **Fostering-for-adoption:** To reduce delay, approved adopters may foster children while waiting for full adoption orders.
- **Loosened matching requirements:** Agencies no longer need to find perfect ethnic matches between children and adopters to speed placements.
- **Access to adoption register:** Potential adopters can access the adoption register (subject to safeguarding) to look for matches themselves.
- **Children previously adopted / contact rights:** The Act allows rules to

### 2. Family justice/court processes (Part 2)

- **Time limit on court proceedings:** Courts should conclude care or supervision order cases within 26 weeks, unless there is a good reason to extend.

- **Court focus narrowed:** In care proceedings, the court needs to engage with the child’s care plan only concerning long-term arrangements and contact, rather than all details.
- **Expert reports:** An expert may only be instructed by the court with permission; the court must consider whether the benefit justifies delay or distress.
- **Interim arrangements:** Courts can make interim care or supervision orders lasting until the final hearing, without needing repeated renewals.
- **Encouragement of non-court resolution:** Parents are encouraged, where feasible, to attempt mediation or alternative dispute resolution before going to court.
- **Child’s interests paramount:** In all proceedings, the child’s welfare is paramount; the act reinforces that children’s views must be sought and considered.

### 3. Special educational needs and disabilities (SEND) (Part 3)

**This is the largest component of the Act and introduces rights and duties for children/young people (0–25) with special educational needs or disabilities.**

- **Scope and definitions**
- “Special educational needs” means a learning difficulty or disability which calls for special educational provision, i.e. additional or different support beyond that typically provided.
- The Act covers disabled children generally, but individual rights often focus on those with SEN.
- The age range includes children under compulsory school age and young people up to age 25 (if still in education or training).
- **Duties on local authorities (LAs) and partner agencies**
- LAs must identify all children and young people with SEN or disabilities in their area.
- Health bodies (Clinical Commissioning Groups, NHS trusts) must notify the LA when they believe a child may have SEN or disability and offer parents a discussion.

- LAs must keep provision under review (education, training, social care) and consult children, young people, and parents.
- The “local offer” is a published description of all services available locally for children/young people with SEN/disabilities and their families.
- There is a **presumption of mainstream education**: wherever possible, children should be educated in a mainstream environment, unless that is incompatible with their needs.
- **Education, Health and Care (EHC) assessments and plans**
- A child or young person may request an EHC assessment if they believe they need special provision. The LA must decide whether to assess within a prescribed timeframe.
- If an EHC plan is issued, it sets out education, health, and social care provisions, and must name an educational institution.
- LAs must make sure the provision in the EHC plan is delivered.
- Reviews of EHC plans must take place regularly, with young people and parents involved.
- LAs can cease to maintain an EHC plan if the child no longer requires it; there must be a transition review before age 18.
- **Personal budgets and direct payments**
- Children/young people and families may request a personal budget, allowing them some control over how funding is spent to meet needs.
- Parts of health and social care provision may be delivered via direct payments.
- **Mediation and dispute resolution**
- Before appealing to the First-tier Tribunal (or equivalent), families must ordinarily attempt mediation through a statutory mediation service.
- LAs must inform families of mediation services and help them access it.

#### 4. Childcare (Part 4)

- The Act removes the duty on local authorities to carry out **childcare sufficiency assessments** (i.e. to ensure enough childcare locally).
- It allows nurseries and childminders to request an Ofsted inspection, but does not require it.

- Some changes to support flexible childcare arrangements.

### 5. Child welfare and safeguarding (Part 5)

- The Act introduces or codifies a number of measures to support vulnerable children, including care leavers, children in care, children's homes, disqualification rules for children's home staff, and obligations around reporting disqualifications.
- It also amends duties relating to children in care, including definitions of children living away from home, and responsibilities for care leavers up to 25.

### 6. Children's Commissioner (Part 6)

- The Act strengthens the powers of the Children's Commissioner for England.
- The Commissioner is empowered to provide information and advice to children in care or under social care, make representations on their behalf, enter non-private premises to interview children or staff or observe standards.
- The Act also inserts new definitions for children "living away from home or receiving social care."

### 7. Parental rights, leave and flexible working (Parts 7, 8, 9)

- **Shared parental leave and pay:** For children born after 5 April 2015, parents can share leave up to 52 weeks and pay in prescribed ways.
- **Flexible working:** The right to request flexible working is extended to all employees (not just parents/caregivers). Employers must deal with requests in a reasonable manner.
- **Time off work:** Provisions for leave for dependents and parental leave are elaborated.

#### This is how knowing our rights can change lives.

When families and young people understand what support they're entitled to, they can make informed choices, access the right services, and create new possibilities for their future. Take Luke, a young autistic boy experiencing challenges in communication. Today, having the right support means Luke living in his own home and after a well-planned transition, focused on improving daily interactions.

[More](#)

## **OBLIGATIONS & DUTIES FOR COMMISSIONERS / PUBLIC BODIES / LOCAL AUTHORITIES**

This section summarises what public bodies, local authorities, health services, and other commissioners must do under the Act.

### **1. Joint commissioning and partnership working**

- The Act encourages (and, in some cases, requires) integration across education, health, and social care for children with SEN or disabilities.
- Local authorities and health bodies must plan and commission services jointly to meet agreed outcomes for children with SEND.
- The local offer must be produced collaboratively, describing all services available and how families can access them.
- Provision must be regularly reviewed in consultation with stakeholders, and commissioning plans adjusted accordingly.

### **2. Assessment, planning, and delivery duties**

- Local authorities must establish processes to consider and respond to requests for EHC assessments and issue EHC plans when appropriate.
- LAs must deliver the support specified in the EHC plan (education, health, social care).
- LAs must arrange regular reviews and involve children, young people, and parents.
- LAs may cease EHC plans where needs change; they must ensure transitions, especially at 18, are properly handled.

### **3. Monitoring, transparency, and accountability**

- Local authorities must keep services under review and evaluate whether they are sufficient to meet needs.
- Authorities must publish and maintain the local offer to ensure transparency about local services.
- Public bodies must collect data and monitor the effectiveness of services and interventions. (The House of Lords report later found that the lack of data and weak implementation limited impact.)

#### 4. Safeguarding, welfare, and children in care

- Local authorities must comply with the care, welfare, and leaving care obligations: for example, duties toward children living away from home, care leavers up to age 25.
- Authorities overseeing children's homes must observe disqualification rules: staff must report disqualifications, and permissions from Ofsted may be required to continue employment.
- Local authorities must cooperate with the Children's Commissioner, facilitating their power to enter premises, interview children, and examine standards.

#### 5. Court/family justice interface

- Local authorities are often the applicant authorities in care proceedings and must comply with the timelines and procedural constraints (e.g. 26-week rule).
- The authority must prepare and submit the child's care plan and relevant evidence to the court in a timely fashion.
- Local authorities should promote mediation and avoid unnecessary litigation, cooperating with parents where possible.

#### 6. Employment, leave, and workforce responsibilities

- Public bodies and employers must comply with the extended rights to request flexible working and shared parental leave.
- Employers must consider flexible working requests in a "reasonable manner," and maintain records of decisions.
- Public sector organisations must ensure their internal policies align with the Act (e.g. allowing staff time off for dependents).

#### 7. Children's Commissioner oversight

- The Children's Commissioner has authority to investigate, enter relevant premises, interview children and staff, and review standards of care in institutions under public authority oversight.
- Commissioners may receive representations from children receiving social care or living away from home and advocate for systemic improvements.

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## Limitations and Implementation Issues (Key Caveats)

- Although the Act contains ambitious reforms, the **House of Lords' post-legislative scrutiny found that weak implementation, inconsistent data collection**, and a lack of accountability have hampered its full impact.
- Some provisions (especially parts of SEN/detained youth custody) were phased in over time, and not all came into force immediately.
- The Act's impact varies by locality, depending on how well local partnerships (education, health, social care) coordinate.
- Some provisions do not apply in all UK nations (e.g. variations in Scotland, Wales).

Original Sources: [Legislation.gov.uk](https://legislation.gov.uk)  
more information available via the [link](#)