

Section 23

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# Version control

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| 13.07.23 | Consent form added | Simon Dunn (TSDFT) |

# What is a Section 23 notification?

Health professionals have a duty to tell the local authority if they believe a child under school age has, or is likely to have, special educational needs or a disability (SEND).

Usually, this notification is made by any Health professional, who must in the first instance:

* inform parents that they believe their child has (or is likely to have) SEND
* arrange for parents to discuss this opinion with appropriate health professionals
* inform parents that they have a duty to notify their child to the local authority
* advise parents of organisations that may be able to support them in relation to their child’s SEND

As part of the Section 23, Health professionals will share information about the named child. The local authority will respond to the notification, and act upon the shared information.

# What is SEND?

### What the SEND Code of Practice says:

*“A child* *or young person has special educational needs if they have a learning difficulty or disability which calls for special educational provision to be made for them."*

Special educational needs and disabilities (SEND) can affect a child or young person’s ability to learn. They can affect their:

* behaviour or ability to socialise, for example they struggle to make friends
* reading and writing, for example because they have dyslexia
* ability to understand things
* concentration levels, for example because they have ADHD
* physical ability

### What is special educational provision?

* Special educational provision is the additional or different help given to children with special educational needs. For children under two years old any educational provision is special educational provision.
* Special educational provision takes many different forms. Most children with special educational needs have support in their class under SEN Support. It might be additional or different help provided in a mainstream class for a small group or an individual child. It can include group work or individual support that takes place outside the classroom. It could also be attendance in a specialist class or in a special school.
* In only a small number of cases, where a child/young person is experiencing particularly high levels of difficulty, and is unable to make adequate progress, will a statutory assessment be necessary.

# Under what Law?

This duty is Section 23 of the Children and Families Act 2014 Children and Families Act 2014. [Section 23 Duty of health bodies to bring certain children to local authority's attention.](https://www.legislation.gov.uk/ukpga/2014/6/section/23/enacted)

1. This section applies where, in the course of exercising functions in relation to a child who is under compulsory school age, a clinical commissioning group, NHS trust or NHS foundation trust form the opinion that the child has (or probably has) special educational needs or a disability.
2. The group or trust must —

(a) inform the child's parent of their opinion and of their duty under subsection (3), and

(b) give the child's parent an opportunity to discuss their opinion with an officer of the group or trust.

1. The group or trust must then bring their opinion to the attention of the appropriate local authority in England.
2. If the group or trust think a particular voluntary organisation is likely to be able to give the parent advice or assistance in connection with any special educational needs or disability the child may have, they must inform the parent of that.

### What is the process:

* Health visitors, Paediatrics and GP’s will email earlyyearssend@torbay.gov.uk and let the Local Education Authority know that there is a child or young person with SEND who meets the above criteria. There will be an acknowledgement of the notification.
* Health services will need to share that they have brought a child to the LA attention through Section 23 notification, paedsdictation.sdhct@nhs.net for Paediatrics, publichealthnursing.torbay@nhs.net Health Visitor contact. GP’s would need to email both emails.
* There will be signposting at this stage is necessary.
* Health visitors will send a Section 23 notification for children who score in the Black or multiple Grey areas (over 3 following a review) in the ASQ3/ELIM assessment.
* The information is gathered into a data base and discussed in a multi-agency forum quarterly. The interventions and support for children and its impact will be analysed and reviewed.

# How this will help us as a partnership serve our children and young people?

* Data will be used to inform planning and support for children in Torbay.
* Pathways for support for children and young people will be discussed.
* The multi-agency group will meet quarterly to sign post to services at the right time, right place, right support. Names will be shared in advance of the meeting to ensure multi agency gathering of appropriate information.
* If there are a lack of services and support involved with the child the MA group will make contact to support

# Consent Form.

This form gives consent for the Health Professional or relevant designated medical office to share details with the Local Authority under Section 23 of the Children and Families Act 2014, If they believe a child under school age has, or is likely to have, special educational needs or a disability (SEND).

Young person’s details:

|  |  |
| --- | --- |
| Young person’s name: |  |
| Date of Birth: |  |
| NHS No: |  |
| Brief needs overview: |  |

Please tick the following to indicate your consent:

|  |  |
| --- | --- |
| I consent for the relevant details to be shared with the Local Authority as per Section 23 of the Children & Families act 2014: |  |
| I am happy to be contacted by the local Authority on receipt of those details: |  |

Contact Details:

|  |  |
| --- | --- |
| Signature: |  |
| Print Name:  |  |
| Date: |  |
| Relationship to child: |  |
| Email Address: |  |
| Phone Number: |  |

Completed form to be scanned and emailed to earlyyearsSEND@torbay.gov.uk

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| This document can be made available in other languages and formats. For more information please contact EHCP@torbay.gov.uk  |