

A short introduction to rights and legislations

There is certain laws and legislation in place to protect families, children and adults with special education needs and / or a disability.

The Autism Act 2009

The Autism Act is a government strategy which is in place to improve services for autistic adults. The act is legally binding and must be followed by councils. The act focuses on key areas such as:

- A clear and consistent diagnostic pathway for adults.
- Looking at the relevant services and improving access to these services to meet identified needs and priorities.
- Employment

Children and Families Act 2014 (Part 3)

This act is in place to give better support and protection to vulnerable children. Part 3 the act is specific to the laws and provisions concerned with children who have special educational needs or disabilities. Included in the act is:

- The statement of special education needs will be replaced by Education, Health, and Care (EHC) Plans. These are for ages 0-25.
- Services such as education, health and social care for children, young people and families must work together.
- More control and a voice to be given to families about the help they receive.

The Care Act 2014

This act strengthens and outlines the rights of autistic people, disability, and their family. The Care Act 2014 directly impacts adults in need of care and support, and their adult carers. Some provisions of the act relate to the transition of children in need of care and support and their parents/ carers and young carers. However, the Children and Families Act details the main provisions for children and families. Included in the act is:

- Details of how local authorities should carry out carer's assessments- family carers must be given the same rights to assessment and support as the people that they care for.

- The individual's needs and wellbeing and the impact of these must be considered and promoted when making decisions about them.
- A new national framework to decide eligible needs.

The SEND Code of Practice

The SEND Code of Practice provides guidance for organisations who work with children and young people aged 0-25 with SEN. All schools must take into consideration the Code of Practice when making decisions relating to pupils with SEN or disabilities. For more information on this see our information sheet under education.

The United Nations (UN) Convention on the Rights of the Child

The United Nations Convention is an international agreement for children's rights. It consists of 54 articles; 43 of which refer to children's rights and 43-54 relate to how governments must work together to meet children's basic needs and make sure all children have their fundamental rights. Rights included for children are:

- The right to non-discrimination.
- The right to an education.
- The right to express views feelings and wishes and be listened to.

The Equality Act 2010

The Equality Act replaces previous discrimination laws with one single act. This act has nine protected characteristics including disability, sex, and age. For the person to be protected under this act, their disability must meet the legal definition: 'a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities'. This act can protect a person in areas such as education, employment, and transport. The act states:

- Bodies such as employers, venues and service providers must make reasonable adjustments to provide support and make things accessible.
- Discrimination of any of the nine characteristics is unlawful.
- Discrimination by association is also unlawful- you are also protected from discrimination if someone in your life such as a family member has a protected characteristic.

To find out more about any of these legislations visit:
<https://www.legislation.gov.uk/>