

# Co-production and participation: The Law

## Co-production in SEND

Co-production is not just good practice – it is embedded in SEND law through the Children and Families Act 2014, the SEND Regulations 2014, and the SEND Code of Practice (2015). Below is a structured explanation of what the law requires and how co-production should work in practice.

### 1. Children and Families Act 2014 – Legal Duties on Co-Production

#### Section 19 – The Core Legal Duty

This is the strongest legal anchor for co-production.

Local authorities must have regard to:

1. The views, wishes and feelings of the child or young person and their parent
2. Their participation as fully as possible in decisions
3. Providing support to enable active participation
4. Helping them achieve the best possible outcomes

This makes person-centred practice and co-production a statutory requirement.

### 2. SEND Code of Practice (2015)

The Code of Practice uses the terms co-production, collaboration, and participation throughout. It directly reinforces the legal duty in Section 19.

Key requirements:

#### Chapter 1 – Principles

- Local authorities must develop a culture of co-production with families.
- Participation should happen at every level: strategic design and individual decision-making.

#### Chapter 3 – Local Offer

Local authorities must:

- Develop the Local Offer with children, young people and parents
- Publish clear evidence of “You said, we did”
- Work with the Parent Carer Forum in a co-productive way

#### Chapter 6 & 9 – SEN Support and EHC Plans

Co-production must occur:

- In identifying needs
- In planning support
- During annual reviews
- In drafting and agreeing EHC plans

This includes:

- Person-centred meetings
- Giving CYP a real voice
- Supporting family involvement
- Evidence that decisions were shaped with them, not for them

#### Preparing for adulthood (Chapter 8)

Young people must be fully involved in planning for:

- Employment
- Housing
- Community participation
- Health

# Co-production and participation: The Law

## **3. SEND Regulations 2014**

These regulations set the legal processes behind EHC needs assessments and plans. Co-production is embedded in requirements to:

- Seek the views, wishes and feelings of the child/young person and parents
- Involve them in:
  - assessment
  - planning
  - review
  - decisions about provision

Regulation references include:

- Reg 4: First duty to seek and consider views
- Reg 6: Gathering advice and information must include parents/cyp
- Reg 19–22: Reviews must involve the child/young person and parent
- Reg 49: Duty to work with representative bodies such as Parent Carer Forums

## **4. Equality Act 2010 – Reasonable Adjustments for Participation**

To participate fully in co-production, children, young people and families must be able to access processes and meetings.

Under the Equality Act, settings and LAs must:

- Make reasonable adjustments
- Provide accessible information
- Remove barriers to participation

This means co-production must be inclusive, not just offered

## **.5. Co-Production at Different Levels (as required by law)**

Individual Level (Child / Young Person)

Required in:

- SEN Support
- EHC needs assessments
- EHC plans
- Annual reviews
- Preparation for adulthood planning

Operational Level (Services)

Required in:

- Design and delivery of services that form the Local Offer
- Commissioning arrangements

Strategic Level (Area-wide SEND System)

Must involve:

- Parent Carer Forums
- Youth participation groups
- Co-produced SEND strategies
- Co-produced improvement plans (e.g., following Ofsted/CQC inspection)

**#withnot2   #co-production   #workingtogether   #participation**