



Information for Health Professionals

Duty to Notify a Local Authority of Special Educational Needs or Disability –

Section 23

What is a Section 23 notification?

Under Section 23 of the Children and Families Act 2014, [Section 23 of the Children and Families Act 2014](#), health professionals and health services have a **duty** to notify a Local Authority if they believe a child under school age has, or is likely to have, Special Educational Needs or a Disability (SEND).

This means that they have a **legal obligation** to pass on this opinion to the Local Authority so that they comply with the UK General Data Protection Regulation (GDPR).

This is regardless of parental consent.

This is because the act refers to:

- “Legal obligation” which is the lawful basis for sharing personal data
- “Substantial public interest - statutory purposes” which allows processing of data concerning health

A child reaches compulsory school-age the school term after their fifth birthday.

Special educational needs (SEN) and disability as defined in SEND Code of Practice

A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or
- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions

Children with a disability do not necessarily have SEN. Where a disabled child or young person requires special educational provision, they will be covered by the SEN definition. Special educational provision is support which is additional or different to support usually available to children of the same age. A child under compulsory school age has special educational needs if he or she is likely to fall within the definition above when they reach compulsory school age or would do so if special educational provision was not made for them.



What must the Health Professional notifier do and how is a notification made?

The notification is made by a health professional, who must in the first instance:

- inform parents/carers that they believe the child has or is likely to have SEND. This covers a wide range of different needs, including learning disabilities, communication needs, physical needs and mental health needs
- arrange for parents/carers to discuss the notification with appropriate health professionals
- inform parents/carers that health professionals have a duty to inform the Local Authority of any child who they believe has or is likely to have SEND
- advise parents/carers of organisations that may be able to support them in relation to their child's needs

As part of Section 23 Notification, health professionals will share information about the named child with the Local Authority. The Local Authority will respond to the notification, and act upon the shared information.

Notification does not necessarily mean that a child needs additional support straight away.

In addition, there will be times when it would not be the right time to discuss such a need with parents and carers, for example where it might be detrimental to a child's health, well-being or safety. **There is still a duty to disclose this information to the Local Authority;** information is still shared but without disclosure to the parent/carers. The health professional will document in the clinical record reasons for non-disclosure to the parent/carers. Ensure the Local Authority is aware that the notification has not been discussed with the parent/carers.

What is the purpose of a Section 23 Notification

- Section 23 Notifications help professionals work together to improve services for families.
- Local Authorities use the information from notifications to plan education services to meet the needs and future needs of and young people with SEND

What if they improve and don't need extra help?

Children develop and change during their pre-school years, so sometimes they might not need extra support after all when they start school. It's better to plan that they might need help and it's okay if they don't need it in the end.



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Will this notification mean that a child will automatically get extra help?

This notification helps planning on a wider scale. It does not lead to direct support for individual children. Direct help would be requested via the Special Educational need (SEN) support routes.

How do professionals make a Section 23 Notification in Barnsley

Please visit the Local Offer webpage https://barnsley.cloud.servelec-synergy.com/Synergy/Local_Offer/HealthDisNeuroLanding.aspx to complete an online Requestry form

If further information is required please contact:

Hermione Rostron (Designated Clinical Officer for SEND DCO)

hermione.rostron2@nhs.net

Bev Bradley (SEND Improvement Service Manager) bevbradley@barnsley.gov.uk