



Children and Families Act 2014

2014 CHAPTER 6

PART 3

CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES

Education, health and care plans

40 Finalising EHC plans: no request for particular school or other institution

- (1) This section applies where no request is made to a local authority before the end of the period specified in a notice under section 38(2)(b) to secure that a particular school or other institution is named in an EHC plan.
- (2) The local authority must secure that the plan—
 - (a) names a school or other institution which the local authority thinks would be appropriate for the child or young person concerned, or
 - (b) specifies the type of school or other institution which the local authority thinks would be appropriate for the child or young person.
- (3) Before securing that the plan names a school or other institution under subsection (2) (a), the local authority must consult—
 - (a) the governing body, proprietor or principal of any school or other institution the authority is considering having named in the plan, and
 - (b) if that school or other institution is maintained by another local authority, that authority.
- (4) The local authority must also secure that any changes it thinks necessary are made to the draft EHC plan.
- (5) The local authority must send a copy of the finalised EHC plan to—
 - (a) the child's parent or the young person, and
 - (b) the governing body, proprietor or principal of any school or other institution named in the plan.

*Changes to legislation: There are currently no known outstanding effects for the
Children and Families Act 2014, Section 40. (See end of Document for details)*

Modifications etc. (not altering text)

- C1** S. 40(5)(a) modified (1.9.2014) by [The Special Educational Needs and Disability Regulations 2014](#) (S.I. 2014/1530), regs. 1, 64(1)(b), 64(2), **Sch. 3 Pt. 2**

Commencement Information

- I1** S. 40 in force at 1.9.2014 by [S.I. 2014/889](#), **art. 7(a)** (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505 and (1.9.2015) by S.I. 2015/1619)

Changes to legislation:

There are currently no known outstanding effects for the Children and Families Act 2014, Section 40.