



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

41 Independent special schools and special post-16 institutions: approval

- (1) The Secretary of State may approve an institution within subsection (2) for the purpose of enabling the institution to be the subject of a request for it to be named in an EHC plan.
- (2) An institution is within this subsection if it is—
 - (a) an independent educational institution (within the meaning of Chapter 1 of Part 4 of ESA 2008)—
 - (i) which has been entered on the register of independent educational institutions in England (kept under section 95 of that Act), and
 - (ii) which is specially organised to make special educational provision for students with special educational needs,
 - (b) an independent school—
 - (i) which has been entered on the register of independent schools in Wales (kept under section 158 of the Education Act 2002), and
 - (ii) which is specially organised to make special educational provision for pupils with special educational needs, or
 - (c) a special post-16 institution which is not an institution within the further education sector or a 16 to 19 Academy.
- (3) The Secretary of State may approve an institution under subsection (1) only if its proprietor consents.
- (4) The Secretary of State may withdraw approval given under subsection (1).

*Changes to legislation: There are currently no known outstanding effects for the
Children and Families Act 2014, Section 41. (See end of Document for details)*

- (5) Regulations may make provision about giving and withdrawing approval under this section, in particular—
- (a) about the types of special post-16 institutions which may be approved under subsection (1);
 - (b) specifying criteria which an institution must meet before it can be approved under subsection (1);
 - (c) about the matters which may or must be taken into account in deciding to give or withdraw approval;
 - (d) about the publication of a list of all institutions who are approved under this section.

Commencement Information

- I1** [S. 41](#) in force at 1.4.2014 for specified purposes by [S.I. 2014/889, art. 3\(d\)](#)
- I2** [S. 41](#) in force at 1.9.2014 in so far as not already in force 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 41.