



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

CHAPTER II

SCHOOLS PROVIDING FOR SPECIAL EDUCATIONAL NEEDS

Independent schools providing special education

347 Approval of independent schools.

- (1) The Secretary of State may approve an independent school as suitable for the admission of children for whom statements are maintained under section 324.
- (2) Regulations may make provision as to—
 - (a) the requirements which are to be complied with by a school as a condition of its approval under this section,
 - (b) the requirements which are to be complied with by a school while an approval under this section is in force in respect of it, and
 - (c) the withdrawal of approval from a school at the request of the proprietor or on the ground that there has been a failure to comply with any prescribed requirement.
- (3) An approval under this section may be given subject to such conditions (in addition to those prescribed) as the Secretary of State sees fit to impose.
- (4) In any case where there is a failure to comply with such a condition imposed under subsection (3), the Secretary of State may withdraw his approval.
- (5) No person shall so exercise his functions under this Part that a child with special educational needs is educated in an independent school unless—

Status: Point in time view as at 01/09/1997.

Changes to legislation: *Education Act 1996, Cross Heading: Independent schools providing special education is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) the school is for the time being approved by the Secretary of State as suitable for the admission of children for whom statements are maintained under section 324, or
- (b) the Secretary of State consents to the child being educated there.

348 Provision of special education at non-maintained schools.

- (1) This section applies where—
 - (a) special educational provision in respect of a child with special educational needs is made at a school which is not a maintained school, and
 - (b) either the name of the school is specified in a statement in respect of the child under section 324 or the local education authority are satisfied—
 - (i) that his interests require the necessary special educational provision to be made for him at a school which is not a maintained school, and
 - (ii) that it is appropriate for the child to be provided with education at the particular school.
- (2) Where this section applies, the local education authority shall pay the whole of the fees payable in respect of the education provided for the child at the school, and if—
 - (a) board and lodging are provided for him at the school, and
 - (b) the authority are satisfied that the necessary special educational provision cannot be provided for him at the school unless the board and lodging are also provided,
 the authority shall pay the whole of the fees payable in respect of the board and lodging.
- (3) In this section “maintained school” means—
 - (a) a school maintained by a local education authority,
 - (b) a grant-maintained school, and
 - (c) a grant-maintained special school.

Status:

Point in time view as at 01/09/1997.

Changes to legislation:

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