

*These notes refer to the Children and Families Act 2014
(c.6) which received Royal Assent on 13 March 2014*

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 3 - children and young people in England with special Educational Needs OR DISABILITIES

Education, health and care plans

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

229. This section applies where the child's parent or young person has received a draft EHC plan but has not made a request for a particular institution in accordance with section 38(2)(b)(ii). They may have said they would like an independent school, training provider or early years education provider to be named, or they may have indicated no preference at all.
230. In this eventuality, the EHC plan must name the specific institution or type of institution that the local authority considers appropriate. The local authority must consult any school or institution that it is considering naming, and where that institution is maintained by another local authority, that authority, before finalising the EHC plan. A copy of the final EHC plan must then be sent to the child's parent or the young person and the school or other institution named in the EHC plan.
231. Further duties on the local authority which apply in these circumstances are set out in section 33 (duty to educate within the mainstream sector).
232. This section replaces, in England, section 324 of the Education Act 1996.