



Children and Families Act 2014

2014 CHAPTER 6

PART 3

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

Mainstream education

34 Children and young people with special educational needs but no EHC plan

- (1) This section applies to a child or young person in England who has special educational needs but for whom no EHC plan is maintained, if he or she is to be educated in a school or post-16 institution.
- (2) The child or young person must be educated in a maintained nursery school, mainstream school or mainstream post-16 institution, subject to subsections (3) and (4).
- (3) The child or young person may be educated in an independent school, a non-maintained special school or a special post-16 institution, if the cost is not to be met by a local authority or the Secretary of State.
- (4) The child or young person may be educated in a special school or special post-16 institution during any period in which any of subsections (5) to (9) applies.
- (5) This subsection applies while the child or young person is admitted to a special school or special post-16 institution for the purposes of an EHC needs assessment, if all the following have agreed to his or her admission to the school or post-16 institution—
 - (a) the local authority which is responsible for him or her;
 - (b) the head teacher of the school or the principal of the Academy or post-16 institution;
 - (c) the child's parent or the young person;
 - (d) anyone else whose advice is required to be obtained in connection with the assessment by virtue of regulations under section 36(11).

Changes to legislation: There are currently no known outstanding effects for the Children and Families Act 2014, Section 34. (See end of Document for details)

- (6) This subsection applies while the child or young person remains admitted to a special school or special post-16 institution, in prescribed circumstances, following an EHC needs assessment at the school or post-16 institution.
- (7) This subsection applies while the child or young person is admitted to a special school or special post-16 institution, following a change in his or her circumstances, if all the following have agreed to his or her admission to the school or post-16 institution—
- (a) the local authority which is responsible for him or her;
 - (b) the head teacher of the school or the principal of the Academy or post-16 institution;
 - (c) the child's parent or the young person.
- (8) This subsection applies while the child or young person is admitted to a special school which is established in a hospital and is—
- (a) a community or foundation special school, or
 - (b) an Academy school.
- (9) This subsection applies while the child is admitted to a special school or special post-16 institution that is an Academy, if the Academy arrangements made in respect of the school or post-16 institution permit it to admit children and young people with special educational needs for whom no EHC plan is maintained.
- (10) This section does not affect the operation of section 63 (fees payable by local authority for special educational provision at non-maintained schools and post-16 institutions).

Modifications etc. (not altering text)

- C1** S. 34(5)(c)(7)(c) 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. 34 in force at 1.4.2014 for specified purposes by [S.I. 2014/889](#), **art. 3(b)**
- I2** S. 34 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 34.