



# 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*

### **38 Preparation of EHC plans: draft plan**

- (1) Where a local authority is required to secure that an EHC plan is prepared for a child or young person, it must consult the child's parent or the young person about the content of the plan during the preparation of a draft of the plan.
- (2) The local authority must then—
  - (a) send the draft plan to the child's parent or the young person, and
  - (b) give the parent or young person notice of his or her right to—
    - (i) make representations about the content of the draft plan, and
    - (ii) request the authority to secure that a particular school or other institution within subsection (3) is named in the plan.
- (3) A school or other institution is within this subsection if it is—
  - (a) a maintained school;
  - (b) a maintained nursery school;
  - (c) an Academy;
  - (d) an institution within the further education sector in England;
  - (e) a non-maintained special school;
  - (f) an institution approved by the Secretary of State under section 41 (independent special schools and special post-16 institutions: approval).
- (4) A notice under subsection (2)(b) must specify a period before the end of which any representations or requests must be made.

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*Changes to legislation: There are currently no known outstanding effects for the  
Children and Families Act 2014, Section 38. (See end of Document for details)*

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- (5) The draft EHC plan sent to the child's parent or the young person must not—
- (a) name a school or other institution, or
  - (b) specify a type of school or other institution.

**Modifications etc. (not altering text)**

- C1** S. 38(1)(2)(a)(b)(5) 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**

- II** S. 38 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 38.