



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.

Status: This is the original version (as it was originally enacted).

- (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.