



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

39 Finalising EHC plans: request for particular school or other institution

- (1) This section applies where, before the end of the period specified in a notice under section 38(2)(b), a request is made to a local authority to secure that a particular school or other institution is named in an EHC plan.
- (2) The local authority must consult—
 - (a) the governing body, proprietor or principal of the school or other institution,
 - (b) the governing body, proprietor or principal of any other school or other institution the authority is considering having named in the plan, and
 - (c) if a school or other institution is within paragraph (a) or (b) and is maintained by another local authority, that authority.
- (3) The local authority must secure that the EHC plan names the school or other institution specified in the request, unless subsection (4) applies.
- (4) This subsection applies where—
 - (a) the school or other institution requested is unsuitable for the age, ability, aptitude or special educational needs of the child or young person concerned, or
 - (b) the attendance of the child or young person at the requested school or other institution would be incompatible with—
 - (i) the provision of efficient education for others, or
 - (ii) the efficient use of resources.
- (5) Where subsection (4) applies, the local authority must secure that the plan—

Changes to legislation: There are currently no known outstanding effects for the Children and Families Act 2014, Section 39. (See end of Document for details)

- (a) names a school or other institution which the local authority thinks would be appropriate for the child or young person, or
 - (b) specifies the type of school or other institution which the local authority thinks would be appropriate for the child or young person.
- (6) Before securing that the plan names a school or other institution under subsection (5) (a), the local authority must (if it has not already done so) consult—
- (a) the governing body, proprietor or principal of any school or other institution the authority is considering having named in the plan, and
 - (b) if that school or other institution is maintained by another local authority, that authority.
- (7) The local authority must, at the end of the period specified in the notice under section 38(2)(b), secure that any changes it thinks necessary are made to the draft EHC plan.
- (8) The local authority must send a copy of the finalised EHC plan to—
- (a) the child's parent or the young person, and
 - (b) the governing body, proprietor or principal of any school or other institution named in the plan.

Modifications etc. (not altering text)

C1 S. 39(8)(a) 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. 39 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](#)))

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