
STATUTORY INSTRUMENTS

2014 No. 1530

The Special Educational Needs and Disability Regulations 2014

PART 5

Approval of independent special schools and special post-16 institutions

Matters to be taken into account in deciding to give approval

59.—(1) The Secretary of State may take into account the following matters when deciding whether to give approval to a special post 16 institution, an independent educational institution or an independent school—

- (a) evidence relating to the financial viability of the institution;
- (b) the proportion of children and young people attending the institution who have an EHC plan (or a statement of special educational needs or learning difficulty assessment); and
- (c) reports relating to the institution by Her Majesty's Chief Inspector of Education, Children's Services and Skills, the Care Quality Commission^{M1}, and any inspectorate which inspects independent schools in accordance with an agreement with the Secretary of State or which is approved by the Secretary of State under section 106 of the Education and Skills Act 2008^{M2}.

(2) Where reports referred to in paragraph 1(c) are not available, the Secretary of State may consider such other evidence as the Secretary of State considers appropriate in relation to the quality of the educational provision at the institution or school concerned.

Marginal Citations

- M1** The Care Quality Commission was established under section 1 of the [Health and Social Care Act 2008](#) (c.14)
- M2** [2008 c.25](#)

Changes to legislation:

The Special Educational Needs and Disability Regulations 2014, Section 59 is up to date with all changes known to be in force on or before 12 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 inserted by [S.I. 2024/535 Sch.](#)
- reg. 49(7)-(9) inserted by [S.I. 2024/535 reg. 2\(2\)\(c\)](#)