
STATUTORY INSTRUMENTS

2014 No. 1652

**The Special Educational Needs
(Personal Budgets) Regulations 2014**

Decision to make direct payments

6.—(1) A local authority may only make direct payments where a request has been made for direct payments to be made and the authority is satisfied that—

- (a) the recipient will use them to secure the agreed provision in an appropriate way;
- (b) where the recipient is the child's parent or a nominee, that person will act in the best interests of the child or the young person when securing the proposed agreed provision;
- (c) the direct payments will not have an adverse impact on other services which the local authority provides or arranges for children and young people with an EHC plan which the authority maintains; and
- (d) securing the proposed agreed provision by direct payments is an efficient use of the authority's resources.

(2) A local authority may only make direct payments in respect of the special educational provision specified in an EHC plan, and may not make direct payments for the purpose of funding a place at a school or post-16 institution.