

*These notes refer to the Children and Families Act 2014
(c.6) which received Royal Assent on 13 March 2014*

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 3 - children and young people in England with special Educational Needs OR DISABILITIES

Education, health and care plans

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

226. This section applies where the child's parent or the young person has received a draft EHC plan and requested that a particular institution is named in the EHC plan.
227. The local authority is required to consult any institution that it is considering naming in the EHC plan and, where that institution is maintained by another local authority, the other authority. The local authority must comply with the parent or young person's request unless the child or young person's attendance at the school would not meet their special educational needs, or would be incompatible with the efficient education of others or the efficient use of resources. If it believes that these circumstances apply, the local authority must name the school or other institution, or type of institution, that the local authority considers to be most appropriate for the child or young person (having consulted that institution before naming it in the EHC plan). A copy of the final EHC plan must then be sent to the child's parent or the young person and to the school, college or other institution that has been named in the EHC plan.
228. This section replaces, in England, section 324 and parts of Schedule 27 of the Education Act 1996.