

*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**

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## **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 41: Independent special schools and special post-16 institutions: approval***

233. Independent schools that are specially organised to make special educational provision for children with special educational needs, and special post-16 institutions (independent specialist colleges) can be named in an EHC plan. This section gives the Secretary of State the power to approve such institutions and once he has done so parents and young people can express a preference for them under section 38(2), with the resultant conditional duty on the local authority to name the institution in the EHC plan. Approval can only be given if the institution consents. The Secretary of State may withdraw approval and regulations may make provision about the types of institution that can be approved, and the criteria that must be met for such approval. Regulations may also set out the matters to be taken into account in deciding whether to give or withdraw approval and may cover publication of a list of institutions that have been approved by the Secretary of State.