



Children and Families Act 2014

2014 CHAPTER 6

PART 3 **E+W**

CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES

Special educational provision: functions of local authorities

61 **Special educational provision otherwise than in schools, post-16 institutions etc** **E+W**

- (1) A local authority in England may arrange for any special educational provision that it has decided is necessary for a child or young person for whom it is responsible to be made otherwise than in a school or post-16 institution or a place at which relevant early years education is provided.
- (2) An authority may do so only if satisfied that it would be inappropriate for the provision to be made in a school or post-16 institution or at such a place.
- (3) Before doing so, the authority must consult the child's parent or the young person.

Modifications etc. (not altering text)

- C1** S. 61(3) 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

- II** S. 61 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](#)))

Changes to legislation: There are currently no known outstanding effects for the Children and Families Act 2014, Cross Heading: Special educational provision: functions of local authorities. (See end of Document for details)

62 Special educational provision outside England and Wales **E+W**

- (1) This section applies where a local authority in England makes arrangements for a child or young person for whom it maintains an EHC plan to attend an institution outside England and Wales which specialises in providing for children or young people with special educational needs.
- (2) The arrangements may (in particular) include contributing to or paying—
 - (a) fees charged by the institution;
 - (b) the child's or young person's travelling expenses;
 - (c) expenses reasonably incurred in maintaining the child or young person while at the institution or travelling to or from it;
 - (d) expenses reasonably incurred by someone accompanying the child or young person while travelling to or from the institution or staying there.

Commencement Information

I2 [S. 62](#) 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](#)))

63 Fees for special educational provision at non-maintained schools and post-16 institutions **E+W**

- (1) Subsection (2) applies where—
 - (a) a local authority maintains an EHC plan for a child or young person,
 - (b) special educational provision in respect of the child or young person is made at a school, post-16 institution or place at which relevant early years education is provided, and
 - (c) that school, institution or place is named in the EHC plan.
- (2) The local authority must pay any fees payable in respect of education or training provided for the child or young person at that school, institution or place in accordance with the EHC plan.
- (3) Subsection (4) applies where—
 - (a) a local authority is responsible for a child or young person for whom no EHC plan is maintained,
 - (b) special educational provision in respect of the child or young person is made at a school, post-16 institution or place at which relevant early years education is provided, and
 - (c) the local authority is satisfied that—
 - (i) the interests of the child or young person require special educational provision to be made, and
 - (ii) it is appropriate for education or training to be provided to the child or young person at the school, institution or place in question.
- (4) The local authority must pay any fees payable in respect of the special educational provision made at the school, institution or place in question which is required to meet the special educational needs of the child or young person.
- (5) Where board and lodging are provided for the child or young person at the school, post-16 institution or place mentioned in subsection (2) or (4), the authority must also

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pay any fees in respect of the board and lodging, if satisfied that special educational provision cannot be provided at the school, post-16 institution or place unless the board and lodging are also provided.

Commencement Information

I3 S. 63 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)

64 Supply of goods and services **E+W**

- (1) A local authority in England may supply goods and services to—
 - (a) the governing body of a maintained school or maintained nursery school in England;
 - (b) the proprietor of an Academy;
 - (c) the governing body of an institution within the further education sector that the authority thinks is or is to be attended by a young person for whom the authority maintains an EHC plan,but only for the purpose set out in subsection (2).
- (2) The purpose is that of assisting the governing body or proprietor in the performance of—
 - (a) any duty imposed on the body under section 66(2) (duty to use best endeavours to secure special educational provision called for by special educational needs);
 - (b) in the case of a governing body of a community or foundation special school, any duty imposed on the body.
- (3) The goods and services may be supplied on the terms and conditions that the authority thinks fit, including terms as to payment.
- (4) A local authority in England may supply goods and services to any authority or other person (other than a governing body or proprietor within subsection (1)), but only for the purpose set out in subsection (5).
- (5) The purpose is that of assisting the authority or other person in making special educational provision for a child who is receiving relevant early years education, in a case where the authority has decided that the special educational provision is necessary for the child.

Commencement Information

I4 S. 64 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)

65 Access to schools, post-16 institutions and other institutions **E+W**

- (1) This section applies where a local authority in England maintains an EHC plan for a child or young person.

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- (2) A person authorised by the authority is entitled to have access at any reasonable time to the premises of a school, post-16 institution or other institution at which education or training is provided in pursuance of the plan, for the purpose of monitoring the education or training.
- (3) Subsection (2) does not apply to the premises of a mainstream post-16 institution in Wales.

Commencement Information

I5 [S. 65](#) 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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