
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

Types of special post-16 institution that may be approved

58. The Secretary of State may approve a special post-16 institution under section 41 of the Act where it is not—

- (a) an institution within the further education sector;
- (b) a 16 to 19 Academy⁽¹⁾;
- (c) maintained by a local authority.

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⁽²⁾, 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⁽³⁾.

(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.

Matters to be taken into account in deciding to withdraw approval

60. The Secretary of State may take into account the following matters when deciding whether to withdraw approval—

- (a) the matters identified in regulation 59(1); and
- (b) any serious concerns about the institution received from a local authority or a child or young person attending the institution or from any other person.

(1) 16 to 19 Academy has the same meaning as section 1B of the Academies Act 2010. Section 1B was inserted by section 53(7) of the 2011 Act

(2) The Care Quality Commission was established under section 1 of the Health and Social Care Act 2008 (c.14)

(3) 2008 c.25

Procedure when the Secretary of State decides to withdraw approval

61.—(1) When the Secretary of State decides to withdraw the approval of an institution, the Secretary of State must notify the proprietor of the institution of that decision.

(2) The Secretary of State must also notify all local authorities in England of that decision.

(3) The decision will take effect 28 days after that notification is given, and shall remove the institution from the list published in accordance with regulation 62 on the date that the decision takes effect.

Publication of list of approved institutions

62. The Secretary of State must publish a list of all institutions that have been approved, and have not had that approval withdrawn, on the Internet.