



Children and Families Act 2014

2014 CHAPTER 6

PART 3

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

Mainstream education

33 Children and young people with EHC plans

- (1) This section applies where a local authority is securing the preparation of an EHC plan for a child or young person who is to be educated in a school or post-16 institution.
- (2) In a case within section 39(5) or 40(2), the local authority must secure that the plan provides for the child or young person to be educated in a maintained nursery school, mainstream school or mainstream post-16 institution, unless that is incompatible with—
 - (a) the wishes of the child's parent or the young person, or
 - (b) the provision of efficient education for others.
- (3) A local authority may rely on the exception in subsection (2)(b) in relation to maintained nursery schools, mainstream schools or mainstream post-16 institutions in its area taken as a whole only if it shows that there are no reasonable steps that it could take to prevent the incompatibility.
- (4) A local authority may rely on the exception in subsection (2)(b) in relation to a particular maintained nursery school, mainstream school or mainstream post-16 institution only if it shows that there are no reasonable steps that it or the governing body, proprietor or principal could take to prevent the incompatibility.
- (5) The governing body, proprietor or principal of a maintained nursery school, mainstream school or mainstream post-16 institution may rely on the exception in subsection (2)(b) only if they show that there are no reasonable steps that they or the local authority could take to prevent the incompatibility.

*Changes to legislation: There are currently no known outstanding effects for the
Children and Families Act 2014, Section 33. (See end of Document for details)*

- (6) Subsection (2) does not prevent the child or young person from being educated in an independent school, a non-maintained special school or a special post-16 institution, if the cost is not to be met by a local authority or the Secretary of State.
- (7) This section does not affect the operation of section 63 (fees payable by local authority for special educational provision at non-maintained schools and post-16 institutions).

Modifications etc. (not altering text)

- C1** S. 33(2)(a) 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

- I1** S. 33 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, Section 33.