
STATUTORY INSTRUMENTS

2014 No. 2096

The Special Educational Needs (Miscellaneous Amendments) Regulations 2014

Amendments to the Special Educational Needs (Personal Budgets) Regulations 2014

2.—(1) The Special Educational Needs (Personal Budgets) Regulations 2014⁽¹⁾ are amended as follows.

(2) In the definition of “recipient” in regulation 2, for “regulation 5(2)” substitute “regulation 5(1)”.

(3) After regulation 4, insert—

“Provision for which a local authority is not required to prepare a personal budget

4A.—(1) For the purposes of section 49(2), the particular provision to be secured by an amount identified in a personal budget does not include provision that is specified, or proposed to be specified, in an EHC plan (the “specified provision”)—

- (a) which the local authority secures, or proposes to secure, under arrangements within the meaning of paragraph (2); and
- (b) where the conditions in paragraph (3) apply.

(2) “Arrangements” for the purposes of this regulation means any arrangements between the local authority and a third party under which the local authority pays an aggregate sum for special educational provision which includes the specified provision.

(3) The conditions are that—

- (a) the aggregate sum paid by the local authority under the arrangements includes a notional amount for the specified provision; and
- (b) the notional amount cannot be disaggregated from the aggregate sum because the disaggregation—
 - (i) would have an adverse impact on other services provided or arranged by the local authority for children or young people with an EHC plan; or
 - (ii) would not be an efficient use of the local authority’s resources.”.

(4) In regulation 14(8), for “paragraph (6)” substitute “paragraph (7)”.