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STATUTORY INSTRUMENTS

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**2014 No. 2096**

**EDUCATION, ENGLAND**

**The Special Educational Needs (Miscellaneous  
Amendments) Regulations 2014**

<i>Made</i>	- - - -	<i>5th August 2014</i>
<i>Laid before Parliament</i>		<i>8th August 2014</i>
<i>Coming into force</i>	- -	<i>1st September 2014</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 44(7) and 49(3) of the Children and Families Act 2014<sup>(1)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Special Educational Needs (Miscellaneous Amendments) Regulations 2014 and come into force on 1st September 2014.

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

2. (1) The Special Educational Needs (Personal Budgets) Regulations 2014<sup>(2)</sup> 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.

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(1) 2014 c.6.  
(2) S.I. 2014/1652.

(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)”.

### **Amendment to the Special Educational Needs and Disability Regulations 2014**

**3.** (1) The Special Educational Needs and Disability Regulations 2014(3) are amended as follows.

(2) In regulation 20, before paragraph (1), insert—

“(ZA) This regulation applies where a local authority carry out a review of an EHC plan and the child or young person concerned attends a school or other institution.”.

5th August 2014

*John Nash*  
Parliamentary Under Secretary of State  
Department for Education

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 amends the Special Educational Needs (Personal Budgets) Regulations 2014 by inserting a new regulation 4A. Regulation 4A provides that a local authority is not required to prepare a personal budget in respect of specified special educational provision where, the amount for the specified special educational provision is a notional amount of a larger sum, and the authority is unable to disaggregate the notional amount without causing an adverse impact on other services or where it would not be an efficient use of the authority's resources.

Regulation 3 amends the Special Educational Needs and Disability Regulations 2014 to make it clear that regulation 20 of those Regulations only applies to children and young people who attend a school or other institution.

No regulatory impact assessment has been prepared for these Regulations as there is no impact on the private and voluntary sector. An Explanatory Memorandum is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).