

## **Draft Consultation Regulations**

### **Clause 34(8)**

## **The remaining in special school or post-16 institution without an EHC plan Regulations**

### **Interpretation**

**1.** In these regulations “school or institution day” means a day on which the school or post-16 institution is open to admit students.

### **Remaining in a special school or special post-16 institution without an EHC plan**

**2.—(1)** Where a child or young person has been admitted to a special school or special post-16 institution for the purposes of an EHC needs assessment, he or she may remain at that school or post-16 institution—

- (a) for a period of ten school or institution days after the local authority serves a notice under section 36(9) of the Act informing the child’s parent or the young person that it does not propose to make an EHC plan; or
- (b) until an EHC plan is made.

(2) Where a child or young person has been admitted to a special school or special post-16 institution following a change in his or her circumstances, he or she may remain at that school or post-16 institution provided that his or her admission to the school or post-16 institution is reviewed by the local authority at the end of every term.