



Education  
Funding  
Agency

# **Approval of independent special schools and post-16 institutions**

**A guide to support completion of the application form for inclusion on the Secretary of State approved list**

**January 2015 (Spring term)**

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## Introduction

1. The Children and Families Act 2014 (the Act) aims to reform the special educational needs system, to ensure services consistently support the best outcomes for children and young people.
2. Section 41 of the Act allows the Secretary of State (SoS) to publish an approved list of independent educational institutions, independent special schools and special post-16 institutions and widen the scope of institutions that can be specified on an Education Health and Care plan (EHC plan)<sup>1</sup>.
3. This guide sets out the timescales and information required to complete the [online application form](#). The application should be completed by institutions wishing to be considered for inclusion on the SoS approved list of independent special institutions and should be read alongside the Department for Education (DfE) policy document '[Approval of independent special schools and special post-16 institutions – a guide for independent special institutions on applying for inclusion on the Section 41 Secretary of State approved list, January 2015](#)', which sets out the eligibility criteria and institutions in scope to apply.
4. This process relates only to consideration onto the approved list and will not automatically entitle the institution to receive funds or a contract from the Education Funding Agency (EFA). An EFA contract will be subject to local authorities commissioning decisions and a separate high needs student [market entry process](#) which is undertaken outside of any process set out in this document.
5. For the purposes of this document Independent Educational Institutions, Independent Special Schools and Special Post-16 Institutions will be referred to as Independent Special Institutions.

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<sup>1</sup> Under section 38 of the Children and Families Act 2014 where a local authority is required to secure that an EHC plan is prepared for young person, it must consult the child's parent or the young person and give the parent or young person notice of their right to request the authority to secure that a particular school or other institution, which will include those institutions approved by the Secretary of State under section 41.

## Timescales

6. Following its introduction during March 2014, the Section 41 approved list application process has operated on a termly basis. This will continue for the remainder of the 2014 to 2015 academic year with the spring and summer term activities set out below. The application process will then move to an annual basis commencing in the summer term 2016. The application process timeframe is set out below.

7. From September 2015, special post-16 institutions and independent special schools who are newly established or Department for Education (DfE) registered can submit an exceptions application outside of the Section 41 process timeframe. Enquiries should be made to [HNSSoS.EFA@education.gsi.gov.uk](mailto:HNSSoS.EFA@education.gsi.gov.uk) and include the institution's name, DfE registration number (independent special schools only) and Companies House and/or Charity Commission number. Subject to demonstrating the institution meets the exceptions criteria (established/registered within the last year and are legally/DfE established), the institution will be asked to complete an application form for Section 41 consideration.

### Spring Term 2015

Date	Activity
8 <sup>th</sup> January 2015	Spring term process opens
19 <sup>th</sup> February 2015	Spring term process closes
20 <sup>th</sup> February to 31 <sup>st</sup> March 2015	Applications reviewed
30 <sup>th</sup> April 2015	List updated

8. Applications received after the closing date will not be considered until the next review.

9. All evidence in support of an application must be received by the application closing date.

## Summer Term 2015

Date	Activity
8 <sup>th</sup> May 2015	Summer term process opens
19 <sup>th</sup> June 2015	Summer term process closes
8 <sup>th</sup> May to 31 <sup>st</sup> July 2015	Applications reviewed
31 <sup>st</sup> August 2015	List updated

## Summer Term 2016

Date	Activity
6 <sup>th</sup> May 2016	Application process opens
17 <sup>th</sup> June 2016	Application process closes
6 <sup>th</sup> May to 29 <sup>th</sup> July 2016	Applications reviewed
31 <sup>st</sup> August 2016	List updated

## EFA contact details

10. If you have any questions about completing the application form or contents of this document please email: [HNSSoS.EFA@education.gsi.gov.uk](mailto:HNSSoS.EFA@education.gsi.gov.uk)

## Completing the application form

11. Applicants should read this guide before completing the online application form. This will enable applicants to gather the information required, which will include but not be limited to; company numbers and electronic financial information.

12. Only institutions in scope and that meet the eligibility criteria should complete the online application form. Applications will not be considered for institutions which already have a distinct definition in law, such as maintained schools, academies and Further Education Colleges. Also pre-registered schools or special-post 16 institutions who are not legally established / registered with Companies House and/or the Charities Commission should not apply.

13. Applicants can choose to either:

- a. sign-up for an account, which will enable the application to be saved and returned to at a later time/date, along with auto-completing some of the application fields using the information provided, or
- b. complete the application without creating an account, by selecting the 'continue without an account' tab
  - applicants should note they must complete the application in one sitting otherwise the information submitted will be lost

## **Section 1: Institution type and trading information**

14. The applicant should select the appropriate institution from one of the two types detailed.

a. Independent Educational Institution or Special School (England or Wales)

- Independent schools in England are legally referred to as independent educational institutions and entered on the register of independent educational institutions in England, under the Education and Skills Act 2008. They are specially organised to provide special educational provision for pupils / students with special educational needs
- Independent schools in Wales are legally referred to as independent special schools and entered on the register of independent schools under the Education Act 2002. They are specially organised to provide special educational provision for pupils / students with special educational needs

b. Special post-16 institutions which are legally established to provide education and are not an institution within the further education sector, a 16 to 19 Academy or other LA-maintained provision.

15. The information provided at this section will be validated against data and information held by the DfE, EFA and other parties.

16. The applicant should complete all relevant fields within this section including:

- a. type of company: must align to the information held at Companies House and/or the Charity Commission

- b. whether you currently hold an EFA contract
- c. Independent educational institutions and special schools: must enter their six digit unique reference number. This can be obtained from Edubase. Non-completion of this field by independent educational institutions and special schools will result in the application not proceeding.
- d. The school's information will be included in your application. If the information is not correct, you should log onto your Edubase account to adjust or make a request to adjust the information.
- e. The SoS approved list will include details of a successful institution's web address. Institutions should adjust the web address as part of their application if the information held is incorrect. If you do not have a web address – enter 'not applicable'.

17. Institutions should provide their trading name and address. The trading name will be the name that appears on the SoS approved list should the institution's application be successful, alongside the organisation's legal name as it appears on Companies House and/or the Charity Commission.

18. The information provided at this section will be validated and include, although not be limited to, data and information held by the DfE, EFA and other parties.

## Section 2: Pupil / Student cohort

19. The applicant should provide the **total number** of pupils/students at the institution you are applying as, or are registered under, not solely those with special needs or those falling within a particular age range. This figure should then be broken down to detail the number of pupils/students with an EHC plan, learning difficulty assessment (LDA), or statement of special educational needs (statement) for all of the relevant age ranges (as at the start of the academic year 2014/15), for the institution you are applying as or registered under. The pupils/student numbers must align with the information provided in support of the application i.e. latest inspection reports and other documentation.

20. Institutions that have selected only the "25 years plus", age range will not be in scope and the application will fail. Such students fall within the statutory and funding responsibilities of the Chief Executive of Skills Funding (SFA).

21. The information provided at this section will be validated against information held by the DfE, EFA and other parties.

## Section 3: Financial health assessment

22. The applicant must provide financial documentation in support of their application:
- a. audited financial statements (not abbreviated) for the last two years<sup>2</sup>; or
  - b. a costed business plan, which **must** include a minimum of:
    - 12 month forecasted income and expenditure; and
    - cash flow forecast; and
    - projected balance sheet; and
    - full explanation of assumptions behind the figures provided.
23. The information will be reviewed against the EFA's standard financial health assessment and used to categorise, for the EFA's purposes, an institution's financial health as outstanding, good, satisfactory or inadequate.
24. Institutions whose financial health is assessed as being inadequate will fail the application process.
25. Institutions who have omitted to provide the required financial documentation cannot be considered and will fail the application process.
26. The maximum number of documents that can be submitted is 6 and the size of individual files cannot exceed 3 megabytes. Institutions exceeding this limit may not be considered and could fail the application process.

## Section 4: Type and quality of provision

27. Applicants will be asked what type of provision they offer, which will include: day placements only, residential placements only, or a mix of day and residential placements.
28. Applicants who indicate that they offer **residential placements** will be required to provide the date, rating, reference and link to their latest Care Quality Commission (CQC), Ofsted Social Care, Care and Social Services Inspectorate Wales (CSSIW), or other inspectorate published inspection report. The absence of this information will result in the application not proceeding

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<sup>2</sup> If the institution does not have a legal status in its own right and is part of a larger organisation, please submit the financial statements of that organisation.



29. Applicants should detail whether their education provision is subject to inspection by Ofsted, Independent Schools Inspectorate or Estyn details should be given of the date, rating, reference and link to inspectorate report for the last full inspection:

- a. Ofsted and Estyn inspected institutions should detail their last full inspection rating;
- b. Independent Schools Inspectorate inspected institutions the 'quality of pupils achievement and learning rating'

30. Where an institution is assessed as being inadequate at their last education or social care full inspection including residential accommodation, or linked children's homes, and/or judged not to be meeting the essential requirements that result in a major impact, the institution will fail the application process. Institutions which have not been inspected by Ofsted, Independent School Inspectorate, Estyn, CSSIW or CQC, may be asked to provide further evidence to support their application. In addition, where the application is successful, an inspection will be requested to be carried out at the institution within 18 months of publication of the approved list, as follows:

- a. Special Post-16 Institutions will be inspected against the Ofsted Common Inspection framework and Care Quality Commission inspection framework (where appropriate)
- b. Independent Special Schools in England against the Ofsted school inspection framework, or Independent School Inspectorate inspection framework
- c. Independent Schools in Wales against the Estyn Common Inspection framework and CCSIW (where appropriate)

31. The information provided at this section will be validated against information held by the DfE, EFA and other parties.

## **Section 5: Institution Contact Information**

32. The applicant must provide contact details for the principal or head of the institution and if they are not the principal or head provide their contact details

33. Non-completion of this section will result in the application not proceeding. The information collected will be used to notify institutions of their application outcome and to obtain further information should this be required.

## **Section 6: Declaration**

34. All applicants must complete the declaration section, to confirm they are authorised to submit the application on behalf of the institution and that the information provided is accurate, as at the date the application was made.

35. In addition, the applicant must confirm that they are willing for the institution's name to be published on the SoS approved list. In confirming this, institutions will make themselves voluntarily subject to certain duties in the Act as set out in '[Approval of independent special schools and post-16 Institutions – a guide for independent special institutions on applying for inclusion on the Section 41 Secretary of State approved list](#)', January 2015 guide.

## Application submission and next steps

36. Following submission of the application, the institution will receive an automated acknowledgement confirming that their application has been received, along with an email containing a pdf version of the application. This does not mean that the institution will automatically be confirmed on the approved list, but is confirmation that the application has been received. The information and documentation submitted will be reviewed and the application outcome provided to the institution by the 30<sup>th</sup> April 2015.

37. The SoS approved list of Special Education Institutions will be updated on 30<sup>th</sup> April 2015 at [Gov.uk](#).

38. The list of approved institutions will be reviewed termly, with institutions expected to continue to meet the qualifying criteria. Any new information such as recent inspection reports and financial health outcomes will be taken into account during this review. If serious concerns relating to an institution have been raised with the Secretary of State by any individual (for example relating to safeguarding), the EFA will consider their implications of this information.

39. The EFA will contact an institution if there is a risk that it may be removed from the list. The decision to remove an institution will take effect 28 days after notification has been given (condition 61.3 - SEND Regulations 2014). All local authorities in England will be notified of an institution's removal (condition 61.2 – SEND Regulations 2014) from the SoS approved list.

## **Further sources of information**

[Children and Families Act 2014](#)

[Section 41 Secretary of State approved list of independent special institutions](#)

[EFA application form and guidance](#)

[Edubase](#)

## **Other advice and guidance you may be interested in**

[16 to 19 education: high needs funding](#)

[High-needs Students market entry process](#)

[SEND Code of Practice 2014](#)

[The Special Educational Needs and Disability Regulations 2014](#)



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email [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

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