



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**

**April 2014**

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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. The 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 application form. The online application should be completed by institutions wishing to be considered for inclusion on the Secretary of State (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 post-16 Institutions – a guide for independent special institutions applying for inclusion on the list of approved special institutions, April 2014’, 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<sup>2</sup> and a separate market entry process which is undertaken outside of any process set out in this document.
5. For the purposes of this document Independent Education 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.

<sup>2</sup> Section 15ZA of the Education Act 1996 places a duty on local authorities to secure the provision of education and training for learners with learning difficulties and/or disabilities who are under 25 and subject to a learning difficulty assessment (LDA). The EFA passes funds to institutions and local authorities in accordance with the commissioning decisions of local authorities, pursuant to the Secretary of State’s power under Section 14 Education Act 2002.

## Timescales

Date	Activity
4th April 2014:	Application process opens (Summer Term 2014)
31 <sup>st</sup> May 2014:	Application process closes (Summer Term 2014)
April to July 2014:	Applications will be reviewed in accordance with the 'Approval of independent special schools and post-16 Institutions – a guide for independent special institutions applying for inclusion on the list of approved special institutions'
July 2014:	Applicants notified of outcome  Local authorities notified of the institutions who will be named on the SoS approved list of special education institutions
September 2014:	SoS approved list of special education institutions published

6. The process will remain open beyond 31 May 2014, during which applications will be reviewed and SoS list updated termly.

### Autumn Term

Date	Activity
September to October 2014	Applications reviewed
December 2014	List updated

### Spring Term

Date	Activity
January to February 2015	Applications reviewed
March 2015	List updated

## EFA contact details

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

## Completing the application form

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

9. Only institutions in scope and that meet the eligibility criteria should complete the on-line application form.

10. 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 information

11. The applicant should select the appropriate institution from the three types detailed. This should reflect how the institution is legally registered and not the name the institution refers to themselves:

- a. Independent educational institution: entered on the register of independent educational institutions in England, under the Education and Skills Act 2008 and which are specially organised to make special educational provision for students with special educational needs
- b. an independent special school in Wales: entered on the register of independent schools under the Education Act 2002) and which are specially organised to make special educational provision for students with special educational needs
- c. special post-16 institution which is not an institution within the further education sector, a 16 to 19 Academy or other LA-maintained provision.

12. The information provided at this section will be cross-validated against data and information held by the Department for Education (DfE), EFA and other parties.

13. The applicant should populate all relevant fields within this section including:

- a. registered legal and office address name: must align to the information held at Companies House and/or the Charity Commission
- b. type of company: must align to the information held at Companies House and/or the Charity Commission
- c. DfE registration number: must be completed by all independent specialist schools and institutions which are registered with the DfE. This can be obtained from Edubase and comprises the local authority (LA) 3 digit code and establishment number i.e. 123 [LA code] /4567 [establishment number]. None completion of this field by independent special schools will result in the application not proceeding

14. Institutions will be asked to detail their trading name and address, if this differs to the organisations registered legal name. In addition, the applicant should detail which name the institution should appear as, on the SoS approved list should their application be successful.

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

## **Section 2: Institution Contact Information**

16. The applicant will be asked to provide contact details for the principal or head of the institution and the primary contact (person completing the application), should this differ to the principal/head.

17. None 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 3: Financial health assessment**

18. The applicant must provide financial documentation in support of their application:

- a. audited financial statements (not abbreviated) for the last two years<sup>3</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.

19. 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.

20. Institutions whose financial health is assessed as being inadequate will fail the application process.

21. Institutions who fail to provide the required financial documentation cannot be considered and will fail the application process.

22. The maximum number of documents that can be submitted is 10 and the size of individual files cannot exceed 10 megabytes. Institutions exceeding this limit may not be considered and could fail the application process.

## Section 4: Student cohort

23. The applicant should complete the total student cohort and number of students with an EHC plan, learning difficulty assessment (LDA) or statement of special educational needs (statement) for each of the age ranges (as at the start of the academic year) selected.

24. 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).

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<sup>3</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.

## Section 5. Type and quality of provision

25. 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. Applicants who indicate that they offer residential placements will be asked to provide the date and rating of their latest Care Quality Commission or Ofsted Social Care inspection. The absence of this information will result in the application not proceeding.

26. Applicants whose education provision is subject to inspection by Ofsted or Independent Schools Inspectorate should detail the date and rating of their last full inspection:

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

27. Where the quality of education is assessed as being inadequate, the institution will fail the application process. Institutions where the inspection outcome is 'requires improvement' may fail the application process and further information will be gathered together with discussions with the institution and the inspectorate(s).

28. Institutions who have not been inspected by Ofsted or independent school inspection, may be asked to provide further evidence to support their application. In addition, an Ofsted or independent school inspectorate 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
- b. Independent Educational Institutions and Independent Special Schools against the Independent School Inspectorate inspection framework.

29. The information provided at this section will be cross-validated with information held by the DfE, EFA and other parties.

## Section 6: Declaration

30. 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.

31. 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 Children and Families Act and set out in 'Approval of independent special schools and post-16 Institutions – a guide for independent special institutions applying for inclusion on the list of approved special institutions, April 2014' guide.

## **Application submission and next steps**

32. Following submission of their 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 submitted for consideration.

33. The information and documentation submitted will be reviewed and application outcome provided to the institution during July 2014.

34. Applicants who were unable to complete all of the application stages will not be considered as eligible for the SoS approved list.

35. The SoS approved list of Special Education Institutions will be published during September 2014.

36. Approved institutions will be confirmed to local authorities during July in advance of publication of the approved list.

37. 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. The EFA will contact an institution if there is a risk that it may be removed from the list.

## Further sources of information

The approval of independent special schools and post-16 institutions

[A guide for independent special institutions on applying for inclusion on the list of approved special institutions](#)

[Online application form](#)

[Children and Families Act 2014](#)

[Edubase](#)

## Other advice and guidance you may be interested in

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

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



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