



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

August 2014 (Autumn term)

Contents

Introduction	3
Timescales	4
EFA contact details	5
Completing the application form	5
Section 1: Institution type and trading information	6
Section 2: Institution Contact Information	7
Section 3: Financial health assessment	7
Section 4: Student cohort	8
Section 5: Type and quality of provision	8
Section 6: Declaration	9
Application submission and next steps	9
Further sources of information	10
Other advice and guidance you may be interested in	10

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)¹.
3. This guide sets out the timescales and information required to complete the [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 post-16 Institutions – a guide for independent special institutions applying for inclusion on the Section 41 Secretary of State approved list, August 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 decisions² 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 Education Institutions, Independent Special Schools and Special Post-16 Institutions will be referred to as Independent Special Institutions.

¹ 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.

² 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

Autumn Term

Date	Activity
8 th September 2014	Autumn term process opens
17 th October 2014	Autumn term process closes
8 th September to 28 th November 2014	Applications reviewed 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 Section 41 Secretary of State approved list’
31 st December 2014	List updated

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

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

Spring Term

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

Summer Term

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

EFA contact details

8. If you have any questions about completing the application form or contents of this document please email: HNSSoS.EFA@education.gsi.gov.uk

Completing the application form

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

10. Only institutions in scope and that meet the eligibility criteria should complete the 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.

Section 1: Institution type and trading information

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

- a. Independent 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 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 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.

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

13. 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. DfE registration number: must be completed by all independent special 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]. Non-completion of this field by independent special schools will result in the application not proceeding

14. 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.

15. 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: Institution contact information

16. The applicant must 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. 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 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 years³; 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 have omitted 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.

³ 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 4: Student cohort

23. The applicant should provide the **total number** of students at the institution you are applying as, or are registered under, not solely those with special needs or falling within a particular age range. This figure should then be broken down to detail the number of 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 to 15), for the institution you are applying as or registered under. The student numbers must align with the information provided in support of the application i.e. inspection reports and other documentation.
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 Agency (SFA).
25. The information provided at this section will be validated against information held by the DfE, EFA and other parties.

Section 5: Type and quality of provision

26. 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 required to provide the date and rating of their latest Care Quality Commission, Ofsted Social Care, or Care and Social Services Inspectorate Wales inspection. The absence of this information may result in the application failing or a request for additional information.
27. Where the education provision is subject to inspection by Ofsted, Independent Schools Inspectorate or Estyn details should be given of the date and rating of the last full inspection:
- 27.1. Ofsted and Estyn inspected institutions should detail their last full inspection rating;
 - 27.2. Independent Schools Inspectorate inspected institutions the ‘quality of pupils achievement and learning rating’
28. Where an institution is assessed as being inadequate at their last full inspection, and/or judged not to be meeting the national minimum/essential standards that result in a major impact, the institution will fail the application process. For institutions where the inspection outcome is ‘requires improvement’ further information will be gathered, including discussions with the institution and the inspectorate(s).
29. Institutions which have not been inspected by Ofsted, Independent School Inspectorate or Estyn, 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:

- 29.1. Special Post-16 Institutions will be inspected against the Ofsted Common Inspection framework
 - 29.2. Independent Special Schools in England against the Independent School Inspectorate inspection framework
 - 29.3. Independent Schools in Wales against the Estyn Common Inspection framework
30. The information provided at this section will be validated against information held by the DfE, EFA and other parties.

Section 6: Declaration

31. 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.

32. 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](#)', August 2014 guide.

Application submission and next steps

33. The applicant should complete the [application form](#) and submit with the financial information set out in this document, to HNSSoS.EFA@education.gsi.gov.uk.

34. The information and documentation submitted will be reviewed and the application outcome provided to the institution by the 31st December 2014.

35. The SoS approved list of Special Education Institutions will be updated on 31st December 2014 at Gov.uk.

36. 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

[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](#)



Education
Funding
Agency

© Crown copyright 2014

You may re-use this document/publication (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence v2.0. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/version/2

email psi@nationalarchives.gsi.gov.uk

About this publication:

enquiries www.education.gov.uk/contactus

download www.gov.uk/government/publications

Reference: EFA-00350-2014



Follow us on Twitter:
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:
facebook.com/educationgovuk