

# Changing the way that independent schools are registered and approved to admit children with special educational needs

**A young person's summary consultation**



Llywodraeth Cymru  
Welsh Government

[www.cymru.gov.uk](http://www.cymru.gov.uk)

# Introduction

## **SEN means special educational needs.**

Some children and young people have SEN.

This can mean that they have difficulties with:

- school work
  - understanding information
  - making friends
  - letting people know what they think
- or have a disability or physical problem they need help with.

There are lots of ways in which children and young people with SEN receive support.

Some of this support comes through independent schools.

An independent school is a school that is privately run by a charity or a group, sometimes parents pay and sometimes local authorities pay.

## **The Welsh Government wants all independent schools to be the best they can be.**

We also want them to be safe places that children and young people with SEN can go to.

This booklet tells you all about the changes we want to make.

## **We want to know what you think.**

# How things work now

There are two different systems that allow independent schools to admit learners with SEN. When agreement has been given for them to do so, they can begin teaching learners with SEN. These systems are part of education law. Some of education law is written down in documents called 'Acts', which are known by their name and the year they were made.

## The first system – section 347 of the 1996 Education Act

Each Act is made up of different sections or chapters. Section 347 is one of these.

### Under the rules of section 347:

- an independent school has to apply to Welsh Ministers to be approved to teach children with SEN
- a parent/carer can ask for their child to go to a school, even if it isn't approved.

Welsh Ministers then decide if the school can meet the needs.

## The second system – section 160 of the 2002 Education Act

### Under the rules of section 160:

- an independent school wanting to teach pupils with SEN must apply to Welsh Ministers to register as an independent school because it is breaking the law not to.

When they apply they must give information like:

- the age range and number of the learners they want to teach
- whether they admit girls, boys or both
- if there is accommodation or rooms for overnight stays
- what types of SEN they can support.

The independent school must also tell Welsh Ministers if any of this information ever changes.

# What we want to change

## **We want to remove the first system – section 347.**

That would mean that every independent school would only have to register under the rules of section 160 to admit learners with SEN.

## **We think that we should make these changes because:**

- the rules of section 160 are similar to the rules in section 347
- since the Education Act of 2002, independent schools have improved and now have better standards
- one system will be simpler to use while still helping to keep learners safe
- local authorities know and understand the needs of the learners with SEN in their areas and can find them the best school to meet their needs.

Sometimes parents/carers don't like the school that is chosen for their child. Parents/carers will still have the same rights to say they don't agree with this decision and ask for it to be changed.

We think this change will save time and make it easier for the Welsh Government, local authorities and parents/carers to deal with any problems so the learner with SEN gets the help and support they need, when they need it.

# Did you know?

In 2009 England removed section 347 for its independent schools.

Then in 2010 we asked people across Wales if they thought we should do the same.

At that time most people thought it was a good idea but some were worried that we did not have all the structures and plans in place to make sure that learners with SEN were safe. So the Minister for Education and Skills decided to keep both systems until we could sort this out.

## **Since then we have worked to make sure that everything is structured to support this change.**

Also, the changes that we are thinking of making to the way independent schools register is linked to other work that is happening to support learners with SEN. There is a young people-friendly consultation currently online about this.

If you want to know more about this, there is information at [www.wales.gov.uk/consultations/education/senframeworkconsultation/?lang=en&status=open](http://www.wales.gov.uk/consultations/education/senframeworkconsultation/?lang=en&status=open)

# A new name

**SEN means special educational needs, but there is also another term – ALN: additional learning needs.**

Children and young people with ALN have different levels of learning needs. Some of these needs may last for a long time, some for a short time.

These include children and young people who may be from groups like:

- asylum seeker or refugee families
- Gypsy or traveller families
- English as a second language families
- children with SEN.

**Both these terms SEN and ALN are now being replaced by one new term: AN which means additional needs.**

AN can be at different levels and the help and support that children and young people need can also be at different levels.

All independent schools can teach learners with AN but they will have to register if they are admitting learners with significant or severe AN.

# Checking

We would make all information about these schools available online so that parents/carers and local authorities know what schools are in their area and what level of AN they can support.

We would make sure that all independent schools registered to admit learners with SEN are visited and checked yearly like they are now.

We would also make sure that they are inspected by Estyn as they are now.

If an independent school is not meeting the high standards and supporting the needs of the learners with AN, then we can step in quicker and make sure that there is a plan in place to make things better.

# Guidance

To make sure that everyone knows what their roles and responsibilities are, rules and guidance will be written for:

- the independent schools
- local authorities
- parents/carers.

# Questions

**Do you think it is a good idea to remove section 347 and for section 160 to be used on its own?**

✓ Yes   ✗ No   ? Don't know

**Do you think the structures and plans in place make sure that learners with SEN are safe?**

✓ Yes   ✗ No   ? Don't know

Is there anything else you want to say?

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# Thanks for reading!

Please e-mail your answers to:

**[AdditionalLearningNeedsBranch@wales.gsi.gov.uk](mailto:AdditionalLearningNeedsBranch@wales.gsi.gov.uk)**

or post them to:

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