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Llywodraeth Cymru
Welsh Government

Welsh Government Consultation – summary of responses

Repealing provisions in the Education (Schools and Further and Higher Education) Regulations 1989 and the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994

Date of issue: 29 September 2017

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Repealing provisions in the Education (Schools and Further and Higher Education) Regulations 1989 and the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994

Audience	This document is aimed at all schools, local authorities, diocesan authorities, teaching unions, further education institutions, Estyn and other interested parties.
Overview	This document provides a summary of the responses received to the consultation regarding repealing provisions in the Education (Schools and Further and Higher Education) Regulations 1989 and the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994 published on 14 June 2017.
Action required	None – for information only.
Further information	Enquiries about this document should be directed to: Finance and Inspection Branch Education Business Planning and Governance Division The Education Directorate Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 03000 253718 e-mail: Education-BusinessPlanning&Governance@Gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at gov.wales/consultations Large print, Braille and alternative language versions of this document are available on request.
Related documents	<i>Repealing provisions in the Education (Schools and Further and Higher Education) Regulations 1989 and the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994 (2017)</i> Welsh Government consultation document

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Introduction

The Welsh Government undertook a public consultation on repealing Regulations relating to the granting of consent to use ionising radioactive materials in maintained and independent schools and further education institutions in Wales. The consultation also sought views regarding the repeal of provisions relating to the inspection of boarding hostels for learners with special education needs.

This document provides a summary of the responses received to the specific questions asked and outlines the proposed way forward.

Summary of responses

Three respondents replied to the consultation. A list of the respondents is in Annex 1.

Question 1

Do you agree that the requirement for schools and further education institutions to seek approval from Welsh Ministers to use ionising radioactive materials should be removed?

Agree	Disagree	Neither agree nor disagree
2	0	1
67%	0%	33%

Summary analysis

The majority of respondents supported this proposal.

One respondent referred to the reference in the consultation that 'schools gain approval for radioactive materials which are otherwise controlled through more descriptive UK health and safety legislation' and agrees that there is no need for regulations to require schools to apply for consent. The respondent also mentions that *Managing Ionising Radiations and Radioactive Substances in Schools and Colleges* (CLEAPSS May 2017) provides very clear guidance on the use of these materials. However, the respondent questions that the consultation document does not make it clear whether this or other relevant legislation applies to further education institutions.

The respondent that neither agreed nor disagreed mentioned the rationale behind this conclusion was inconclusive and would want to see assurances that this change is future proofed to ensure safeguards are in place for students and education professionals.

The Welsh Government response

As a result of the support for this proposal, regulations will be repealed to remove the requirement for maintained and independent schools and further education institutions to apply to Welsh Ministers to use ionising radioactive materials. The use of radioactive materials in schools and further education institutions are covered by UK health and safety legislation. Section 2 of the *Managing Ionising Radiations and Radioactive Substances in Schools and Colleges* (CLEAPSS, May 2017) guidance refers to the legal background and regulations that govern most of the acquisition, use and disposal of radioactive substances used in school science. The Ionising Radiation Regulations 1999 specify how employers must ensure the safety of their employees who work with ionising radiations and the Environmental Permitting (England and Wales) Regulations 2010 regulate the acquisition, security and disposal of radioactive substances. The legislation applies to schools and further education institutions.

Question 2

Do you agree that provisions relating to the inspection of boarding hostels for pupils with special educational needs should be removed?

Agree	Disagree	Neither agree nor disagree
2	0	1
67%	0%	33%

Summary analysis

The majority of respondents supported this proposal.

One respondent mentioned that they were not aware of any boarding hostels for pupils with special educational needs in Wales.

Another of the respondents preferred this to be considered under the Additional Learning Needs and Tribunals Bill and suggested that this should be an amendment to listed repeals and dealt with in the proper way.

The Welsh Government response

It would not be appropriate to make this change through the Additional Learning Needs and Tribunals Bill. As a result of the support for this proposal, the provisions will be repealed.

Question 3

We would like to know your views on the effects that repealing the Regulations requiring schools and further education institutions to seek approval from Welsh Ministers to use ionising radioactive materials and removing provisions relating to the inspection of boarding hostels for pupils with SEN would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Summary analysis

One respondent commented that these changes would not have any effect on the Welsh language, the other two respondents did not comment.

The Welsh Government response

Welsh language issues were considered during the proposed amendments. The responses to the consultation did not raise any issues that require the amendments to be changed with respect to the Welsh language.

Question 4

Please also explain how you believe the proposed policy of repealing Regulations requiring schools and further education institutions to seek approval from Welsh Ministers to use ionising radioactive materials and removing provisions relating to inspection of boarding hostels for pupils with SEN could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Summary analysis

One respondent commented that the proposed policy would not have an impact on the Welsh language, therefore no changes are required. The other two respondents did not comment.

The Welsh Government response

Welsh language issues were considered during the proposed amendments. The responses to the consultation did not raise any issues that require the amendments to be changed with respect to the Welsh language.

Question 5

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Summary analysis

One of the respondents commented that paragraph 7 of Schedule 1 of the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994 also requires independent schools to gain approval from Welsh Ministers to use ionising radioactive materials and suggests that It is not clear why this has not been included in the proposed changes.

The Welsh Government response

Paragraph 7 of Schedule 1 of the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994 is included in the change and will be repealed. Therefore independent schools will not be required to seek approval.

Annex: List of respondents

1. ATL Cymru
2. Estyn
3. NUT Cymru