



Llywodraeth Cymru
Welsh Government

GUIDANCE, DOCUMENT

Independent schools registration and operational guidance

Find out what you must do when registering and operating an independent school.

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Introduction

1. This guidance explains the Welsh Government's procedures for the registration of independent schools. It also provides guidance to help proprietors and others better understand their legal obligations. These include meeting the standards set out in the Independent School Standards (Wales) Regulations 2024 (referred to in this document as 'the standards').

2. All independent schools in Wales must be registered with the Welsh Government. Applications for registration must be made before a school admits pupils. It is unlawful:

- to operate an unregistered school
- for a registered school to make a material change to its registration before obtaining prior consent from the Welsh Government

3. This guidance aims to help prospective proprietors and proprietors of independent schools already registered with Welsh Government to better understand and fulfil their legal obligations.

4. For the purposes of the Education Act 2002 and regulations made under the Act, 'proprietor' means the person or body of persons responsible for the management of the school and can include a sole proprietor, governing bodies, trustees or directors. The proprietor is responsible for ensuring that the school complies with the Independent School Standards (Wales) Regulations 2024. While day-to-day running may be the responsibility of the headteacher, the proprietor is responsible in law for ensuring the standards are met.

5. The guidance offers advice on commonly raised points, but it is not a substitute for seeking independent legal advice.

6. In order to understand what is required of them, schools and proprietors are

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encouraged to refer, where applicable, to:

- the regulations themselves
- the **Additional Learning Needs Code**

7. The information in this guidance may also be useful for other interested parties including:

- senior leaders
- staff
- governors
- members of different types of management groups
- headteachers
- parents and carers
- local authority safeguarding and education services
- local authority commissioning teams

Using this guidance

8. The guidance has 4 parts. Each part builds upon the last and should not be read alone. The guidance should be read as a whole document, designed to help the reader better understand the regulations and standards as well as their obligations in relation to these.

9. Part 1 of the guidance provides background information about the legislative requirements for independent schools in Wales. It outlines the key legal obligations of proprietors for registration and continued registration. It also includes information about provision for pupils with additional learning needs (ALN) and arrangements for the inspection of independent schools.

10. Part 2 explains Welsh Government's procedures for registering new

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independent schools and how a prospective proprietor should go about it.

11. Part 3 outlines the requirements for the continued registration of an independent school. Information is included about the range of routine post-registration activities that a school either must or potentially could be involved with. This is as part of the proprietor's duties under all of the regulations with which independent schools in Wales are required to comply. It also includes information about the effect of not doing so.

12. Part 4 sets out more detail about the standards regulations and provides information about effective practice in complying with them. The aim of this section is to better support independent schools in self-evaluating pupil outcomes, the quality of provision and impact of leadership to meet all of the regulatory requirements and secure greater improvement.

13. Throughout this guidance the terms 'must', 'should' and 'effective practice' are used. The term 'must' is used when there is a statutory duty to meet the requirement. The word 'should' is used when the advice set out should be followed unless there is good reason not to. The term 'effective practice' is used where it is considered the education setting ought to follow the advice, but there is no requirement to do so.

14. Some regulations use the term 'have regard to', which means that you must take into account relevant Welsh Government guidance, engage with it, and carefully consider it before making a decision or deciding on a policy and practice.

15. While this guidance is non-statutory, there would need to be good reason for any departure from it and justification for not complying with it.

Part 1: Key information

Background

16. All independent schools in Wales must be registered with the Welsh Ministers and are subject to a framework of regulations. The principal regulations and order are:

- [The Independent School Standards \(Wales\) Regulations 2024](#)
- [The Independent Schools \(Provision of Information\) \(Wales\) Regulations 2024](#)
- [The Independent Schools \(Prohibition on Participation in Management\) \(Wales\) Regulations 2024](#)
- [The Independent Schools \(Publication of Inspection Reports\) \(Wales\) Regulations 2003](#)
- [The Independent Schools \(Religious Character of Schools\) \(Designation Procedure\) \(Wales\) Regulations 2003](#)
- [The Designation of Schools Having a Religious Character \(Independent Schools\) \(Wales\) Order 2009](#)
- [Education \(Independent Schools\) \(Unsuitable Persons\) \(Wales\) Regulations 2009](#)

17. The Independent School Standards (Wales) Regulations 2024 set out requirements that all independent schools must satisfy as a condition of registration and also of remaining registered. These independent school standards cover:

- quality of education provided
- spiritual, moral, social and cultural development of pupils
- welfare, health and safety of pupils
- suitability of proprietors, staff and supply staff

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- premises of and boarding accommodation at independent schools
- the provision of information
- the manner in which complaints are to be handled

18. In addition, The Independent Schools (Provision of Information) (Wales) Regulations 2024 set out the information that each applicant wanting to register an independent school must provide for Welsh Ministers to consider and, subject to successful registration, the information the proprietor must submit in an initial return as well as annual returns to the Welsh Ministers.

19. Parts 2, 3 and 4 of this guidance provide more detail about The Independent School Standards (Wales) Regulations 2024 and The Independent Schools (Provision of Information) (Wales) Regulations 2024. Part 4 provides more detail about effective practice in complying with the Independent School Standards (Wales) Regulations 2024. Part 4 also sets out the action to be taken if a member of staff has concerns about a pupil.

20. The legislation does not seek to impose the detailed requirements of the maintained sector on independent schools in Wales. Rather, it gives the Welsh Ministers clearly defined grounds for taking effective action against independent schools who fail consistently to comply with the legislative standards. In isolated instances, if non-compliance is sufficiently serious, or if potential education providers who are considered unlikely to be able to comply from opening in the first place are identified, effective action will also be taken.

21. Further, the Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024 prescribe the grounds on which a direction may be given under **Section 167A of the Education Act 2002** prohibiting a person from taking part in the management of an independent school in Wales or placing a restriction on a person's ability to do so.

The legal definition of an independent school

22. The legal definition^[Footnote 1] of an independent school is, as defined in section 4 of the Education Act 1996, any school, at which full-time education is provided for:

- (a) 5 or more pupils of compulsory school age, or
- (b) at least one pupil of that age for whom an education, health and care (EHC) plan^[Footnote 2] or an individual development plan (IDP)^[Footnote 3] or statement^[Footnote 4] is maintained, or who is 'looked after' by a local authority (within the meaning of section 22 of the **Children Act 1989** or section 74 of the **Social Services and Well-being (Wales) Act 2014**) and which is not a school maintained by a local authority or non-maintained special school.

The legal obligation to register an independent school

23. All establishments in Wales that meet the definition of an independent school must register with the Welsh Ministers and comply with the regulations before they start to operate. This legislation means that a prospective proprietor's application for registration must be made and approved before any pupils are admitted.

24. If a provision falls outside the definition of an independent school given earlier, it will not be registered with the Welsh Government as an independent school. However, where a local authority has placed pupils in a particular provision, it will need to be satisfied that those children of compulsory school age who are attending the provision are receiving full-time education suitable to their age, ability, aptitude, and any ALN they may have.

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25. Estyn is the office of His Majesty's Inspectorate for Education and Training in Wales. They may inspect an establishment it reasonably considers is operating as an unregistered independent school as defined by section 159(4) of the Education Act 2002. They will then provide advice to the Welsh Government. In such cases, Estyn will assess whether the establishment meets the definition of an independent school. This will include assessing whether or not the provision is intending to provide or is providing all or substantially all of a child's education.

26. It is an offence to operate an unregistered independent school before obtaining prior consent from the Welsh Government. Anyone who does so may be liable on summary conviction to a fine or imprisonment under section 159(1) and (2) of the Education Act 2002. Making a material change to registered details before obtaining prior consent from the Welsh Government could result in the independent school being removed from the register. This is in accordance with section 162(1) of the Education Act 2002.

27. The sections that follow are designed to help prospective proprietors, and those of independent schools already registered with the Welsh Government, to better understand what the legal definition of an independent school means and what is required of them in relation to this. However, they are not a substitute for seeking independent legal advice where a provider is not certain on the legality of any aspect of their provision.

How full-time education is defined

28. There is no legal definition of 'full-time' education. However, we consider an establishment to be providing full-time education if it is providing education that is intended to provide all, or substantially all, of a child's education.

29. The relevant factors in determining whether education is full time include:

- the number of hours per week that is provided, including breaks and

independent study time

- the number of weeks in the academic term or year the education is provided
- the time of day it is provided
- whether the education provision in practice precludes the possibility that full-time education could be provided elsewhere

What is compulsory school age

30. Compulsory school age covers the age range of 5 to 16 years old. A child will reach compulsory school age^[Footnote 5] at one of the following 3 dates in the year: on the first day in September, January, or April. Deciding which of these compulsory school age dates is to be applied will be determined by the date of the child's fifth birthday as illustrated in the bullets and example below.

- If a child's fifth birthday falls between 1 April and 31 August, they will become of compulsory school age on 1 September.
- If a child's fifth birthday falls between 1 September and 31 December they will become of compulsory school age on 1 January.
- If a child's fifth birthday falls between 1 January and 31 March, they will become of compulsory school age on 1 April.

31. A child born on 1 January 2019 will have their fifth birthday on 1 January 2024 and, therefore, will not be 5 before the eligibility date of 1 January 2024, but will be 5 before 1 April 2024. They will not, therefore, become of compulsory school age until 1 April 2024.

School leaving age

32. Pupils in Wales can leave school on the last Friday in June, as long as they will be 16 by the end of that school year's summer holidays.

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Providing education for children under 5 years

33. Providers that cater primarily for children under the age of 5 are only required to register as an independent school if they also provide full-time education for:

- at least 5 pupils of compulsory school age or
- one or more pupils of that age for whom an EHC plan or an IDP or statement of educational needs (statement) is maintained or who is looked after by a local authority

34. However, if a provider caters for children under the age of 5, it must register with Care Inspectorate Wales (CIW). CIW is the independent regulator of social care and childcare in Wales.

Providing education for students over 16 years

35. Compulsory school age ends at the end of the school summer holidays following a pupil's 16th birthday. An establishment that provides solely for students over the age of 16 will not be registered with the Welsh Government because it is outside the scope of the definition of an independent school.

36. However, providers that also cater for:

- 5 or more compulsory school-age pupils
- at least one pupil of compulsory school age for whom an EHC plan or an IDP or statement is maintained or who is looked after by a local authority must register as an independent school.

Providing education with linked residential

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accommodation for children for more than 295 days per year

37. Under the [Regulation and Inspection of Social Care \(Wales\) Act 2016](#) (section 2 and Schedule 1, paragraph 1), an independent school with boarders is defined as a children's home if the establishment accommodates one or more children for over 295 days a year either at the school or under arrangements made by the proprietor of the school. The number of pupils accommodated for shorter periods, such as the length of the 3 usual school terms, does not impact on the definition.

38. An independent school that meets the definition of a children's home requires registration with CIW. Please note that this is in addition to registration as an independent school with the Welsh Government.

ALN

39. In Wales, the ALN system is the new statutory support system for children and young people aged 0 to 25 years with ALN. This system began its phased implementation in September 2021 and is ongoing through to 2025. For this reason, throughout the ongoing implementation phase as children move from the special educational needs (SEN) system to the ALN system, we will refer to both an IDP and statement).

40. The legislation providing for the new system is the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (ALNET), the [Additional Learning Needs Code](#) and regulations made under the Act. ALNET replaces the terms 'special educational needs (SEN)' and 'learning difficulties or disabilities' (LDD) with the new term 'additional learning needs' (ALN).

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41. A person has ALN if they have a learning difficulty or disability that calls for additional learning provision (ALP).

42. All children and young people with ALN are entitled to a statutory support plan called an IDP. Children and young people with ALN receive support called ALP which is set out in their IDP or statement.

43. Since November 2020, it is a requirement that all applications to register an independent school must include information as to the types of ALP to be made by the school.

44. The Welsh Ministers will publish a list of the schools on the independent schools register and include for each school the information they have been given about the types of ALP made by the school for pupils with ALN. The information will be useful for local authorities in preparing or reviewing IDPs or statements, or to consider whether a particular school would be able to deliver the required ALP. It may also be of interest to parents and carers when considering the school, they might wish their child to attend.

45. Further guidance about the provision for pupils' ALN, and the types of ALP schools may provide, is included in Part 2. Additional guidance about making changes to the type(s) of ALP made by a school after registration is provided in Part 3.

Arrangements for the inspection of registered independent schools

Estyn

46. Estyn undertakes a pre-registration inspection of all prospective independent schools to advise the Welsh Government on the school's compliance with the

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standards regulations. Part 2 of this guidance provides more detail about the registration inspection process.

47. Following registration, schools will routinely have a full inspection by Estyn to judge compliance with the registration standards. This will normally be done at least every 8 years. Estyn will also conduct monitoring inspections, typically every 12 to 18 months in independent schools which are specially organised to make ALP, except in the year when a full inspection is scheduled. Further, where any independent school is giving cause for concern, inspection will usually be more frequent.

48. Guidance about current independent school inspections is available on [Estyn's website](#).

49. Estyn's current cycle of inspections for independent schools, and most other sectors, comes to a close in summer 2024. Estyn is therefore revising how it inspects education and training in all sectors from 2024 onwards. Further information and regular updates are available on Estyn's website: [Inspecting for the future \(2024 to 2030\)](#).

CIW

50. CIW inspect boarding accommodation and pupil welfare in boarding schools every 3 years usually. They inspect independent schools which are specially organised to make ALP, including those with linked education and children's home provision, every 18 months usually. They inspect residential special schools annually usually.

51. If a school offers childcare provision such as for an extended day or holiday club provision, there is a requirement for this provision to be registered with CIW if the total care for children aged up to 12 years is more than 2 hours in any day and for more than 5 days a year outside of the child's full-time school day. The

school will need to discuss separate registration with CIW.

52. CIW may visit any school providing residential accommodation or day-care for under-12s at any time, announced or unannounced.

53. Guidance about the inspection of boarding schools, children's homes and day-care for under-12s is available on [the CIW website](#). There are currently no fees for CIW inspections.

54. Local authority education services departments may become involved with independent schools if they are considering placing a pupil for whom the local authority will fund their education placement at that particular school. Often, but not always, these pupils will have an IDP or statement.

55. Where there is a local authority funded pupil placement at an independent school, the placing local authority will need to satisfy itself that the pupil's needs would be appropriately met at the particular independent school, if this provision is not available in the maintained sector.

56. An independent school where a local authority funded pupil is placed has a duty to co-operate with the local authority about specific information and arrangements for the learner.

57. When maintaining an IDP or statement for such a child, in order to secure the ALP specified in it, the authority should work with the school to satisfy itself that it is being delivered.

Next steps

58. If you are uncertain as to whether your provision meets the independent school criteria, you should seek independent advice. However, if you are intending to register a provision as an independent school, you will need to take

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account of Part 2 of this guidance, which sets out the process for registration.

Part 2: Making an application to register an independent school

59. Before making an application, proprietors should ensure that they read the information in this part of the guidance as well as Part 1 and Part 4. This will give them a fuller understanding of the standards the school must meet.

60. Part 1 of the guidance provides background information about the legislative requirements for independent schools in Wales.

61. Part 4 of the guidance describes the standards in broader detail together with information about effective practice towards meeting them.

The role of the Welsh Government

62. All independent schools in Wales must be registered with the Welsh Government before they start to operate.

63. Applications for registration must be made and approved before a school admits any statutory school age pupils.

64. It is an offence to operate an unregistered school. Anyone who does so is liable to prosecution.

65. Making a material change to registered details before obtaining prior consent from the Welsh Government could result in the independent school being removed from the register.

Administrative arrangements

How do I apply

66. An electronic application form is available on the Welsh Government website at [Independent schools registration: application form](#).

67. The application form requires you to give details about your proposed school. These will include the proposed age range of pupils and maximum pupil numbers. It also asks you to submit:

- a plan, drawn to scale (minimum of 1:100), showing the layout of the premises and boarding accommodation of all buildings
- Detailed curriculum plans, schemes of work for the subjects taught and the procedures by which pupils' work and progress will be assessed
- A copy of the school written policies required by paragraphs 2(1)(a), 6(b), 7(b), 8(a), 11(a), 12, 13, 15 and 29 of the Schedule to the Independent School Standards (Wales) Regulations 2024
- A copy of the policy on the curriculum, supported by appropriate plans and schemes of work
- A copy of the policy to safeguard and promote the welfare of pupils
- A copy of the boarding accommodation policy
- A copy of the risk assessment policy that includes assessment of activities undertaken outside of the school's premises
- A copy of the behaviour policy
- A copy of the anti-bullying policy
- A copy of the health and safety policy that includes consideration of activities outside of the school's premises
- A copy of the first aid policy
- A copy of the complaints procedure

What documents should be consulted prior to completing the application

68. Before making an application, the prospective proprietor should understand the obligations under the standards the school must meet contained in the Schedule to the Independent School Standards (Wales) Regulations 2024.

69. It is important to familiarise yourself with the Welsh Government guidance documents hyperlinked in the 'How do I apply' section for each of the school's required written policies.

70. You should also be familiar with the legislation that set the standards for independent schools and other matters:

- [The Independent School Standards \(Wales\) Regulations 2024](#)
- [The Independent Schools \(Provision of Information\) \(Wales\) Regulations 2024](#)
- [The Independent Schools \(Prohibition on Participation in Management\) \(Wales\) Regulations 2024](#)
- [The Independent Schools \(Publication of Inspection Reports\) \(Wales\), Regulations 2003](#)
- [The Independent Schools \(Religious Character of Schools\) \(Designation Procedure\) \(Wales\) Regulations 2003](#)
- [The Designation of Schools Having a Religious Character \(Independent Schools\) \(Wales\) Order 2009](#)
- [The Education \(Independent Schools\) \(Unsuitable Persons\) \(Wales\) Regulations 2009](#)
- [Education Act 2002](#)
- [Education Act 1996](#)
- [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#)

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What about ALP

71. It is a requirement that all applications to register an independent school must include information as to the types of ALP to be made by the school. It will become a requirement for the Welsh Ministers to publish a list of ALP.

72. The section on provision for pupils with SEN or ALN provides information for independent schools that may be helpful.

Length of time of the registration process

73. The registration process will take a minimum of 4 months from receipt of all the necessary information. Applications to register should therefore be made well in advance of the proposed admission of pupils. However, please ensure that you have assembled and attached all the information required before submitting your application. An incomplete application will inevitably take longer to process as missing documentation will need to be requested and submitted.

Restrictions about the name of the school

74. If the name you are proposing for your school may be construed as implying a royal connection, for example Queen's, King's, Prince's and so on, the adoption of that name requires approval from the Welsh Government as part of your application.

75. In the absence of approval to use a name, you will be invited to suggest a different name. Schools will only be registered if the name is suitable. If in doubt about the use of a particular name, you should seek independent advice.

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What happens once the application form is received by the Welsh Government

76. The Welsh Ministers must determine whether the requirements of the Independent School Standards (Wales) Regulations 2024 are met and likely to continue to be met before a school is added to the list of independent schools in Wales.

77. When a complete application is received, the Welsh Government will notify Estyn who will make direct contact with the provision to arrange a suitable time and date to undertake a pre-registration visit.

78. If the intention is to provide new boarding accommodation at a new school or open a school on the same premises as a children's home, CIW will also be contacted.

The registration visits process

79. Inspectors from Estyn will undertake a pre-registration inspection of all prospective independent schools to advise the Welsh Government on the school's compliance with the standards regulations.

How Estyn or CIW conduct the pre-registration inspection

80. The inspectorates will make direct contact with the provision to arrange a suitable time and date to undertake a pre-registration visit. The inspectors will have copies of the documents that accompanied the application. They will:

- examine the documents submitted with the application
- look at the proposed premises
- discuss with the school's proprietor their plans for operating the school

81. The inspection will seek evidence to judge whether:

- proposed premises are safe and suitable
- the proposed curriculum is satisfactory
- policies are in place to protect and promote pupils' welfare, health, safety and wellbeing

82. Following the visit, the inspectorates will make a report to the Welsh Ministers on the extent to which the provision is likely to meet the Independent School Standards (Wales) Regulations 2024.

How the Welsh Government will respond to the pre-registration inspection report

83. When inspection is complete, the Welsh Ministers will consider the application and decide whether the school may be registered under section 161(1) of the Education Act 2002. The Welsh Ministers will consider the report by Estyn, and where appropriate CIW, and any other relevant information relating to **The Independent School Standards (Wales) Regulations 2024** in coming to a decision.

84. If the Welsh Ministers determine that the standards are met and are likely to continue to be met once the school becomes registered as an independent school, then it will be registered under section 161(3) of the Education Act 2002.

85. If your application is successful, you will receive a letter from the Welsh Government confirming that your school has been entered onto the Register of

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Independent Schools in Wales. The school will be added to the Register on the date of the registration letter. This letter will also inform you of the following:

- your school's registration number
- the maximum permitted number of pupils on roll
- age range of pupils
- registered address
- whether the school provides day, boarding or residential provision
- the specific ALN the school is able to provide for, if applicable
- an initial return is required within 90 days of pupil admission

You must not admit any pupils to the school before you receive this letter from the Welsh Government.

What happens if my application is unsuccessful

86. The Welsh Government's letter will explain the reasons for turning down your application.

87. You may resubmit your application, but the Welsh Government will only consider a resubmission if it is convinced that the reasons for failure have been addressed. This could, for example, include instances where the proposed premises are found to be unsuitable for use as a school.

88. Under no circumstances should you admit pupils if your application is unsuccessful. It is an offence to operate an unregistered independent school.

After my school is registered

89. Within the first 3 terms after the admission of statutory school-age pupils,

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Estyn inspectors will inspect your school again to confirm that you meet the standards for continued registration. It is expected that in order to meet the independent school definition (5 pupils or one with an IDP or EHC, or who is looked after) statutory school-age pupils will be admitted to the school within 3 months of the date of registration.

90. Part 3 of this guidance gives more detail about the follow-up to registration visit.

The registration process for schools that wish to provide new residential care

91. If the intention is to provide new residential care, as a children's home with educational provision, there will be a need to submit a separate application to register the care element of the provision directly with CIW. You are not permitted to provide education in an unregistered building.

The role of Care Inspectorate Wales (CIW) in the inspection of boarding schools

92. Independent boarding schools are inspected by CIW. CIW assess the boarding provision against the **National Minimum Standards for Boarding Schools**. These cover 5 broad areas as follows:

- welfare policies and procedures
- organisation and management
- welfare support for boarders
- staffing
- premises

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93. Schools providing residential care either wholly or mainly for pupils with ALN will need to refer to the [National Minimum Standards for residential special schools](#).

94. Any boarding school that provides accommodation for more than 295 days in any 12-month period must also be additionally registered with CIW.

Frequency are registered independent schools inspected

95. Following registration, schools will routinely have a full inspection by Estyn normally at least every 8 years. The full inspection will judge continued compliance with Part 3 of [The Independent School Standards \(Wales\) Regulations 2024](#).

96. Estyn will also carry out annual monitoring inspections in independent schools which are specially organised to make ALP, except in the year when a full inspection is scheduled. Further, where any independent school is giving cause for concern, inspection will usually be more frequent. Part 3 gives further information on this. CIW will inspect boarding accommodation and pupil welfare in boarding schools normally at least every 3 years, but typically 12 to 18 months in independent schools which are specially organised to make ALP, including those independent schools with linked education and children's home provision.

Applying to become a faith or church school

97. An independent school may apply for [Religious Character Status](#).

98. For further details contact: IndependentSchools@gov.wales.

Part 3: How schools maintain registration

Information required within the first 3 months of operation

99. In response to a request from the registration authority, the proprietor is required by law under Regulation 4 of the Independent Schools (Provision of Information) (Wales) Regulations 2024) to submit to the Welsh Government an **initial return** which must contain information that confirms that the appropriate criminal records checks have been carried out at the time of appointment of staff. This is in line with the requirements of Regulation 4 of and Part 3 of the Schedule to the Independent Schools (Provision of Information) (Wales) Regulations 2024.

100. Further information such as the number of pupils and staff at the school is also required.

101. In accordance with Regulation 6 of the Independent Schools (Provision of Information) (Wales) Regulations 2024 failure to return this information may result in a school being removed from the Register. In accordance with Regulation 7 of the Independent Schools (Provision of Information) (Wales) Regulations 2024) this is also a criminal offence.

The follow-up to registration visit

102. When your school is registered, and about 2 to 3 terms after your school has opened, you will receive notification about a 'follow-up to registration visit' from Estyn. This notification is normally 10 working days prior to the visit.

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103. The purpose of the visit is for Estyn inspectors to assess whether your school continues to comply with the Independent School Standards (Wales) Regulations 2024.

104. Inspectors will give particular attention to the standards and regulations not inspected during the pre-registration visit. These standards and regulations can be more robustly evaluated when pupils have been admitted and the school is operational. For example, the inspection team will look at the following standards from the Independent School Standards (Wales) Regulations 2024:

- Standard 1: the 'Quality of education provided'
- Standard 3: the implementation of policies for the 'Welfare, health and safety of pupils'

105. At the conclusion of the visit, inspectors will advise Welsh Government about whether:

- the school continues to fully meet all the standards
- there are standards that the school fails to meet fully

106. If your school meets all the standards, it will routinely have a full inspection by Estyn normally at least every 8 years to judge continued compliance.

107. Estyn will also carry out monitoring inspections in independent schools which are specially organised to provide ALP, typically every 12 to 18 months, except in the year when a full inspection is scheduled. The Welsh Government may also commission Estyn to undertake an inspection visit if your school wishes to make a 'material change' to their registration. Details about both types of inspection visits, and other inspection activities you may be involved with, are provided in the sections that follow.

108. If at any time after registration your school does not meet all the standards, the Welsh Government will require the shortcomings to be put right. Paragraphs

147 to 151 also address the issues of what happens if a school fails to meet the standards.

The annual return

109. Each year (usually in January) Welsh Government issues all independent schools in Wales with a census form which they are legally required to complete by the deadline given. These census forms help the Welsh Government to:

- maintain accurate, up-to-date details for the Register of Independent Schools
- ensure that all independent schools are complying with certain legal requirements, such as appropriate Disclosure and Barring Service (DBS) checks for proprietors and material changes to registration

110. Independent schools are required by law to complete the annual census. Therefore, failure to return the census form by the given deadline may result in the Welsh Ministers taking steps to remove a school from the Register of Independent Schools. Failure to return it is also a criminal offence.

Making changes to a registered school

111. Section 162 of the [Education Act 2002](#) requires that independent schools must gain approval from the Welsh Government before making specific material changes.

Changes to schools that need to be referred to the Welsh Government

112. The following paragraphs contain a list of the relevant material changes, together with details of the supporting information that schools must provide to the Welsh Government when making an application to have a change approved.

Change of proprietor

113. A new proprietor will have to apply for a DBS disclosure so that the Welsh Government can be satisfied that the new proprietor is suitable to work with children. Part 4 explains this procedure in more detail. The new proprietor will need to provide the same information as any proprietor applying to open a new school. This will include employment history and references. The detailed requirements are set out fully in paragraphs 2 to 6 of the Schedule to the Independent Schools (Provision of Information) Regulations 2024.

Change of school address

114. For a change of school address the following must be sent to the Welsh Government:

- the full postal address
- telephone number
- an electronic copy of new school plans drawn to scale (minimum of 1:100)
- a current fire risk assessment

Change in age range of pupils

115. To support an application to change the age range of pupils you will require copies of:

- your schemes of work
- assessment plans
- the curriculum policy for the new age range
- the number of children in the new age group
- the number of additional teaching staff employed to teach and support the new age group and their qualifications
- details of any changes in classroom accommodation in the school

116. If this planned alteration involves building work to the existing premises, please submit:

- a copy of revised plans of the premises drawn to scale (minimum of 1:100)
- the revised fire risk assessment

117. Please note that if a school extends its age range to include nursery provision the school will need to discuss registration with CIW.

Change in maximum number of pupils

118. Details of the proposed changes to increase the maximum number of pupils from the number that the school is currently registered for must be sent to the Welsh Government.

119. Where this request also involves one or more additional material changes such as to the age range of pupils or school premises, a school will need to provide Welsh Government with the other supporting information outlined in the relevant parts of this section.

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Change to admit boys only, or girls only or to become co-educational

120. If the changes require any change to the school premises, please submit:

- a copy of the revised plans of the premises drawn to scale (minimum of 1:100)
- a revised fire risk assessment

121. The Welsh Government will also require a copy of:

- any revised curriculum plans
- details of the number of proposed additional pupils
- the number of additional teaching staff and their qualifications

If a school currently admits boarding pupils, Welsh Government will also require:

- details of any new non-teaching staff employed and their respective qualifications

122. You should note that independent schools registered as charities may be governed by a trust instrument or instruments (Royal Charters, statutes) that limit the pupil intake of the school to one sex. Section 99 of, and Schedule 14 to, the **Equality Act 2010** gives power to a Minister of the Crown to make an Order removing or amending the restriction to one sex. Where a school applies for an Order under Schedule 14 the school must publish their proposals in a public newspaper. The published notice must state the intentions of the school and ask for any representations to the proposal to be made to the Welsh Government. Further details will be supplied on request.

Change to provide or cease to provide boarding accommodation

123. The Welsh Government will require:

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- a copy of the school plans of the premises drawn to scale (minimum of 1:100), showing expected changes to premises (such as sleeping accommodation)
- a revised fire risk assessment
- details of the numbers of proposed boarders, their age range and gender
- details of any proposed new teaching and non-teaching staff employed, and their qualifications

The school will have to meet the relevant **National Minimum Standards for Boarding Schools**. A copy of these plans will be forwarded to CIW for their approval and inspection of the premises.

124. Please note that if a school ceases to provide boarding accommodation the proprietor must also notify the Welsh Government.

Change to admit pupils or cease to admit pupils with ALN or to change the types of ALP offered

125. The Welsh Government will require:

- details of the numbers and age range of proposed pupils
- information about the types of ALP to be provided
- depending on the numbers of pupils to be catered for, curriculum details, schemes of work and, where alterations have been made to the school premises, a copy of the school plans drawn to scale (minimum of 1:100)

126. If changes are proposed to the type or types of ALP to be made by your school, the proprietor must notify the Welsh Government in writing and wait to receive formal approval before the proposed change is introduced.

127. A material change approval is only required, for example, if the school is planning to provide a different type of ALP. It is not necessary to apply for a

material change approval where the actual ALP made fluctuates, provided that the provision is within the description of the types of ALP made.

128. A school must also inform the Welsh Government if they plan to permanently stop providing certain ALP so that the published register can be updated.

The application process

129. An application for approval for any material change must be made to the Welsh Government by the proprietor or in the case of approval of a change of proprietor, by the proposed new proprietor. This is in accordance with section 162(3) of the Education Act 2002. It is very important to make a request for change well in advance so that the application can be considered, and approval is obtained in time. Applications may be made in an email to independentschools@gov.wales.

130. When the Welsh Government has considered a school's application to make a material change, it may decide that a material change inspection visit is required. They will commission Estyn or CIW to carry out that inspection visit.

131. Where there is a material change inspection visit, inspectors will consider the implications of the material change. They will also provide advice to the Welsh Government as to whether the school is likely to meet the relevant standards if the material change is implemented.

132. As the registration authority for independent schools, the Welsh Government will decide whether to approve the material change request, based on the outcome of the inspection visit and any other evidence it has about the school's likely compliance with the standards.

133. Schools have a right to appeal against a rejection of an application by the

Welsh Government to a First-tier Tribunal. This is in accordance with section 166(1)(a) of the Education Act 2002.

134. Where a material change is made without seeking approval, the Welsh Ministers may issue a determination to remove the school from the Register of Independent Schools or require the school to cease using the premises for a particular purpose, or to cease admitting new pupils.

135. In addition to the legislative requirements for a material change, independent schools have a duty to ensure that any changes to school premises comply with Standard 5 of the school standards regulations. Therefore, it is effective practice to provide the Welsh Government with details of proposed alterations to school premises. This will:

- allow the premises to be inspected as appropriate before the new facilities are used
- reduce the likelihood of a school failing to comply with Standard 5 of the school standards regulations

Monitoring visits to independent schools that are specially organised to make additional learning provision (ALP)

136. Pupils with ALN are often some of the most vulnerable pupils in Wales. The Welsh Government therefore makes an annual request to Estyn to provide ongoing advice and support regarding these pupils' education and wellbeing.

137. The monitoring visit is designed to evaluate each school's:

- continuing compliance with the standards
- progress against recommendations from the previous monitoring visit or core

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inspection

If the school has boarding accommodation or if there is linked residential accommodation attached to the school such as a children's home, inspectors from CIW may also provide evidence for the visit.

138. While inspectors will be checking compliance with the standards, they will not necessarily check compliance against every standard on every visit.

139. The outcome of the visit will be reported to the Welsh Government. Inspectors will:

- outline the school's strengths and areas for development
- report on the progress the school has made in addressing the recommendations from the previous monitoring visit
- report whether the school continues to meet fully all the standards

140. If the school does not comply with any of the requirements in the standards, the Welsh Government will require the school to submit an action plan to address how these shortcomings will be resolved. This is in accordance with section 165 of the Education Act 2002. The action plan must:

- identify the persons responsible for taking action
- establish specific timescales for the completion of each action and suitable milestones that will enable staff to judge progress towards completing each action
- define the criteria for judging the success or otherwise of the action in meeting its objectives
- specify the financial and time resources that will be allocated to each action

Other Welsh Government commissioned inspection activities for registered independent

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schools

141. In addition to commissioning Estyn and CIW to undertake core inspections and the range of inspection visits detailed above, the Welsh Government can commission them to carry out an inspection visit or related inspection activities with an independent school at any time outside of the normal inspection cycle to provide them with advice.

142. Other types of inspection activities can include, for example, responding to post-inspection action plans and undertaking post-inspection monitoring or a focused inspection visit.

What happens when a school fails to meet the standards

143. Under section 165 of the Education Act 2002, as the registration authority the Welsh Ministers may take a range of enforcement actions against an independent school where they are satisfied that one or more of the standards is not being met.

144. If the Welsh Government is satisfied that, following a report by Estyn or CIW, from a core inspection, monitoring inspection visit by the inspectorates or any other evidence that one or more of the standards are not being met and the inspectorates consider that there is a risk of harm to the welfare of pupils at the school, the Welsh Ministers may remove the school from the Register of Independent Schools on such date after the appeal that the Welsh Ministers determine.

145. Where the Welsh Ministers do not make a determination to close the school after receiving evidence of non-compliance with one or more of the standards,

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then the Welsh Government must serve a notice to the school identifying the standards in question and require the proprietor to submit an action plan within a specified period of time. The post-inspection action plan must set out the action that the school will take to meet the standards.

146. Following submission of the action plan, the Welsh Government may seek advice from Estyn or CIW where appropriate. They will then either:

- approve the plan with or without modifications
- reject the plan

If the action plan needs to be amended or strengthened, the Welsh Government will advise the school of this and give the school an additional period of time to resubmit their plan. This additional time will not normally exceed 10 working days.

147. After the Welsh Government has confirmed with the school that the action plan has been accepted, it will liaise with the inspectorates to decide an appropriate timescale and form of follow-up actions to be taken. These actions may include a desk exercise or require the inspectorates to revisit the school to ensure that the actions have been implemented effectively.

What happens when a school does not provide an action plan by the date specified

148. Should a school fail to provide an action plan by the date specified, the Welsh Government will issue a follow-up letter for the school to respond to. The letter will set out that failure to provide the documentation requested may result in actions, as set out in paragraph 150. More information about post-inspection action plans can be found in paragraphs 279 to 281.

What happens when an action plan has been approved but the steps identified have not been taken by the required date

149. Where an action plan has been approved but the steps identified have not been taken by the required date:

- the Welsh Government may substitute a later date
- the Welsh Ministers may make an Order as outlined below
- the Welsh Ministers may determine that the school is to be removed from the Register of Independent Schools on such date after appeal as the authority may determine

Sanctions where an action plan is required but not submitted or is submitted but rejected

150. Where an action plan is required but not submitted or is submitted but rejected, the Welsh Government may determine that the school is to be removed from the Register of Independent Schools on such date after appeal as the authority may determine. Alternatively, the Welsh Ministers may make an Order requiring the school to do one or more of the following no later than such date after the appeal period specified in the Order to:

- cease using any part of the school premises for all purposes or purposes specified in the Order
- close any part of the school's operation
- cease to admit any new pupils, or new pupils of a description specified in the Order

Right of appeal

151. Under the provisions of [section 166 of the Education Act 2002](#), the proprietor of a school has a right of appeal to a First-tier Tribunal against any Order made by the Welsh Ministers affecting the registration of the school. The appeal must be made within 28 days to:

Care Standards Tribunal
HM Courts and Tribunals Service
1st Floor
Darlington Magistrates' Court
Parkgate
DL1 1RU
United Kingdom

Telephone: 01325 289 350

Fax: 01264 785 013

email: cst@justice.gov.uk.

Independent schools' due regard to the United Nations Convention on the Rights of the Child (UNCRC)

152. The Welsh Government is committed to promoting children's rights. In 2004 we adopted the UNCRC as the basis for policymaking relating to children and young people.

153. There are 4 key articles that form the basis of the rights set out in the

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UNCRC:

- the right to non-discrimination (article 2)
- a commitment to the best interests of the child (article 3)
- the right to life, survival and development (article 6)
- the right to be heard (article 12)

154. The requirement in Standard 1 (the quality of education provided by the school, paragraph 2(2)) commits a school to providing personal, social and health education that reflects its aims and ethos, while encouraging respect for other people. The school may wish to pay regard to Welsh Government Curriculum for Wales guidance about human rights, diversity and the protected characteristics set out in the Equality Act 2010 (1). Part 1 of the Schedule to the Standards Regulations requires proprietors to take into account the principles of Part 1 of the UNCRC when developing school policies, plans and schemes of work as well as in respect of teaching at the school.

155. Part 2 of the Schedule to the Independent School Standards (Wales) Regulations 2024 also includes requirements to actively promote knowledge and understanding of Part 1 of the UNCRC.

156. The Children's Commissioner has also published '[A Children's Rights Approach to Education in Wales](#)' which is a framework for working with children, grounded in the UNCRC. The model set out in the guide has been developed for education settings in Wales. It is applicable across the educational sector, to both maintained and independent schools.

Action the school should take if there are concerns about a child being at risk of harm

157. All staff working in an independent school must take account of the [Wales](#)

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Safeguarding Procedures. These procedures set out the duty to report to the local authority where there is reasonable cause to believe a child to be at risk of:

- abuse
- neglect
- another kind of harm

The specific action to be taken is set out in Part 4

The requirements if a school has no pupils on roll

158. In order to meet the criteria for registration as an independent school, it is expected that the school will have admitted statutory school-age pupils to meet the independent school definition (5 pupils or one with an IDP or EHC or one who is looked after) within 3 months of the date of registration. A school that does not admit pupils within the initial 3 months is liable to have its registration revoked by the Welsh Ministers.

159. To ensure that the Welsh Government and Estyn make the best use of the resources available, where an independent school that previously had statutory school-age pupils finds itself in a position where there are no pupils on roll for the foreseeable future (usually at least 2 academic terms), monitoring visits are postponed during this period. The Welsh Government allows an independent school to remain on the register, with no pupils, for 3 years from the date when there were no pupils on roll until registration lapses. After this, the school will need to reapply for registration as the need arises.

160. If during this 3-year period a school plans to enrol pupils, they must notify the Welsh Government one term in advance. This is to ensure that Estyn and, where appropriate CIW, can resume its monitoring and inspection function.

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Requirement for staff at independent schools to register with the Education Workforce Council (EWC)

161. [The Education Workforce Council \(Additional Categories of Registration\) \(Wales\) Order 2023](#) requires all teachers and learning support workers at independent schools to register with the EWC. Specifically, Part 2 of The Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023 sets out the detail for independent schoolteacher services, and the requirement for a person who is an independent schoolteacher or independent school learning support worker to be registered. Part 4 of this guidance provides further details about this aspect.

Requirements for reporting cases of staff misconduct or incompetence

162. All employers (including teacher supply agencies) in Wales have a legal duty to report cases of professional misconduct and incompetence to the relevant authority as required under sections 35 and 36 of the Safeguarding Vulnerable Groups Act 2006 or the [Education \(Supply of Information\) \(Wales\) Regulations 2009](#).

163. Employers must report the case to the DBS where they have removed an individual from a regulated activity, or would have done so if the person concerned had not otherwise ceased to engage in such activity, because the employer thinks:

- the person engaged in relevant conduct, or
- the person may:

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- harm a child or vulnerable adult
- cause a child or vulnerable adult to be harmed
- put a child or vulnerable adult at risk of harm
- incite another to harm a child or vulnerable adult

164. In such cases, employers must report the case to the DBS. In other cases where employers cease to use a registered teacher's services on grounds of misconduct, professional incompetence or conviction of a relevant offence, and where the conduct does not involve harm, or risk of harm, to a child, employers are required to make a report to the EWC.

165. Further guidance on the circumstances when a referral should be made and the information that should be supplied to the relevant authority can be found in [Keeping learners safe: The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002](#) and [Safeguarding children in education: handling allegations of abuse against teachers and other staff](#).

What happens when the Welsh Government is satisfied that a person working at a school is unsuitable to work with children, unsuitable to work as a teacher or is unsuitable to take part in the management of the school

166. Section 169 of the Education Act 2002, and the regulations made under it, allow the Welsh Government to remove a school from the Register (close it down) if a person working there, or the proprietor, is subject to an order, decision or direction prescribed by the regulations or is doing work prescribed by the regulations. [The Education \(Independent Schools\) \(Unsuitable Persons\) \(Wales\) Regulations 2009](#) list persons who are deemed to be unsuitable to do

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prescribed work in independent schools in Wales.

167. **The Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024** prescribe the grounds on which a direction may be given under section 167A of the Education Act 2002 ('section 167A direction') prohibiting a person from taking part in the management of an independent school in Wales or placing a restriction on a person's ability to do so.

Part 4: Guidance on meeting the Independent School Standards (Wales) Regulations 2024

168. All independent schools must meet the Independent School Standards (Wales) Regulations 2024. Some of the regulations use the term 'have regard to', which means that schools must take into account relevant Welsh Government guidance, engage with it, and carefully consider it before making a decision or deciding on a policy and practice.

169. What is required to meet each of these standards is set out in the Schedule to the **Independent School Standards (Wales) Regulations 2024**.

The Independent School Standards (Wales) Regulations 2024

170. Each standard is described in more detail in the paragraphs that follow. There is also additional guidance and information in several areas for which questions are often raised. However, while the guidance does offer advice on commonly raised points, it is not a substitute for reading and understanding the full standards themselves or seeking independent legal advice.

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171. The legislation does not seek to impose the detailed requirements of the maintained sector on independent schools in Wales. Rather, it is to give the Welsh Ministers clearly defined grounds for taking effective action in cases where independent schools fail consistently to comply with the standards. The legislation also allows for action to be taken in isolated instances of failure to comply where those failings are sufficiently serious.

Standard 1: Quality of education provided

172. The overall purpose of Standard 1 is to ensure that a school has a curriculum which:

- covers a broad range of subject disciplines
- is delivered through teaching that will enable all pupils to make good progress according to their abilities, and that such progress is properly assessed as part of a continuous process that feeds back into lessons

173. Independent schools must offer full-time supervised education for all pupils of compulsory school age (between 5 and 16). This includes subject matter appropriate to the ages, aptitudes and needs of all pupils, including those with an IDP or statement. The school must draw up a written curriculum policy setting out the school's approach to teaching, which is supported by appropriate plans and schemes of work. These must not undermine the fundamental values of:

- democracy
- the rule of law
- individual liberty
- mutual respect and tolerance to those of different faiths and beliefs

The school's written policy plans and schemes of work must also take account of the principles in Part 1 of the UNCRC.

No requirement to teach Curriculum for Wales

174. The regulations are not intended to be prescriptive about the way a school organises its curriculum. Furthermore, they do not require the school to follow the Curriculum for Wales for pupils of compulsory school age.

175. When preparing for inspectors to judge compliance with this standard on an initial registration visit, a school must:

- have a curriculum policy and broad curriculum plans for pupils of differing ages and abilities, that is appropriate to the learning needs of the pupils that will be attending and enables them to make good progress
- have a plan for on-site, off-site and remote activities, where appropriate
- provide an indication of what learning and assessment will 'look like' at key stages of development, and covering all the areas of learning
- provide an indication of the qualifications or accreditations that pupils will be prepared for, where appropriate

176. The school must give pupils experience in the following areas (plans and schemes of work must illustrate how each area is to be woven into the school curriculum).

Language, communication and skills (including speaking, listening and literacy)

This area looks at developing pupils' overall literacy skills. It also looks at increasing their command of language through listening, speaking, reading and writing. Where the principal language of instruction is a language other than Welsh or English, there must be lessons in written and spoken Welsh or English. This requirement will not apply in respect of an independent school that only provides education for pupils who are all temporarily resident in Wales and

which follows the curriculum of another country.

Mathematics and skills (including numeracy)

This area looks at:

- developing pupils' ability to make calculations
- developing pupils' ability to understand and appreciate relationships and patterns in number, shape and space
- developing pupils' confidence and capacity to think logically by applying their skills in a wide range of situations and to express themselves clearly

Pupils' knowledge and understanding of mathematics and numeracy should be developed in a variety of ways, including:

- practical activity
- real-life problem solving
- exploration
- discussion

Science

This area looks at increasing pupils':

- knowledge and understanding of nature, materials and forces
- skills associated with science as a process of enquiry, for example observing, forming hypotheses, conducting experiments and recording their findings

Technology

There is wide discretion about how schools develop a curriculum to teach technological skills. For example, some schools might not wish to encourage certain aspects of information and communication technology, or possibly any at all. These schools must still ensure that pupils have conceptual familiarity with the digital skills and technology that will be encountered in everyday life such as for finance, business and communication, including mobile phones. While technological skills can include the use of ICT, they are generally concerned with:

- developing, planning and communicating ideas
- working with tools, equipment, materials and components to produce good quality products
- evaluating processes and products

Humanities

This area is concerned with:

- people and their environment
- how human action, now and in the past, has influenced events and conditions

Often the subjects of history and geography make a strong contribution to this area.

Health and wellbeing

This area aims to develop pupils':

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- physical health and development
- mental health
- emotional and social wellbeing
- physical control and coordination
- tactical skills
- imaginative responses

It also aims to help them to:

- evaluate and improve their performance
- acquire knowledge and understanding of the basic principles of fitness and health
- understand and appreciate how the different components of health and wellbeing are interconnected.

This area also recognises that good health and wellbeing are important to enable successful learning.

Expressive arts

This area looks at the processes of making, composing and inventing. It helps pupils to develop their creative talents, artistic skills, and performance skills. There are expressive, aesthetic, and creative aspects of all subjects, but some make a particularly strong contribution. These include those that call for personal, imaginative and often practical responses, such as:

- art
- music
- dance
- drama
- the study of literature

Through engaging with the expressive arts, pupils can gain an understanding and an appreciation of their own and other cultures and societies.

177. Although Curriculum for Wales is not mandatory for independent schools, schools may obtain current information about Curriculum for Wales from the [Welsh Government's 'Curriculum and assessment'](#) website.

Teaching

178. Part 1 of the standards contains a number of requirements that relate to the delivery of teaching in the school. These are set out in the standard in paragraph 2(3) of the Schedule to the Independent School Standards (Wales) Regulations 2024. Further information is also given in response to the next section.

Qualifications of staff in independent schools

179. There is no requirement that teachers in independent schools must be qualified teachers. All teachers must have relevant expertise or experience. They must also demonstrate good knowledge and understanding of the subject matter being taught. Teaching at the school must involve well-planned lessons that:

- take account of the aptitudes, needs and prior attainments of the pupils
- foster pupils' interest in their work and the ability to think for themselves
- enable pupils to acquire new knowledge and make good progress according to their ability

180. Independent residential schools will also be expected to employ adequate ancillary and childcare staff with appropriate qualifications and experience. An independent school that admits pupils with ALN must have enough suitably experienced staff.

Standard 2: Spiritual, moral, social, and cultural development of learners

181. The purpose of this standard is to ensure that the school's arrangements for pupils' spiritual, moral, social, and cultural development enable them to:

- play a confident, informed role in society
- have a fully developed value system
- be able to interact with other people in a positive way

Subject areas such as personal and social education (PSE) and religious education may often make strong contributions. Work within all other subjects may also contribute.

182. To comply with Part 2 of the Schedule to the Independent School Standards (Wales) Regulations 2024 the proprietor must actively promote:

- the fundamental values of democracy support for participation in the democratic process, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs
- knowledge and understanding of Part 1 of the UNCRC

183. The proprietor must also ensure that the school actively promotes principles that enable pupils to develop their:

- self-knowledge
- self-esteem
- self-confidence

Pupils must be supported towards:

- distinguishing right from wrong

- acting consistently with their beliefs and with a view to the consequences of their own and others' actions

Pupils must be encouraged to show initiative and understand how they can contribute positively to:

- the lives of those within the school community
- the lives of those living and working in the locality in which the school is situated
- society more widely

184. The Independent School Standards (Wales) Regulations 2024 include specific requirements that the proprietor must:

- preclude the promotion of partisan political views in the teaching of any subject in the school
- take such steps as are reasonably practicable to ensure that where political issues are brought to the attention of pupils, in all aspects of school life, they are offered a balanced presentation of opposing views

Standard 3: Welfare, health and safety of pupils

185. The requirements of Standard 3 cover a wide range of matters. In general they are designed to ensure that so far as is possible, pupils are safe, and their wellbeing is promoted.

186. To comply with the regulations the proprietor must ensure that:

- arrangements are made to safeguard and promote the welfare of pupils at the school
- a written policy to safeguard and promote the welfare of pupils is drawn up and effectively implemented

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- those arrangements and that policy have regard to any relevant guidance (including **Keeping learners safe: The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002**) issued by the Welsh Ministers

187. Where the school provides boarding accommodation, the proprietor must ensure that:

- arrangements are made to safeguard and promote the welfare of boarders while they are accommodated at the school
- a written boarding accommodation policy is drawn up and effectively implemented
- those arrangements and that policy have regard to the **National Minimum Standards for Boarding Schools** or, where applicable, the **National Minimum Standards for Residential Special Schools**.

188. The regulations require the proprietor to ensure that:

- the welfare of pupils at the school is safeguarded and promoted by the drawing up and effective implementation of a written risk assessment policy that includes assessment of activities undertaken outside of the school premises
- appropriate action is taken to reduce risks that are identified

Leadership responsibilities

189. The regulations for Part 3 require the proprietor to ensure that persons with leadership and management responsibilities at the school actively promote the wellbeing of pupils, and that:

- all staff (including supply staff), volunteers and pupils receive appropriate training into the school's safeguarding policy in accordance with any

- guidance issued by the Welsh Ministers in relation to safeguarding
- a written record of that training is maintained

190. Anyone working in an independent school must take account of the **Wales Safeguarding Procedures**. These procedures set out the duty to report to the local authority where there is reasonable cause to believe a child to be at risk of:

- abuse
- Neglect
- another kind of harm

This will usually be done through the designated safeguarding person (DSP). However, the safety of the child must be the priority. So, where there is an immediate concern, staff will need to contact the local authority directly.

191. A child at risk is defined as a child who:

- is experiencing or is at risk of abuse, neglect or other kinds of harm
- has needs for care and support (whether or not the local authority is meeting any of those needs)

Specific action the school should take if a member of staff has concerns about a child

192. Where staff members have concerns that a child is at risk of abuse, neglect or other harm they must raise these with the DSP. The DSP must then decide whether it is appropriate to make a report to social services or the police. It is important to note any staff member can also report concerns to local authority social services or to the police directly. However, liaison with the DSP is advisable in all cases where possible.

193. Concerns should always lead to help and support, through either:

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- a report to social services
- direct support through the school or other service such as family support services

The DSP should share with the staff member making the report and the proprietor:

- the proposed initial action, including signposting or that no further action will be taken
- who will be taking action

194. Where there are immediate concerns about a child's safety or where a criminal offence against a child is suspected, the emergency services must be contacted without delay to protect the child from risk of serious harm.

Reporting

195. A report that a child may be at risk online or offline must be made to social services must be made within 24 hours of a concern being identified. Outside of office hours, reports must be made to social services' emergency duty service or to the police.

196. Where a report is made in person or by telephone, it must be confirmed in writing within 24 hours.

197. Where available the report should be made using a standard form in place for the relevant local authority. The report must include:

- basic or core information
- the cause for concern
- any relevant information held by the agency

198. Anyone working in a school should be aware that they cannot remain

anonymous should they make a report.

Engaging in the child protection process

199. Any member of staff making a report may be asked to complete some, or all, of the following tasks. The school should ensure that staff have sufficient time and other necessary resources to discharge these tasks effectively. Staff should be prepared and willing to:

- assist in the child protection enquiries under section 47 of the **Children Act 1989**
- attend the child protection conference
- provide a written report for the child protection conference
- contribute to the initial and core assessments
- attend core group meetings

200. The proprietor, school staff and volunteers should familiarise themselves with the requirements of effective practice in:

- **Keeping learners safe : The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002**
- **Safeguarding children in education: handling allegations of abuse against teachers and other staff**

Promoting good behaviour

201. The proprietor must promote good behaviour among pupils by ensuring that a written behaviour policy is drawn up and effectively implemented that:

- encourages and rewards good behaviour
- sets out the sanctions to be adopted in the event of pupil misbehaviour

- has regard to any relevant guidance issued by the Welsh Ministers

and that a record is kept of the sanctions imposed upon pupils for serious misbehaviour.

202. The proprietor must also ensure that bullying at the school is prevented, so far as reasonably practicable, by the drawing up and implementation of an effective anti-bullying strategy.

Health and safety

203. To comply with the regulations the proprietor must ensure that relevant health and safety laws are complied with by the drawing up and effective implementation of a written health and safety policy. This policy includes consideration of activities outside of the independent school's premises, including extra-curricular activities.

Reviewing and updating policies and strategies

204. The proprietor must:

- ensure that all policies and strategies required to promote the welfare, health and safety of pupils are reviewed and updated regularly
- maintain a written record of when each policy and strategy has been reviewed and updated

205. Proprietors must aim to treat their policies and arrangements as 'living documents'. They should be consulted and used as the foundation of good practice and appropriately tailored to the context of the school. Proprietors must consider how strong the links are between their policies and practice, and where appropriate take steps to ensure that regular review, staff training, and

consideration of the implications of events in the school are all part of the culture of the school.

206. It is also effective practice for proprietors to ensure that their policy and practice is based on a wide view of what may happen to pupils, not only in school but also beyond it. Although schools are not responsible for the welfare of pupils when they are not in school, schools can still play a significant role in ensuring that the vulnerability of pupils in other parts of their lives is reduced.

207. Schools may draw on policies from other institutions such as from a 'parent', 'carer' or association group of schools. These policies must be entirely accurate and reflect the individual school. Inspectors will check that staff are aware of the policies and, where appropriate, have been involved in the development, production and implementation of these policies. A school is not complying with the relevant regulation if:

- policies have not been suitably tailored to the school's circumstances
- staff are not aware of the policies and do not implement them

Fire precautions

208. The proprietor must ensure compliance with the **Regulatory Reform (Fire Safety) Order 2005**. Under this Order it is the duty of an employer to conduct a suitable and sufficient risk assessment of the workplace for the purpose of identifying general fire precautions necessary. A formal record must be made of the significant findings and measures that have been taken to mitigate the risks. The assessment must include the:

- fire risk
- requirement for fire detection and warning
- means of escape
- firefighting equipment

- planning for an emergency and training for staff
- maintenance and testing of fire safety equipment

209. Every year, as part of the annual census data form, the Welsh Government will require confirmation of the risk assessment. However, if there are:

- changes to accommodation
- a greater than 10% increase in pupil numbers
- outstanding Fire Authority recommendations

an earlier inspection will need to be arranged.

First aid

210. The proprietor must ensure that first aid is administered in a timely and competent manner by the drawing up and effective implementation of a written first aid policy.

Admission and attendance registers

211. Independent school proprietors must ensure that admission and attendance registers are maintained in accordance with regulations made under section 434 of the Education Act 1996 and in particular the [Education \(Pupil Registration\) \(Wales\) Regulations 2010](#) which govern this.

212. These regulations specify the detail required in the registers and the manner of their completion.

213. In accordance with paragraph 28(6)(b) of the schedule to the Independent School Standards (Wales) Regulations 2024, proprietors of independent schools must make the registers available for inspection. Proprietors are also required to

make returns to the local authority detailing the names of any pupils who fail to attend school regularly in accordance with the requirements of Regulation 12(1)(a) of the [Education \(Pupil Registration\) \(Wales\) Regulations 2010](#).

Information recorded in the admission register

214. The admission register for every school must contain an index in alphabetical order of all the pupils at the school. It must also contain the following particulars in respect of every such pupil:

- name in full
- sex
- name and address of every person known to the proprietor to be a parent or carer of the pupil and, against the entry on the register of the particulars of any parent or carer with whom the pupil normally resides, an indication of that fact and a note of least one telephone number at which the parent or carer can be contacted in an emergency
- day, month and year of birth
- day, month and year of admission or readmission to the school
- name and address of last school attended (if any)
- date of leaving (when known)
- in boarding schools, whether the pupil is a boarder or a day pupil to be amended accordingly where a registered pupil becomes or ceases to be a boarder at the school

Information recorded in the attendance register

215. Schools providing day provision are required to take an attendance register twice a day, at the start of the morning session and once during the afternoon session. The afternoon registration must take place at the start or during the afternoon session, not at the end of the morning session or during the break

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between sessions. The register shows whether the pupil is:

- present
- engaged in approved educational activities off site
- absent
- not required to attend

216. Where a pupil is of compulsory school age, the register must show whether the absence was authorised by the school or unauthorised. Authorised absence is where the school has either given approval in advance for the pupil to be absent from school, or where an explanation offered afterwards has been accepted by the school as satisfactory justification for absence.

217. The Welsh Government's [Guidance on school attendance codes](#) provides advice to independent schools in the use of codes to record pupil attendance and absence in schools. Further guidance on attendance registers is also available in Welsh Government's [Inclusion and pupil support: guidance for schools and local authorities](#) including details about a whole-school approach to attendance and a checklist for developing an attendance policy.

Standard 4: The suitability of proprietors and staff

218. All proprietors of independent schools must comply with the requirements of Part 4 of the Independent School Standards (Wales) Regulations 2024.

The process the proprietor should follow when applying to be registered as a new independent school or in the event of a change of proprietor

219. While the following paragraphs relating to proprietors are aimed at new

school applications, existing schools must follow this procedure if there is a change of proprietor.

220. As part of the application process or if the proprietor changes, the onus is on the proprietor to ensure they:

- do not contravene or breach any bar from regulated activity or prohibition from participating in management of an independent school which is in place
- have the right to work in the United Kingdom

221. The proprietor will be required to have an enhanced DBS check (renewed every 3 years) and must submit and have this agreed by Welsh Government. To apply for the proprietor DBS check please send an email to independentschools@gov.wales with the following information pertaining to the proprietor:

- full name (title, surname and forenames)
- telephone number
- email address
- date of birth

222. The proprietor must pay £44 to the Welsh Government to cover the fee that the DBS charges the Welsh Government. Details of how to make the payment will be provided at the time of application.

223. Once payment has been received by the Welsh Government an electronic form will be sent for the proprietor to complete. Additional guidance will be provided with the form detailing the 3 forms of ID that must be scanned and returned with the application form.

224. If documentation or IDs are not received within 10 working days of the form being sent out the case will be closed and a new request will need to be

submitted.

225. After submitting their form and ID documents the proprietor will be contacted by a Welsh Government vetting officer who will arrange a suitable time and date for the proprietor to attend a vetting appointment to verify their identity. At this appointment ID documents must be originals, not photocopies or online copies.

226. Following the vetting appointment, a further link will be sent to the proprietor the content of which must be completed and submitted for processing.

227. Applicants for DBS checks will receive their certificate directly from DBS.

228. In any case, where the information supplied by the DBS differs from that provided by the applicant, applicants will be given the opportunity to explain.

How the disclosure of a criminal record may bar a person from becoming a proprietor of an independent school

229. The disclosure of a criminal record, or other information, will not necessarily bar a person from becoming a proprietor of an independent school unless the Welsh Government considers that the conviction renders them unsuitable. In making this decision the Welsh Government will consider the nature of the offence, how long ago the offence was committed, the person's age when the offence was committed and other factors that may be relevant.

230. **The Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024** prescribe the grounds on which a direction may be given under section 167A of the **Education Act 2002** prohibiting a person from taking part in the management of an independent school in Wales or placing a restriction on a person's ability to do so. A section 167A direction may be given in respect of a person:

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- who has been convicted of a relevant offence
- been given a caution in respect of a relevant offence
- is subject to a relevant finding in respect of a relevant offence
- has engaged in relevant conduct

if the Welsh Ministers consider that the person is therefore unsuitable to take part in the management of an independent school.

Such conduct will be relevant if it:

- is aimed at undermining the fundamental values of democracy and support for participation in the democratic process, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs
- has been found to be in breach of professional standards by a professional body
- is so inappropriate that, in the opinion of the appropriate authority, it makes a person unsuitable to take part in the management of an independent school

231. The provisions of **The Education (Independent Schools) (Unsuitable Persons) (Wales) Regulations 2009** are also relevant.

The responsibilities of the proprietor in undertaking checks on staff and volunteers

232. The proprietor of an independent school is responsible for ensuring that any staff at the school, whether under a contract of employment, under a contract for services or other than under a contract, has been subject to recruitment and vetting checks. These checks include an enhanced criminal background check, which must be carried out before their employment begins. To do this, proprietors must register directly with the DBS or use the services of a third party (umbrella body) to enable checks to be undertaken.

233. Proprietors of independent schools are considered by the DBS as a regulated provider and as such are legally responsible for ensuring that any new entrant to their regulated activity (employed by the school or a volunteer) is subject to the appropriate pre-recruitment checks.

234. Any school that fails to ensure that staff are DBS checked, or that appoints a person in contravention of a prohibition or restriction, may have seriously breached standards. The school may be removed from the register of independent schools and forced to close.

235. The Independent School Standards (Wales) Regulations 2024 require that, where relevant to any person, the proprietor ensures that:

- a DBS certificate has been obtained in respect of that person before that person's appointment
- where that person is registered with the DBS update service, a check is made of that person's DBS certificate status
- all DBS checks are renewed every 3 years

Registration with the Education Workforce Council (EWC)

236. **The Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023** requires that a person must not provide independent school teacher services, or support the provision of these services, in or for an independent school in Wales (except as a volunteer) unless that person is registered under section 9 of the **Education (Wales) Act 2014**.

237. Under this Order, the following activities are independent schoolteacher services:

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils

- assessing the development, progress and attainment of pupils
- reporting on the development, progress and attainment of pupils
- undertaking a senior leadership role in managing learning and teaching at the school

238. There is a requirement under section 36 of the Education (Wales) Act 2014 for employers to inform the EWC of all the registered persons that they employ.

239. Further guidance on a range of pre-appointment checks is given in [Keeping learners safe: The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002](#).

Information that should be included on a single central record

240. All schools must keep a single central record in line with paragraph 24 of the school standards regulations. The single central record is a record of the pre-employment checks undertaken.

241. The single central record must cover all staff (including supply staff) and all others who work in regular contact with children.

242. The information to be recorded is whether the following checks have been carried out or certificates obtained, the date on which the checks were completed and:

- an identity check
- an enhanced DBS check requested or certificate provided
- a prohibition from teaching check
- a check of professional qualifications, where required
- further checks on people who have lived or worked outside the UK
- a check to establish the person's right to work in the UK

- a check for any orders that a person is unsuitable to participate in the management of an independent school

243. A copy of the following should be kept on the successful candidate's personnel file:

- the documents used to verify their identity
- the documents used to verify their right to work
- the documents used to verify required qualifications
- copies of references that have been verified to check the information is accurate and that give the referee an opportunity to add any relevant information

244. All such information must be retained in accordance with the school's own record retention policy.

Standard 5: School premises

245. The regulations set out what is required, but where they refer to the **Education (School Premises) Regulations 1999** you will need to refer to those regulations to establish the precise requirements.

The position regarding planning permission

246. Anyone intending to open a new school or move to new premises, must apply to the local planning authority for planning permission to use the premises for school purposes.

Accessibility and ensuring equality for pupils with special

requirements

247. School buildings must be designed for accessibility, ensuring that they can be used on a basis of equity by pupils with special requirements. This includes more obvious matters like wheelchair accessibility but also thinking creatively about how to maximise accessibility for pupils with any form of special requirement. For example, layout can make a big difference to visually impaired pupils and having visual fire alarms as well as those that sound is important for deaf pupils.

248. Wherever possible, adapting for accessibility must be anticipatory to avoid barriers that would otherwise disable pupils with special requirements. Where accessibility has not been anticipated as needed by an individual pupil, or where historic buildings provide obstacles, effective reasonable adjustments must be made, for example considering which classrooms an individual is timetabled in to ensure appropriate accessibility, if not all parts of the estate are accessible. Accessibility applies to:

- buildings
- learning and extra-curricular activities
- all types of special requirement or additional learning need

249. Independent boarding schools must comply with the [National Minimum Standards for Boarding Schools](#), and residential special schools must comply with the [National Minimum Standards for Residential Special Schools](#).

Evidence the school is required to produce to indicate compliance with the Education (School Premises) Regulations 1999

250. During an inspection the school will be required to provide documentation

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to demonstrate compliance with the School Premises Regulations that includes:

- electrical test certificate for main installation (periodic test)
- portable appliance testing (PAT) certificate
- electrical test certificate for emergency lighting
- fire alarm test certificate
- fire risk assessment (FRA)
- oil and gas installation test certificates
- type 2 asbestos survey
- asbestos register and management plan
- log of fire alarm tests and evacuations
- fire instruction
- fire extinguisher test certificate
- fire plan indicating call points, bells, extinguishers and so on
- planning consent (new schools or new buildings)
- building regulation consent (new schools, major additions or alterations)
- Access Strategy (Equality Act 2010)
- Access Plan (Equality Act 2010)

This list is not exhaustive.

Standard 6: The provision of information

251. Independent schools must provide all parents or carers of pupils and prospective pupils with:

- the school's address, email address and telephone number, and the name of the headteacher
- where the proprietor is an individual, that person's full name and direct business email address, as well as telephone number and correspondence address (during term time and non-term time)

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- where the proprietor is a body of persons corporate or unincorporate, the address and telephone number of its registered or principal office
- where the school has a governing body, the name and contact details of the chair of that body
- a statement of the school's ethos (including any religious ethos) and aims
- particulars of the school's policy on and arrangements for admissions, discipline, and exclusions
- particulars of education and welfare provision for pupils with IDPs or statements and for pupils for whom English or Welsh is an additional language

Annual progress reports

252. An annual written report on the progress of each registered pupil and their attainment in the main subject areas taught must be provided by the school except that no report needs to be sent to a parent or carer who has agreed otherwise with the school.

Information on school policies and academic performance

253. The school must make available to parents or carers of pupils and prospective pupils:

- particulars of policies relating to the curriculum and quality of education provided
- particulars of policies relating to promoting good behaviour among learners as well as their welfare, health and safety (including on activities outside the school and with regard to safeguarding and bullying)
- particulars of the school's academic performance during the preceding school year, including the results of any public examinations and

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- assessments resulting in a qualification
- details of the complaints procedure
- the term dates for the current academic year and subsequent academic year
- the dates of any planned closures during the term dates in the current and subsequent academic years

Following any inspection made under section 163(1) of the Education Act 2002, the school must also publish and maintain on its website a copy of that report within 14 days of its submission to the school.

Staffing information

254. Paragraph 28(3)(e) of the schedule to the Independent School Standards (Wales) Regulations 2024 28(3)(e) sets out that independent schools must give parents and carers information about the number of staff employed at the school, including temporary staff, together with a summary of their qualifications.

How the school provides parents and carers of learners and prospective learners with the required information

255. The word 'provide' in this requirement means that if the recipient has provided an email address, then the information required may be sent to that address either in electronic form or with a link to a website containing the information and from which it can be downloaded (provided that in either case the information is available for inspection at the school's premises during the school day). Alternatively, the information can be sent to or given to the person as a hard copy.

256. A document or information will be 'made available' when it is both accessible on the school website to the parents or carers concerned and as well as available for inspection at the school during the school day. It is important

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that reasonable steps are also taken to ensure that the parents or carers are aware that it is available by both these means and in what form.

257. If a document or information is not available on the school website (or there is no such website) it is 'made available' by taking reasonable steps to ensure that the parents or carers are made aware that it can be requested, and by sending or giving it to any such parent or carer, free of charge, when requested.

Standard 7: The manner in which complaints are to be handled

258. All parents or carers of pupils and boarders and prospective pupils at independent schools must have access to, and be given on request, the school's written complaints procedure. This must be made available on the school's internet website, or where the school does not have an internet website, provided to:

- pupils or boarders
- the parents or carers of pupils or boarders
- the parents or carers of prospective pupils or boarders at the school

259. Where the school provides boarding accommodation, the complaints procedure must also comply with the **National Minimum Standards for Boarding Schools** or, where applicable, the **National Minimum Standards for Residential Special Schools**.

260. The proprietor must ensure the school draws up and effectively implements a complaints procedure that:

- sets out clear timescales for the management of a complaint
- provides an opportunity for a complaint to be made and considered initially

on an informal basis

- where the complainants are not satisfied with the response to an informal approach, makes provision for their complaint to be made in writing
- if the parents, carers, pupils or boarders wish the matter to be considered further, makes provision for a hearing before a panel appointed by or on behalf of the proprietor consisting of at least 3 people who were not directly involved in the matters detailed in the complaint
- where a panel hearing is convened, ensures one person on the panel is independent of the management and running of the school
- allows for parents, carers, pupils or boarders to attend and be accompanied to a panel hearing if they wish
- provides for the panel to make findings and recommendations, and ensures that the complainant, proprietors, headteachers and, where relevant, the person complained about are given a copy of any findings and recommendations
- provides for written records to be kept (in accordance with the school's records retention policies) of all complaints and their outcomes, including whether they are resolved at the preliminary stage, or proceed to a panel hearing and any action taken by the school as a result of those complaints and whether they were upheld
- provides for all correspondence, linked statements and records of complaints to be kept confidential, except where the Welsh Ministers or a body conducting an inspection under section 163 of the Education Act 2002 requests access to any documents relating to the complaint

Guidance for independent schools: provision for pupils with special educational needs (SEN) or additional learning needs (ALN)

261. A person has ALN if the person has a learning difficulty or disability that calls for ALP (section 2 of ALNET, see also Chapter 2 of the ALN Code).

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262. All children and young people with ALN are entitled to a statutory support plan called an IDP. Children and young people with ALN receive support called ALP which is set out in their IDP.

263. The actual ALP that is made by a school at any one time will depend upon what is appropriate to meet the particular needs of the individual pupils who have ALN.

264. ALP can take many forms, including (but not limited to) provision such as:

- dedicated time spent with specialist staff (for example a teaching assistant or staff member with specialist expertise)
- the use of specialist equipment (for example computers for those with sensory needs)
- other specialist interventions

265. When describing the type or types of ALP an independent school makes, it should be framed initially in terms of the types of ALN that it will address. This can be broadly classified into the following 4 areas, which the **ALN Code** refers to as Areas of Need:

- (a) communication and interaction
- (b) cognition and learning
- (c) behaviour, emotional and social development
- (d) sensory and physical

266. Further detail and context on each of these 4 areas can be found in the **Additional Learning Needs Code**, page 35, paragraphs 2.34 to 2.38.

267. In addition, schools may wish to identify aspects of the ALP they offer to support particular areas of need. These may include but are not limited to:

- any specialist resources that are part of the school's provision to support particular types of need

- access to therapeutic or other specialist services to support particular needs
- specialist staff directly employed by the school to support particular ALN aspects of the curriculum deployed by the school to directly address specific ALN
- any relevant details of staff training provided by the school to enable staff to deliver ALP to pupils with specific ALN

268. The actual ALP made by a school may change from time to time, according to the changing needs of individual pupils. Provided the ALP is within the description given to the Welsh Government of the types of ALP made by the school, there is no issue. If, however, there is a change to the types of ALP the school is to make, then there needs to be an application to the Welsh Ministers to approve the change.

269. Applications to register an independent school must include information as to the types of ALP to be made by the school. Descriptions of the types of ALN are included within [Additional Learning Needs Code](#).

Mainstream independent schools

270. An independent school that provides mainstream education (it is not specially organised to make ALP for pupils with ALN) should be able to provide for pupils with less severe or complex ALN.

271. In describing the types of ALP a mainstream independent school makes, it is not necessary for the school to describe every item of ALP in the IDPs of pupils at the school. Rather, the types of ALP should be objectively described in terms of the needs they will address, giving a high-level overview of the available provision.

272. A mainstream independent school might describe the types of ALP that it makes in the following way.

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'The school makes ALP for pupils [aged ... to ... / in school years ... to ...] with less severe or complex ALN. This covers all specific types of needs, including combinations of needs, provided that taken together, the pupil's needs are less severe or complex rather than complex.

In particular, in order to make such provision, the school has specialist qualified staff [MSc or PGDip Deaf Education qualification] to support pupils with a hearing impairment in the classroom and in discrete one-to-one sessions. The school also employs a speech and language therapist to support individual pupils and to direct whole-staff training in this area.

For these purposes, a pupil's ALN are complex rather than less severe or complex where some or all of the ALP called for is of a type that would more usually be provided in schools that are specially organised to make ALP for pupils with ALN, rather than in mainstream schools in Wales (including maintained ones).'

273. Some independent schools that provide mainstream education may make provision that goes beyond the description above. For example, they may have a special unit attached or provide expertise in meeting a particular type of need, including where that need is complex. In that instance, the description of the types of ALP made by the school should also address the specific needs it caters for.

274. Further details of any aspects of the ALP that is provided to meet such needs should be given.

Independent schools that are specially organised to make additional learning provision

275. Some independent schools are specially organised to make ALP for pupils with ALN. Since the majority of pupils with ALN will have less severe or complex needs, they will generally be able to attend and have their needs met at mainstream schools (whether independent or maintained). However, special schools or independent schools with particular expertise in meeting ALN cater for those pupils with complex needs who may require specialist support or significant daily support. Such a school would be named in a pupil's IDP where the pupil's reasonable needs for ALP cannot be met unless the local authority secures a place at the school for them. Where this is the case, the local authority must secure the place for the pupil at the school.

276. For a school that is specially organised to make ALP for pupils with ALN, or a school that has a unit that is organised in that way, the school is likely to be able to provide specialist ALP for pupils with complex ALN.

277. The description of the types of ALP should therefore be more detailed than would be expected for independent schools providing mainstream education. The description should set out which of the specific needs the school makes provision for, with further qualifications as necessary. Such qualifications could be that the school only makes provision for certain types or degrees of severity of a particular need, or only provides a particular type of ALP to address a particular need.

278. It is effective practice for independent schools to include in their description further details such as:

- school and class sizes
- the number and specialist qualifications of their teachers
- any specialist provision, equipment or types of room (for example a sensory

room)

- any external resources the school can utilise

279. Part 3 of this guidance provides information about changes to the types of ALP made by the school.

Further guidance for schools on how to develop an effective action plan

What a school's action plan should contain

280. If, following an inspection or monitoring visit a school is judged not to have met one or more of the Independent School Standards (Wales) Regulations 2024, the Welsh Ministers require the school to submit an action plan outlining how it intends to address the shortcomings identified during the inspection or monitoring visit.

281. The format of the Action Plan as required by section 165(4) of the Education Act 2002 is a matter for schools. However, for the plan to be a fully effective tool in securing the required improvements it needs to:

- define clearly the actions planned
- identify the persons responsible for taking action
- establish specific timescales for the completion of each action and suitable milestones that will enable the proprietor to judge progress towards completing each action
- define the criteria for judging the success or otherwise of the action in meeting its objectives
- specify the financial and time resources that will be allocated to each action

282. On receipt of the action plan, the Welsh Government will seek appropriate

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advice from Estyn on the plan's adequacy.

Further information

283. To apply to register an independent school or for further information on any points raised in this guidance, please contact:

Independent Schools Team email: IndependentSchools@gov.wales.

Related documents

284. The main related documents are as follows:

- [Keeping Learners Safe The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002](#)
- [Safeguarding children in education: handling allegations of abuse against teachers and other staff. Welsh Government circular no: 009/2014](#)
- [Additional Learning Needs Code for Wales 2021](#)

Annex: Glossary and terms

Admission date

The 'admission date' is the first date on which:

- 5 or more learners are admitted to the school, if the school is an independent school by virtue of section 463(1)(a) of the Education Act 1996

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- one learner is admitted to the school, if the school is an independent school by virtue of section 463(1)(b) of the Education Act 1996

Chair

Where the proprietor is not an individual, Welsh Government will require information about the 'Chair'. Within the Independent School Standards (Wales) Regulations 2024 regulation 2(1) the reference to the Chair of the school is a reference to an individual who is the Chair of a body of persons corporate or unincorporate named as the proprietor of the school in the register or in an application to enter the school in the register and includes a reference to a similar officer.

SEN

Special educational needs: the introduction of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 replaces the terms 'special educational needs' and 'learning difficulties and/or disabilities (LDD)' with the new term 'additional learning needs (ALN)'.

Statement of SEN

Statements of SEN are issued to learners with the most complex needs. The statement makes it a legal requirement that the learner must receive the provision identified.

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Footnotes

[1] Section 463 of the Education Act 1996, as substituted by section 172 of the Education Act 2002 and as subsequently amended.

[2] Section 37(2) of the Children and Families Act 2014.

[3] Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 and the ALN Code for Wales.

[4] Section 324 of the Education Act 1996.

[5] Section 8 of the Education Act 1996, [Education \(School Leaving Date\) Order 1997](#), S.I. 1997/1970 and [Education \(Start of Compulsory School Age\) Order 1998](#), S.I. 1998/1607.

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