
WELSH STATUTORY INSTRUMENTS

2003 No. 3230 (W.310)

EDUCATION, WALES

The Independent Schools (Provision of Information) (Wales) Regulations 2003

Made - - - - - *9th December 2003*

Coming into force - - - - - *1st January 2004*

In exercise of the powers conferred on the National Assembly for Wales by sections 160(1), 168 and 210(7) of the Education Act 2002(1), the National Assembly for Wales makes the following Regulations:

Name, commencement and application

1.—(1) These Regulations are called the Independent Schools (Provision of Information) (Wales) Regulations 2003 and come into force on 1st January 2004.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations —

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996(2);

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002;

“application” (“*cais*”) means an application to the registration authority for the registration of an independent school made by the proprietor pursuant to section 160(1)(b) of the 2002 Act;

“proprietor” (“*perchennog*”) has the same meaning as in section 579 of the 1996 Act;

“school” (“*ysgol*”) means an independent school as defined by section 463 of the 1996 Act;

“the register” (“*y gofrestr*”) means the register of independent schools kept by the registration authority under section 158(3) of the 2002 Act; and

“registered school” (“*ysgol gofrestredig*”) means a school whose name is entered in the register.

(2) Any reference in these Regulations to a person employed at a school is a reference to a person carrying out work to which section 142 of the 2002 Act applies.

(1) 2002 c. 32. See section 212(1) for the definition of “regulations”, by virtue of which these regulations made by the National Assembly for Wales apply only in relation to Wales. Section 212(1) also defines “prescribed”.

(2) 1996 c. 56.

Application for registration of an independent school

3. Every application must —
- (a) be made in writing;
 - (b) state the first date on which the school intends to admit pupils;
 - (c) contain the information specified in Part 2 of the Schedule; and
 - (d) contain a certificate signed by the proprietor that, to the best of his or her knowledge and belief, the statements made in the application are accurate.

Return within the first three months of operation

4. The proprietor of a registered school must deliver to the registration authority within three months of the admission of pupils, or one pupil if that pupil is within section 463(1)(b) of the 1996 Act, a return in writing which must contain —
- (a) the information specified in Part 3 of the Schedule; and
 - (b) a certificate signed by the proprietor, or by a person authorised by him or her to give the certificate on his or her behalf, that, to the best of his or her knowledge and belief, the statements made in the return are accurate.

Annual return

- 5.—(1) In every school year the proprietor of a registered school must deliver to the registration authority an annual return for that school within one month of being requested to do so by the registration authority.
- (2) Each annual return must —
- (a) be provided in writing;
 - (b) be made up to the date specified by the registration authority;
 - (c) contain the information specified in Part 4 of the Schedule; and
 - (d) contain a certificate signed by the proprietor or by a person authorised by him or her to give the certificate on his or her behalf that, to the best of his or her knowledge and belief, the statements made in the annual return are accurate.

Misconduct reports

6. The proprietor of a registered school must, within 15 days of a request, provide the National Assembly for Wales with such information as may be requested by it which it considers is relevant to the exercise of its functions or the Secretary of State's functions under section 142 of the 2002 Act, and which has not already been provided under the Education (Supply of Information) (Wales) Regulations 2003(3).

Removal of a school from the register

7. If the registration authority is satisfied that the proprietor of a school has failed to comply with any requirement specified in regulation 4, 5 or 6, it may remove that school from the register.

Offence

8. If the proprietor of a school fails to comply with any requirement specified in regulation 4, 5 or 6 he or she is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Maximum number for existing schools

9. In relation to any school which was registered before 1st January 2004, “the maximum number of pupils” for the purposes of section 162 of the 2002 Act is to become, on the date to which the 2004 annual return is made up, the number of pupils registered at the school on that date.

Revocation

10. The Education (Particulars of Independent Schools) Regulations 1997(4) are revoked in relation to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5).

9th December 2003

D. Elis-Thomas
The Presiding Officer of the National Assembly

(4) S.I. 1997/2918.
(5) 1998 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulations 3, 4 and 5

PART 1

INTRODUCTION

1. In this Schedule —

“boarding accommodation” (*“llety byrddio”*) means overnight accommodation arranged or provided by the school at the school or elsewhere, but excluding accommodation for pupils being accommodated away from the school premises during a brief school trip;

“charity” (*“elusen”*) has the meaning specified in section 96(1) of the Charities Act 1993⁽⁶⁾; and

“year group” (*“grŵp blwyddyn”*) means a group of pupils attending the school who attain the same age in years during the period of twelve months beginning with 1st September in the school year in which the application is made (or, as the case may be, during the period of twelve months beginning with the 1st September immediately preceding the date to which the annual return is made up).

PART 2

INFORMATION REQUIRED IN AN APPLICATION

2.—(1) The full name of the proprietor, and any previous names by which he or she has been known.

(2) Either —

(a) where the proprietor is an individual, his or her usual residential address, telephone number, date of birth and National Insurance number;

(b) where the proprietor is a corporation, a Scottish firm or a body of persons, the address and telephone number of its registered or principal office.

(3) The name and address of the school, its e-mail address, telephone number and facsimile number.

(4) Where the school has a governing body, the full name, usual residential address and telephone number of the Chairperson of that body.

3.—(1) The proposed age range of pupils.

(2) The proposed maximum number of pupils.

(3) Whether the school will be for male pupils, or female pupils or both.

(4) Whether the school will provide boarding accommodation for pupils.

(5) Whether the school will admit pupils with special educational needs.

(6) Whether the school will cater wholly or mainly for pupils with special educational needs and the type of learning difficulty catered for.

(7) Whether the school will provide day care within the meaning of paragraph 1(2) of Schedule 9A to the Childrens Act 1989⁽⁷⁾ for any child looked after in the school.

⁽⁶⁾ 1993 c. 10.

⁽⁷⁾ 1989 c. 41.

- (8) A plan showing the layout of the premises and boarding accommodation.
- (9) Detailed curriculum plans, schemes of work and pupil assessment procedures.
- (10) Copies of the written policies required by paragraph 3(2) of the Schedule to the Independent School Standards (Wales) Regulations 2003⁽⁸⁾.
- (11) A copy of the complaints procedure required by paragraph 7 of the Schedule to the Independent School Standards (Wales) Regulations 2003.
- (12) Whether the proprietor intends to provide any child with boarding accommodation at the school (or elsewhere pursuant to arrangements made by him or her) for more than 295 days in any year.
- (13) The religious ethos of the school, if any.
- (14) Whether the premises of the school, including boarding accommodation, are at two or more separate locations and, if so, the address of each such location.
- (15) Where the school is, or is conducted by, a charity, the name of that charity and the number under which it is registered.
- (16) A copy of the Disclosure Certificate at the appropriate level issued by the Criminal Records Bureau confirming the proprietor's suitability to work with children.
- (17) A copy of the school's risk assessment under regulation 3 of the Management of Health and Safety at Work Regulations 1999⁽⁹⁾ insofar as it relates to obligations under Part II of the Fire Precautions (Workplace) Regulations 1997⁽¹⁰⁾.

PART 3

INFORMATION REQUIRED IN THE RETURN TO BE SUBMITTED WITHIN THE FIRST THREE MONTHS OF THE ADMISSION OF PUPILS

- 4.—(1) The number of pupils in each year group.
- (2) In the case of a school with boarding accommodation —
 - (a) the number of boarding pupils; and
 - (b) the ages (as at 31st August immediately preceding the date referred to in regulation 5 (2) (b)) of the oldest boarding pupil and the youngest boarding pupil.
- (3) In the case of a school also providing part-time education, the numbers required by subparagraph (1) must be stated separately in respect of pupils receiving part-time education and those receiving full-time education.
- (4) In the case of a co-educational school, all numbers required by this paragraph must be stated separately for boys and for girls.
- 5.—(1) The number of pupils at the school in respect of whom a local education authority maintains a statement of special educational needs pursuant to section 324 of the 1996 Act, and in respect of each such pupil —
 - (a) his or her name;
 - (b) the date on which he or she became a pupil at the school; and
 - (c) the name of the local education authority maintaining the statement.

⁽⁸⁾ S.I. 2003/3234 (W.314).

⁽⁹⁾ S.I. 1999/3242.

⁽¹⁰⁾ S.I. 1997/1840; amended by S.I. 1999/1877.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) The number of pupils at the school who do not fall within sub-paragraph (1), but who have been identified as having special educational needs.

6. The following information relating to teachers employed at the school (with numbers given separately for men and for women teachers) —

- (a) the number of full-time teachers;
- (b) the number of part-time teachers; and
- (c) the aggregate number of hours a week normally worked by part-time teachers in term time.

7. The following information relating to every person employed at the school —

- (a) his or her name and any previous names by which he or she was known;
- (b) his or her sex, date of birth, National Insurance number and the capacity in which he or she is employed;
- (c) in the case of each teacher his or her qualifications and a statement as to whether he or she is the head teacher, a full-time teacher or a part-time teacher; and
- (d) confirmation that he or she has received a Disclosure Certificate at the appropriate level issued by the Criminal Records Bureau confirming his or her suitability to work with children.

8.—(1) The amount of annual tuition and other fees (excluding fees for boarding accommodation) payable in respect of a pupil at the school as a condition of his or her attendance.

(2) In the case of a school providing boarding accommodation for pupils, the amount of annual boarding fees payable in respect of a boarding pupil.

PART 4

INFORMATION REQUIRED IN AN ANNUAL RETURN

9. All the information specified by Parts 2 and 3 of this Schedule with the exception of that specified in paragraphs 3(6) to 3(10), 3(13) and 7.

10. For every person who has commenced employment or ceased employment at the school since the date of the last return to the registration authority —

- (a) his or her full name and any previous names by which he or she has been known;
- (b) his or her sex, date of birth, National Insurance number and the capacity in which he or she is employed;
- (c) where he or she is a teacher, his or her qualifications and a statement as to whether he or she is the head teacher, a full-time teacher, or a part-time teacher; and
- (d) confirmation that he or she has received a Disclosure Certificate at the appropriate level issued by the Criminal Records Bureau confirming his or her suitability to work with children.

11. In the two years preceding the date of the return, except in the case of a first annual return, the number of children attending the school for whom boarding accommodation was provided there (or elsewhere pursuant to arrangements made by the proprietor) for more than 295 days in that year.

12.—(1) The number of pupils in each year group of pupils aged 15, 16, 17 and 18 years who are pursuing courses for examinations.

(2) The number of pupils in each year group of pupils aged 15, 16, 17 and 18 years who have completed courses for an examination in the General Certificate of Education (Advanced or

Advanced Subsidiary Level), or the Advanced Vocational Certificate of Education (AVCE), but remain at the school for a purpose other than for pursuing any further course of that nature.

(3) The number of pupils in each year group of pupils aged 15, 16, 17 and 18 years (except for those who fall into the category of pupils referred to in sub-paragraph (2)) who attend the school for a purpose other than for pursuing courses for a relevant examination.

(4) The number specified in the annual return under sub-paragraph (1) and (2) must be stated separately for —

- (a) courses exclusively in mathematical or scientific subjects;
- (b) courses exclusively in other subjects;
- (c) courses partly in mathematical or scientific subjects and partly in other subjects; and
- (d) boys and girls.

13. Where a change has occurred in the premises of or boarding accommodation at the school since the date to which the immediately preceding annual return was made up (or, in the case of the first annual return, since the date to which the information contained in the application for the registration of the school was made up), the particulars of such change.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Education (Particulars of Independent Schools) Regulations 1997 in relation to Wales. They relate to applications for registration of independent schools under section 160(1) of the Education Act 2002 and information to be provided periodically by the proprietors of independent schools under section 168 of that Act.