
STATUTORY INSTRUMENTS

1991 No. 449

**The Education (Special Educational Needs)
(Approval of Independent Schools) Regulation 1991**

Citation and commencement

1. These Regulations may be cited as the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1991 and shall come into force on 1st April 1991.

Interpretation

2.—(1) In these Regulations—

“the 1989 Regulations” means the Education (Teachers) Regulations 1989⁽¹⁾;

“the Act 1981” means the Education Act 1981⁽²⁾;

“approval” means approval of a school for the purposes of section 11(3)(a) of the Act of 1981 and “approved” in relation to such a school shall be construed accordingly;

“boarding school” means a school which has boarders whether or not it also has day children, and “boarder” includes a child at a boarding school who is accommodated there during there during school holidays and a child who is accommodated there during the week, but not at weekends, in the school term;

“child with a statement” means a child for whom a statement is maintained under section 7 of the Act 1981;

“head of care” means a person who is in daily charge of the care and welfare of boarders;

“hearing impaired” means deaf or partially hearing;

“local authority” means a local authority acting in the discharge of their functions under any of the enactments specified in Schedule 1 to the Local Authority Social Services Act 1970⁽³⁾ (enactments conferring functions assigned to the social services committee) or, so long as an order under section 12 of that Act is in force, the Council of the Isles of Scilly;

“relevant local education authority”, in relation to a child with a statement, means the local education authority by whom that statement is maintained; and

“visually impaired” means blind or partially sighted.

(2) Except where the context otherwise requires, any reference in these Regulations to a regulation of Schedule is a reference to a regulation contained herein or to a Schedule hereto, any reference in a regulation or Schedule to a paragraph is a reference to a paragraph of the regulation or Schedule, and any reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph thereof.

(1) S.I.1989/1319, amendment by S.I. 1989/1541 and 1990/1561.

(2) 1981 c. 60.

(3) 1970 c. 42.

Conditions of approval of independent schools

3. The requirements set out in Schedule 1 shall be complied with by an independent school as a condition of its approval for the purposes of section 11(3)(a) of the Act of 1981.

Requirements to be complied with by an approved independent school

4. While an approval is in force with respect to an independent school the school shall comply with the requirements set out in Schedules 1 and 2.

Withdrawal of approval

5.—(1) Subject to paragraph (2), the Secretary of State may withdraw his approval of a school on the ground that, in the case of that school, there has been a failure to comply with any of the requirements referred to in regulation 4.

(2) Unless the Secretary of State is of the opinion that it is necessary or expedient so to do in the interests of the health, safety or welfare of children at the school, he shall not withdraw his approval of the school in pursuance of paragraph (1) without—

- (a) consulting the proprietor of the school, and
- (b) if the proprietor so requests, affording the school a period specified by the Secretary of State within which to comply with the requirement with which the school has not complied.

(3) The Secretary of State shall withdraw his approval of a school if the proprietor thereof in writing requests him so to do.