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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the requirements to be complied with by an independent school as a condition of its approval as a school for the admission of children for whom statements of special educational needs are maintained under section 7 of the Education Act 1981 (regulation 3), and while such an approval is in force (regulation 4). They also make provision as respects the withdrawal of such an approval (regulation 5).

The requirements set out in Schedule 1 are both requirements to be complied with as a condition of approval and requirements to be complied with while an approval is in force. The proprietor of the school must be a fit and proper person so to act (paragraph 1). The staff employed at the school must be suitable and sufficient to secure the provision of appropriate education, and the care and welfare, of the children at the school (paragraphs 2 and 3). Admissions must be in accordance with certain arrangements maintained by the proprietor of the school (paragraph 4). The proprietor must make and maintain arrangements to secure that exclusion of children from the school is on reasonable grounds and to enable representations to be made (paragraph 5). Provision must be made for the health and welfare of children at the school (paragraph 6); and the Secretary of State must be notified if certain substances and apparatus involving health hazards are to be used for teaching purposes (paragraph 7). Arrangements must be made for pupils to attend religious worship and to receive religious education unless this is contrary to parental wishes (paragraph 8). Incident and punishment books must be kept (paragraph 9). The premises of the school must conform to certain statutory standards; the Secretary of State may direct that such premises be deemed to so conform in certain circumstances (paragraph 10).

Schedule 2 contains further requirements to be complied with while an approval is in force. The special educational provision made by the school must be appropriate to the children at the school (paragraph 1). Any changes in the proprietor, head of care or head teacher or other significant staffing of the school must be notified to the Secretary of State and certain other authorities (paragraph 2). The proprietor must maintain arrangements relating to school admissions (paragraph 3). Certain changes affecting the school premises must be notified to the Secretary of State; and fire precautions recommended by the fire authority must be implemented on a regular basis (paragraphs 4 and 5). There are requirements relating to the making of reports in certain circumstances where persons are dismissed from employment as a member of school staff for misconduct (paragraph 6). There are requirements relating to the duration of the school year and day, leave of absence for employment and leave of absence for annual holiday analogous to the provisions applicable in the case of special schools (paragraph 7). In the case of pupils for whom a local education authority maintains statements of special educational needs reports must be made to the authority concerned and information provided when the child moves to another place of education (paragraphs 8 and 9). There are requirements to provide the Secretary of State and certain other persons with reports of deaths, injuries and serious illnesses of children at the school (paragraph 10). Access to the school by appropriately authorised persons must be afforded at reasonable times (paragraph 11). The school must publish an annual prospectus containing specified information about the school (paragraph 12).