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STATUTORY INSTRUMENTS

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**1999 No. 1442**

**EDUCATION, ENGLAND AND WALES**

**WALES**

**The Education (Special Educational Needs)  
(Information) (Wales) Regulations 1999**

*Made - - - - 23rd May 1999*

*Laid before Parliament 26th May 1999*

*Coming into force - - 1st September 1999*

In exercise of the powers conferred on the Secretary of State by sections 317(5) and 569(4) and (5) of the Education Act 1996<sup>(1)</sup> and sections 92(3) and 138(7) and (8) of the School Standards and Framework Act 1998<sup>(2)</sup>, the Secretary of State for Wales hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Education (Special Educational Needs) (Information) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

(2) These Regulations apply in relation to schools in Wales.

**Interpretation**

2. In these Regulations—

“the 1996 Act” means the Education Act 1996;

“the 1998 Act” means the School Standards and Framework Act 1998;

“governors' report” means the report which the governing body are required to prepare once in every year under section 42(1) of the 1988 Act;

“last governors' report” means the last governors' report prepared by the governing body or (if no such report has previously been prepared by them under section 42(1) of the 1998 Act) the last governors' report prepared by them pursuant to the requirements included in the articles of government for the school by virtue of section 161 of, or paragraph 7 of Schedule 23 to, the 1996 Act<sup>(3)</sup>;

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(1) 1996 c. 56. Section 317(5) is amended by paragraph 74(6) of Schedule 30. For the meaning of “prescribed” see section 579(1).

(2) 1998 c. 31. For the meaning of “regulations” see section 142(1).

(3) Section 161 and paragraph 7 of Schedule 23 are prospectively revoked by Schedule 31 to the 1998 Act.

“mainstream school” means a community, foundation or voluntary school;

“maintained special school” means a community or foundation special school; and

“statement” means a statement of special educational needs within the meaning of section 324(1) of the 1996 Act.

### **Publication of information about special education needs**

3.—(1) The governing body of every mainstream school shall publish information about the matters set out in Schedule 1.

(2) The governing body of every maintained special school, other than one established in a hospital, shall publish information about the matters set out in Schedule 2.

(3) The governing body of every maintained special school which is established in a hospital shall publish information about the matters set out in Schedule 3.

### **Manner of publication of information**

4. The information referred to in regulation 3 shall be published in a single document by making copies available free of charge—

(a) for distribution—

(i) to parents of pupils or prospective pupils, and

(ii) to the local education authority and District Health Authority for the area in which the school is situated,

who or which request a copy at the school or through the post; and

(b) for reference at the school.

### **Publication of information—supplementary**

5. Where the information referred to in regulation 3 is to be published by the local education authority with the agreement of the governing body pursuant to section 92(5) of the 1998 Act, it shall be supplied to them by the governing body and shall be published without material alteration.

### **Governors' Reports**

6. Each governors' report shall include the information about the implementation of the governing body's policy for pupils with special educational needs specified in Schedule 4.

### **Revocation of Regulations**

7. The Education (Special Educational Needs) (Information) Regulations 1994(4) are revoked in relation to Wales.

Signed by authority of the Secretary of State for Wales

23rd May 1999

*Peter Hain*  
Parliamentary Under Secretary of State, Welsh  
Office

## SCHEDULE 1

Regulation 3(1)

### Information from mainstream schools

#### **Basic information about the school's special education provision**

1. The objectives of the governing body in making provision for pupils with special education needs, and a description of how the governing body's special educational needs policy will contribute towards meeting those objectives.
2. The name of the person who is responsible for co-ordinating the day to day provision of education for pupils with special educational needs at the school (whether or not the person is known as the SEN co-ordinator).
3. The arrangements which have been made for co-ordinating the provision of education for pupils with special educational needs at the school.
4. The admission arrangements for pupils with special educational needs who do not have a statement in so far as they differ from the arrangements for other pupils.
5. The kinds of provision for special educational needs in which the school specialises and any special units.
6. Facilities for pupils with special educational needs at the school including facilities which increase or assist access to the school by pupils who are disabled.

#### **Information about the school's policies for the identification, assessment and provision for all pupils with special educational needs**

7. How resources are allocated to and amongst pupils with special educational needs.
8. How pupils with special educational needs are identified and their needs determined and reviewed.
9. Arrangements for providing access by pupils with special educational needs to a balanced and broadly based curriculum (including the National Curriculum).
10. How pupils with special educational needs engage in the activities of the school together with pupils who do not have special educational needs.
11. How the governing body evaluate the success of the education which is provided at the school to pupils with special educational needs.
12. Any arrangements made by the governing body relating to the treatment of complaints from parents of pupils with special educational needs concerning the provision made at the school.

#### **Information about the school's staffing policies and partnership with bodies beyond the school**

13. Any arrangements made by the governing body relating to in-service training for staff in relation to special educational needs.
14. The use made of teachers and facilities from outside the school including links with support services for special educational needs.
15. The role played by the parents of pupils with special educational needs.
16. Any links with other schools, including special schools, and the provision made for the transition of pupils with special educational needs between schools or between the school and the next stage of life or education.

17. Links with child health services, social services and educational welfare services and any voluntary organisations which work on behalf of children with special educational needs.

## SCHEDULE 2

Regulation 3(2)

### Information from maintained special schools not established in hospitals

#### **Basic information about the school's special educational provision**

1. The objectives of the governing body in making provision for pupils with special educational needs, and a description of how the governing body's special educational needs' policy will contribute towards meeting those objectives.
2. The kinds of special educational needs for which provision is made at the school.
3. Facilities for pupils at the school including facilities which increase or assist access to the school by pupils who are disabled.

#### **Information about the school's policies for the assessment and provision for all pupils with special educational needs**

4. How resources are allocated amongst pupils.
5. How the needs of pupils are identified and reviewed.
6. Arrangements for providing access by pupils to a balanced and broadly based curriculum (including the National Curriculum).
7. How the governing body evaluate the success of the education which is provided at the school to pupils.
8. Any arrangements made by the governing body relating to the treatment of complaints from parents of pupils concerning the provision made at the school.

#### **Information about the school's staffing policies and partnership with bodies beyond the school**

9. Any arrangements made by the governing body relating to in-service training for staff in relation to special educational needs.
10. The use made of teachers and facilities from outside the school including links with support services for special educational needs.
11. The role played by parents of pupils.
12. Any links with other schools, and any arrangements for managing the transition of pupils between schools or between the school and the next stage of life or education.
13. Links with child health services, social services and education welfare services and any voluntary organisations which work on behalf of children with special educational needs.

### SCHEDULE 3

Regulation 3(3)

#### Information from maintained special schools in hospitals

1. The name of the person who is responsible for co-ordinating the day to day provision of education for pupils with special educational needs at the school (whether or not the person is known as the SEN co-ordinator).
2. How pupils with special educational needs are identified and their needs determined and reviewed.
3. How resources are allocated to and amongst pupils with special educational needs.
4. How the educational progress of pupils with special educational needs is monitored.
5. How the contents of a pupil's statement are ascertained and made known to staff.
6. The arrangements for ensuring continuity of the educational provision set out in a pupil's statement differentiating where necessary between long stay and short stay patients.
7. Arrangements for providing access by pupils with special education needs to a balanced and broadly based curriculum.
8. The use made of teachers and facilities from outside the school including links with support services for special educational needs.

### SCHEDULE 4

Regulation 6

#### Information to be included in governors' reports

1. The success of the governing body's special educational needs policies in the period since the last governors' report.
2. Significant changes in the governing body's policy on pupils with special educational needs since the last governors' report.
3. The outcome of any consultation carried out under section 317(3) of the Education Act 1996.
4. How resources have been allocated to and amongst pupils with special educational needs since the last governors' report.

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### EXPLANATORY NOTE

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

These Regulations, which come into force on 1st September 1999 and apply only to Wales, make provision for the publication of information about matters relating to the provision of education for pupils with special educational needs in their schools by the governing bodies of maintained schools, and for the inclusion of information in annual reports to parents about their policies for such pupils.

The Regulations replace the Education (Special Educational Needs) (Information) Regulations 1994, which are revoked in relation to Wales.

The Regulations refer to the new categories of maintained schools introduced by the School Standards and Framework Act 1998, but otherwise there are no changes of any substance from the 1994 Regulations.