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W E L S H S T A T U T O R Y  
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**2021 No. 217 (W. 54)**

**EDUCATION, WALES**

**The Independent Schools  
(Provision of Information) (Wales)  
(Amendment) Regulations 2021**

**EXPLANATORY NOTE**

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

These Regulations amend the Independent Schools (Provision of Information) (Wales) Regulations 2003 (“the 2003 Regulations”). These amendments are required as a result of the implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (“the 2018 Act”).

Regulation 3 inserts relevant definitions into regulation 2 (interpretation) of the 2003 Regulations. In particular, the 2018 Act is defined, as well as the terms “additional learning needs” and “additional learning provision”. These are both terms introduced in the 2018 Act and the amendments to the 2003 Regulations update the terminology. Regulation 3 also inserts definitions of “special educational needs” and “special educational provision” under section 312 of the Education Act 1996, to distinguish between the old system and the new.

Regulation 4 amends the Schedule to the 2003 Regulations. Paragraph 3 of the Schedule is amended to cover both “special educational needs” and “additional learning needs”. Paragraph 3(5) is omitted. Paragraph 3(6) is replaced to update the terminology and add the requirement for a list of the type of additional learning provision the school makes. Additionally, paragraph 5(1)(a) of the Schedule is amended to update the reference to statements of special educational needs to include individual development plans, and to remove the requirement to provide information that would identify individual pupils. Paragraph 5(2) is amended so that it refers to both additional learning needs and special educational needs.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was

considered in the light of these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**2021 No. 217 (W. 54)**

**EDUCATION, WALES**

**The Independent Schools  
(Provision of Information) (Wales)  
(Amendment) Regulations 2021**

*Made* 26 February 2021

*Laid before Senedd Cymru* 2 March 2021

*Coming into force* 1 September 2021

The Welsh Ministers, in exercise of the powers conferred on them by sections 160(1), 168 and 210(1) and (7) of the Education Act 2002<sup>(1)</sup> make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Independent Schools (Provision of Information) (Wales) (Amendment) Regulations 2021 and they come into force on 1 September 2021.

(2) These Regulations apply in relation to Wales.

**Amendment to the Independent Schools (Provision of Information) (Wales) Regulations 2003**

2. The Independent Schools (Provision of Information) (Wales) Regulations 2003<sup>(2)</sup> are amended in accordance with regulations 3 and 4.

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(1) 2002 c. 32. Section 212(1) defines “regulations” as regulations made under the Education Act 2002 (c. 32) by the National Assembly for Wales (in relation to Wales). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). Section 212(1) also defines “prescribes”. Section 210 of the Education Act 2002 was amended by section 21 of the Learner Travel (Wales) Measure 2008 (nawm 2).

(2) S.I. 2003/3230 (W. 310).

### **Amendments to regulation 2 (interpretation)**

#### **3. In regulation 2, in the appropriate place insert—**

““the 2018 Act” (*“Deddf 2018”*) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018;”,

““additional learning needs” (*“anghenion dysgu ychwanegol”*) has the meaning assigned to it by section 2 of the 2018 Act;”,

““additional learning provision” (*“darpariaeth ddysgu ychwanegol”*) has the meaning assigned to it by section 3 of the 2018 Act;”,

““individual development plan” (*“cynllun datblygu unigol”*) has the meaning assigned to it by section 10 of the 2018 Act;”,

““special educational needs” (*“anghenion addysgol arbennig”*) has the meaning assigned to it by section 312 of the 1996 Act;”,

““special educational provision” (*“darpariaeth addysgol arbennig”*) has the meaning assigned to it by section 312 of the 1996 Act;”.

### **Amendments to the Schedule**

#### **4. In the Schedule—**

(a) omit paragraph 3(5).

(b) for paragraph 3(6) substitute—

“(6) The type or types of—

(a) additional learning provision made by the school for pupils with additional learning needs (if any), and

(b) special educational provision made by the school for pupils with special educational needs (if any).”

(c) for paragraph 5(1) substitute—

“(1) The number of pupils at the school in respect of whom—

(a) the school or a local authority maintains an individual development plan, and

(b) a local authority maintains a statement of special educational needs under section 324 of the 1996 Act.”

(d) for paragraph 5(2) substitute—

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

*Kirsty Williams*  
Minister for Education, one of the Welsh Ministers  
26 February 2021