

SEN in independent Schools

Considering a private school if your child has a special educational need (SEN)

If you choose to go down the private route and your child has an SEN it is important to explore how the school will address their needs. It would be helpful to visit the school, talk to staff and if possible, talk to parents in a similar situation.

Children with special needs can succeed in a private school, where the class size is smaller and they can benefit from more one-on-one attention. However, it is important to understand the different legal duty's Independent schools have to maintained settings.

Independent schools (sometimes called private schools) are schools that are not funded, organised or controlled by central government or Local Authorities.

Independent schools do not have the same duties regarding a child or young person's special educational need (SEN) as maintained schools do. While Independent schools should have systems in place to identify any SEN a child or young person may have, and provide SEN support, they do not have a legal duty to fund any extra provision if required unless they are on the section 41 list (these schools are listed in this link: <https://www.gov.uk/government/publications/independent-special-schools-and-colleges>)

Unlike maintained mainstream settings and independent special schools, the SEN Code of Practice does not apply. This means that the provision for those with SEN can vary greatly from school to school. Many schools will require additional funding from the fee payer in order to offer Special Educational Provision.

Independent schools do not have to publish a SEN information report on their website.

Independent schools are subject to disability discrimination legislation including the Equality Act 2010. As part of this, independent schools are required to increase disabled pupils' access to facilities and to the school's curriculum.

Education Health and Care Plans

If your child has an Education, Health and Care Plan (EHCP), the Local Authority (LA) has a legal duty to fund the provision within a maintained setting. This duty does not extend to Independent mainstream schools. This means that the provision might have to be funded through other means, such as by the school's fee payer.

Requirements set out in the code of practice regarding EHCPs will not have to be adhered to by Independent mainstream schools. For example, they will not have to hold the annual review.

Naming an Independent mainstream school

A parent or young person can name an independent school in an EHCP. However, unless it is defined as an 'Independent Special School' under section 41 of the Children and Families Act 2014, there will be no duty on the LA to name that institution to admit the child or young person.

The LA will most likely name a local maintained school if they are satisfied that they can meet the child's or young person's educational needs adequately. If parents would like to name an Independent School, they will often fail to get the LA to pay for the special educational provision required.

Sometimes parents can successfully persuade an LA to come to a contributory funding arrangement with them. To do this, parents will need to prove that a mainstream setting cannot meet need and the Independent school in question can; and that it would not be 'unreasonable public expenditure'.

Parents can do this by:

- Providing significant evidence that they have already tried to make their child's placement at a maintained mainstream school work, but this has not happened.
- Arguing that the size of the school and class sizes are significantly beneficial to the child's academic needs alongside their development and wellbeing.

Where can I get further information, advice or support?

Contact the IASS team on:

Phone: 01743 280019 (Open 10am-4pm Monday—Friday)

Web: www.cabshropshire.org.uk
www.facebook.com/IASSShropshire

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