

SPECIAL EDUCATIONAL NEEDS (SEN) IN INDEPENDENT SCHOOLS

If you're considering an independent (private) school for your child with Special Educational Needs (SEN), it's important to explore how the school will address their needs. Smaller class sizes in private schools can provide more one-on-one attention, but the legal duties for SEN in independent schools differ significantly from maintained schools.

WHAT ARE INDEPENDENT SCHOOLS?

Independent schools are not funded, organised, or controlled by the government or local authorities. While they may have systems to identify and support children with SEN, their legal responsibilities differ from those of maintained schools:

- SEN Code of Practice: Independent schools (except those on the Section 41 list) are not legally required to follow the SEN Code of Practice. This means SEN provision can vary greatly between schools.
- SEN Information Reports: Unlike maintained schools, independent schools are not required to publish a SEN information report on their website.
- Disability Discrimination: Independent schools are subject to the Equality Act 2010, requiring them to ensure disabled pupils can access facilities and the curriculum.



For a list of Section 41-approved independent schools, visit the Independent Special Schools and Colleges List.



EDUCATION, HEALTH, AND CARE PLANS (EHCPs)

If your child has an EHCP:

- Local authorities are only legally required to fund provision in maintained settings, not independent mainstream schools.
- Independent schools may require the fee payer (usually parents) to fund additional SEN support.
- Independent mainstream schools are not obligated to hold annual reviews of EHCPs or adhere to all requirements in the SEN Code of Practice.



NAMING AN INDEPENDENT SCHOOL IN AN EHCP

Parents or young people can name an independent school in an EHCP. However:

- Unless the school is registered as an Independent Special School (Section 41), the local authority (LA) is not obligated to name or fund that school.
- The LA will typically name a local maintained school if they believe it can meet your child's needs adequately.

If you wish to name an independent school, you may need to fund the placement or negotiate contributory funding with the LA. This requires evidence that:

- A maintained school cannot meet your child's needs.
- The independent school is better suited to their educational, developmental, and wellbeing needs.
- The placement does not result in "unreasonable public expenditure."

HOW TO ADVOCATE FOR AN INDEPENDENT SCHOOL PLACEMENT

To strengthen your case, consider:

- Documenting your efforts to make a maintained school placement work and demonstrating why it hasn't succeeded.
- Highlighting the benefits of smaller class sizes and the independent school environment for your child's learning and development.
- Seeking professional reports or assessments that support your arguments.

