
STATUTORY INSTRUMENTS

2010 No. 1997

EDUCATION, ENGLAND

The Education (Independent School Standards) (England) Regulations 2010

Made - - - - 4th August 2010
Laid before Parliament 10th August 2010
Coming into force - - 1st September 2010

The Secretary of State for Education makes these Regulations in exercise of the powers conferred by sections 157(1) and 210(7) of the Education Act 2002(1).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Independent School Standards) (England) Regulations 2010 and come into force on 1st September 2010.

(2) These Regulations apply only in relation to England.

Interpretation

2.—(1) In these Regulations—

“the 2002 Act” means the Education Act 2002;

“boarder” means a pupil for whom a school provides accommodation, whether or not the pupil is a pupil at that school;

“employment business” has the meaning given in section 13(3) of the Employment Agencies Act 1973(2);

“enhanced criminal record certificate” means an enhanced criminal record certificate as defined in section 113B of the Police Act 1997(3) which includes suitability information relating to children as defined in section 113BA(2)(4) of that Act;

(1) 2002 c.32. See section 212(1) for the definition of “regulations”.

(2) 1973 c.35.

(3) 1997 c.50; section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c.15).

(4) Section 113BA was inserted by paragraph 14(4) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c.47) and amended by section 170(2) of the Education and Inspections Act 2006 (c.40), paragraph 12 of Schedule 1 to the Education and Skills Act 2008 and section 81 of the Policing and Crime Act 2009 (c.26).

“maintained school” means a community, foundation or voluntary school or a community or foundation special school⁽⁵⁾;

“the National Minimum Standards for Boarding Schools” means the statement of national minimum standards published under that title in July 2010 by the Secretary of State for Education under section 87C(1) of the Children Act 1989⁽⁶⁾;

“the National Minimum Standards for Residential Special Schools” means the standards published under that title in March 2002 by the Secretary of State for Health under section 87C of the Children Act 1989;

“school” means an independent school⁽⁷⁾;

“the School Premises Regulations” means the Education (School Premises) Regulations 1999⁽⁸⁾;

“staff” means any person working at the school whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer;

“statement” (except in paragraphs 24(2)(d) and 25(k) of Schedule 1) means a statement of special educational needs made under section 324 of the Education Act 1996⁽⁹⁾;

“supply staff” means any person working at the school supplied by an employment business.

- (2) For the purposes of these Regulations an “enhanced criminal record check” is made if—
- (a) an application for an enhanced criminal record certificate is made under Part 5 of the Police Act 1997; and
 - (b) the application is countersigned by a registered person (as defined in section 120 of that Act) or the application is countersigned on behalf of that person and (in either case) the application is submitted in accordance with Part 5 of that Act.
- (3) In these Regulations, where an element of a standard is information or a document being “made available”, that element of the standard is met—
- (a) in a case where the school has an internet website, if—
 - (i) the information or a copy of the document is—
 - (aa) available on the website in a form accessible to parents of pupils and parents of prospective pupils; and
 - (bb) available for inspection on the school’s premises during the school day; and
 - (ii) the proprietor takes reasonable steps to ensure that parents of pupils and parents of prospective pupils are aware that the information or a copy of the document is available and the form in which it is available; and
 - (b) in a case where the school has an internet website but the information or a copy of the document is not available on the website, or where the school does not have an internet website, if—
 - (i) the proprietor takes reasonable steps to ensure that parents of pupils and parents of prospective pupils are made aware that they may request the information or a copy of the document; and

(5) See section 20 of the School Standards and Framework Act 1998 (c.31) as to the categories of maintained school.

(6) 1989 c.41; section 87 was amended by section 105 of the Care Standards Act 2000 (c. 41) and section 87C was inserted by section 107 of that Act.

(7) “Independent school” is defined in section 463 of the Education Act 1996 (c.56), which was substituted by section 172 of the Education Act 2002 (c. 32).

(8) S.I. 1999/2.

(9) 1996 c.56.

- (ii) the information or a copy of the document is sent or given to such parents free of charge, in response to a request.

Independent school standards

3.—(1) The provisions contained in Schedule 1 are the independent school standards for the purposes of Part 10 of the 2002 Act.

(2) Except as provided in paragraphs (3) and (4), these standards apply to any independent school.

(3) The standards contained in the following provisions of Schedule 1 do not apply to an Academy—

(a) Part 1;

(b) paragraph 24(1)(b) insofar as it relates to the information referred to in paragraph 24(3)(b), (c), (f) and (h); and

(c) paragraph 24(1)(h).

(4) The standards referred to in paragraph (3) of this Regulation and the standards contained in paragraphs 17 and 24(1)(f) of Schedule 1 do not apply to a city technology college or a city college for the technology of the arts⁽¹⁰⁾.

Revocations

4. The instruments listed in column 1 of the table in Schedule 2 (which have the references listed in column 2) are revoked to the extent indicated in column 3.

4th August 2010

Nick Gibb
Minister of State
Department for Education

⁽¹⁰⁾ City technology colleges and city colleges for the technology of the arts were established under section 482 of the Education Act 1996 (c. 56) as originally enacted.

SCHEDULE 1

Regulation 3(1)

PART 1

Quality of education provided

1. The standards about the quality of education provided at the school are those contained in this Part.

2.—(1) The standard in this paragraph is met if the proprietor ensures that a written policy on the curriculum, supported by appropriate plans and schemes of work, which provides for the matters specified in sub-paragraph (2) is drawn up and implemented effectively.

(2) The matters are—

- (a) full-time supervised education for pupils of compulsory school age (construed in accordance with section 8 of the Education Act 1996⁽¹¹⁾), which gives pupils experience in linguistic, mathematical, scientific, technological, human and social, physical and aesthetic and creative education;
 - (b) subject matter appropriate for the ages and aptitudes of pupils, including those pupils with a statement;
 - (c) that pupils acquire speaking, listening, literacy and numeracy skills;
 - (d) where the principal language of instruction is a language other than English, lessons in written and spoken English, except that this matter does not apply in respect of a school which provides education for pupils who are all temporarily resident in England and which follows the curriculum of another country;
 - (e) where a pupil has a statement, education which fulfils its requirements;
 - (f) personal, social and health education which reflects the school's aim and ethos;
 - (g) appropriate careers guidance for pupils receiving secondary education;
 - (h) where the school has pupils above compulsory school age, a programme of activities which is appropriate to their needs;
 - (i) that all pupils have the opportunity to learn and make progress; and
 - (j) adequate preparation of pupils for the opportunities, responsibilities and experiences of adult life.
3. The standard in this paragraph is met if the proprietor ensures that the teaching at the school—
- (a) enables pupils to acquire new knowledge and make progress according to their ability so that they increase their understanding and develop their skills in the subjects taught;
 - (b) fosters in pupils the application of intellectual, physical or creative effort, interest in their work and the ability to think and learn for themselves;
 - (c) involves well planned lessons and effective teaching methods, activities and management of class time;
 - (d) shows a good understanding of the aptitudes, needs and prior attainments of the pupils, and ensures that these are taken into account in the planning of lessons;
 - (e) demonstrates appropriate knowledge and understanding of the subject matter being taught;
 - (f) utilises effectively classroom resources of an adequate quality, quantity and range;

⁽¹¹⁾ 1996 c. 56. Section 8 is amended by section 52 of the Education Act 1997 (c. 44).

- (g) demonstrates that a framework is in place to assess pupils' work regularly and thoroughly and use information from that assessment to plan teaching so that pupils can progress; and
 - (h) utilises effective strategies for managing behaviour and encouraging pupils to act responsibly.
4. The standard in this paragraph is met where the proprietor ensures that a framework for pupil performance to be evaluated, by reference either to the school's own aims as provided to parents or national norms, or to both, is in place.

PART 2

Spiritual, moral, social and cultural development of pupils

5. The standard about the spiritual, moral, social and cultural development of pupils at the school is met if the proprietor ensures that principles are promoted which—
- (a) enable pupils to develop their self-knowledge, self-esteem and self-confidence;
 - (b) enable pupils to distinguish right from wrong and to respect the law;
 - (c) encourage pupils to accept responsibility for their behaviour, show initiative and understand how they can contribute to community life;
 - (d) provide pupils with a broad general knowledge of public institutions and services in England; and
 - (e) assist pupils to acquire an appreciation of and respect for their own and other cultures in a way that promotes tolerance and harmony between different cultural traditions.

PART 3

Welfare, health and safety of pupils

6. The standards about the welfare, health and safety of pupils at the school are those contained in this Part.
7. The standard in this paragraph is met if the proprietor ensures that—
- (a) arrangements are made to safeguard and promote the welfare of pupils at the school; and
 - (b) such arrangements have regard to any guidance issued by the Secretary of State.
8. Where section 87(1) of the Children Act 1989 applies in relation to a school the standard in this paragraph is met if the proprietor ensures that—
- (a) arrangements are made to safeguard and promote the welfare of boarders while they are accommodated at the school; and
 - (b) such arrangements have regard to the National Minimum Standards for Boarding Schools or, where applicable, the National Minimum Standards for Residential Special Schools.
9. The standard in this paragraph is met if the proprietor ensures that a written policy to promote good behaviour amongst pupils and set out the sanctions to be adopted in the event of pupil misbehaviour is drawn up and effectively implemented.
10. The standard in this paragraph is met if the proprietor ensures that regard is had to the DCSF Guidance "Safe to Learn: Embedding anti-bullying work in schools"**(12)**.

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11. The standard in this paragraph is met if the proprietor ensures that regard is had to the DfES Guidance “Health and Safety: Responsibilities and Powers”(13).

12. The standard in this paragraph is met if the proprietor ensures that regard is had to the DfES Guidance “Health and Safety of Pupils on Educational Visits”(14).

13. The standard in this paragraph is met if the proprietor ensures that the Regulatory Reform (Fire Safety) Order 2005(15) is complied with.

14. The standard in this paragraph is met if the proprietor ensures that a written policy on first aid is drawn up and implemented.

15. The standard in this paragraph is met if the proprietor ensures that school staff are deployed to ensure the proper supervision of pupils.

16. The standard in this paragraph is met if the proprietor ensures that a record is kept of the sanctions imposed upon pupils for serious misbehaviour.

17. The standard in this paragraph is met if the proprietor ensures that an admission and attendance register is maintained in accordance with the Education (Pupil Registration) (England) Regulations 2006(16).

PART 4

Suitability of staff, supply staff, and proprietors

18. The standards about the suitability of staff, supply staff, and proprietors are those contained in this Part.

19.—(1) The standard in this paragraph relates to the suitability of persons appointed as members of staff at the school, other than the proprietor and supply staff.

(2) The standard in this paragraph is met if—

- (a) no such person is barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006(17) or carries out work, or intends to carry out work, at the school in contravention of any direction made under section 142 of the 2002 Act(18) or any disqualification, prohibition or restriction which takes effect as if contained in such a direction;
- (b) the proprietor carries out appropriate checks to confirm in respect of each such person—
 - (i) the person’s identity;
 - (ii) the person’s medical fitness;
 - (iii) the person’s right to work in the United Kingdom; and
 - (iv) where appropriate, the person’s qualifications;
- (c) an enhanced criminal record check is made by the proprietor in respect of any such person and the resulting enhanced criminal record certificate is obtained before or as soon as practicable after the person’s appointment;

(13) DfES publication number 0803/2001.

(14) HSPV2.

(15) S.I. 2005/1541, to which there are amendments not relevant to these Regulations.

(16) S.I. 2006/1751, to which there are amendments not relevant to these Regulations.

(17) 2006 c.47.

(18) 2002 c.32.

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(d) in the case of any person for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, such further checks are made as the proprietor considers appropriate, having regard to any guidance issued by the Secretary of State; and

(e) in the case of staff who care for, train, supervise or are in charge of boarders, in addition to the matters specified in paragraphs (a) to (d), the proprietor checks that Standard 38 of the National Minimum Standards for Boarding Schools or, where applicable, Standard 27 of the National Minimum Standards for Residential Special Schools, is complied with,

and in the light of the information from the checks referred to in paragraphs (b) to (e) the proprietor considers that the person is suitable for the position to which the person is appointed.

(3) The checks referred to in sub-paragraphs (2)(b) and (except where sub-paragraph (4) applies) (2)(d) must be completed before a person's appointment.

(4) The checks specified in sub-paragraphs (2)(c), (d) and (e) do not need to be carried out where the new member of staff ("M") has worked in—

- (a) a school in England in a position which brought M regularly into contact with children or young persons;
- (b) a maintained school in England in a position to which M was appointed on or after 12th May 2006 and which did not bring M regularly into contact with children or young persons; or
- (c) an institution within the further education sector in England in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

during a period which ended not more than three months before M's appointment.

20.—(1) This paragraph relates to the suitability of supply staff at an independent school.

(2) The standard in this paragraph is met if—

- (a) a person offered for supply by an employment business to the school only begins to work at the school if the proprietor has received—
 - (i) written notification from the employment business in relation to that person—
 - (aa) that the checks referred to in paragraph 22(3)(a) to (c), (e) and (f) have been made;
 - (bb) that it or another employment business has made an enhanced criminal record check or has obtained an enhanced criminal record certificate in response to such a check made by it or another employment business; and
 - (cc) if the employment business has obtained such a certificate before the person is due to begin work at the school, whether it disclosed any matter or information, or any information was supplied to the employment business in accordance with section 113B(6) of the Police Act 1997; and
 - (ii) a copy of any enhanced criminal record certificate obtained by an employment business before the person is due to begin work at the school, and where it discloses any matter or information, or where any information was provided to the employment business in accordance with section 113B(6) of the Police Act 1997, a copy of the certificate;
- (b) a person offered for supply by an employment business only begins work at the school if the proprietor considers that the person is suitable for the work for which the person is supplied;

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- (c) before a person offered for supply by an employment business begins work at the school the person's identity is checked by the proprietor of the school (irrespective of any such check carried out by the employment business before the person was offered for supply);
 - (d) the proprietor, in the contract or other arrangements which the proprietor makes with any employment business, requires the employment business—
 - (i) to provide the notification referred to in paragraph (a)(i); and
 - (ii) if any enhanced criminal record certificate which the employment business obtains contains any matter or information, or if any information was supplied to the employment business in accordance with section 113B(6) of the Police Act 1997, to provide a copy of the certificate,in respect of any person whom the employment business supplies to the school; and
 - (e) except for those persons to whom sub-paragraph (4) applies, in the case of supply staff who care for, train, supervise or are in charge of boarders, the proprietor checks that the relevant parts of Standard 38 of the National Minimum Standards for Boarding Schools or where applicable, Standard 27 of the National Minimum Standards for Residential Special Schools are complied with.
- (3) Except in the case of a person to whom sub-paragraph (4) applies, the certificate referred to in sub-paragraph (2)(a)(i)(bb) must have been obtained not more than 3 months before the date on which the person is due to begin work at the school.
- (4) This sub-paragraph applies to a person ("P") who has worked in—
- (a) a school in England in a position which brought P regularly into contact with children or young persons;
 - (b) a maintained school in England in a position to which P was appointed on or after 12th May 2006 and which did not bring P regularly into contact with children or young persons; or
 - (c) an institution within the further education sector in England in a position which involved the provision of education or which brought P regularly into contact with young children or young persons,
- during a period which ended not more than three months before P is due to begin work at the school.

21.—(1) The standard in this paragraph relates to the suitability of the proprietor of an independent school.

(2) Sub-paragraph (3) relates to the suitability of the proprietor where the proprietor is an individual.

- (3) The standard in this paragraph is met if—
- (a) the individual—
 - (i) is not barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006; and
 - (ii) does not carry out work, or intend to carry out work, at the school in contravention of any direction made under section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in such a direction; and
 - (b) the Secretary of State makes the following checks relating to the individual before the school is entered in the register or, in the case of a registered school, before or as soon as practicable after the individual takes over as proprietor—
 - (i) an enhanced criminal record check, countersigned by the Secretary of State;
 - (ii) checks confirming the individual's identity and their right to work in the United Kingdom; and

- (iii) in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish the individual's suitability to work in a school, such further checks as the Secretary of State considers appropriate.
- (4) Sub-paragraphs (5) to (8) relate to the suitability of the proprietor where the proprietor is a body of persons corporate or unincorporate.
- (5) The standard in this paragraph is met in relation to an individual who is the Chair of the school if—
 - (a) the individual—
 - (i) is not barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006; and
 - (ii) does not carry out work, or intend to carry out work, at the school in contravention of any direction made under section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in such a direction; and
 - (b) subject to sub-paragraphs (7) and (8), the Secretary of State makes the following checks relating to the individual—
 - (i) an enhanced criminal record check, countersigned by the Secretary of State;
 - (ii) checks confirming the individual's identity and their right to work in the United Kingdom; and
 - (iii) in the case of an individual for whom, by reason of the individual living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish the individual's suitability to work in a school, such further checks as the Secretary of State considers appropriate.
- (6) The standard in this paragraph is met in relation to an individual ("MB"), not being the Chair of the school, who is a member of a body of persons corporate or unincorporate named as the proprietor of the school in the register or in an application to enter the school in the register, if—
 - (a) MB—
 - (i) is not barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006; and
 - (ii) does not carry out work, or intend to carry out work, at the school in contravention of any direction made under section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in such a direction;
 - (b) subject to sub-paragraphs (7) to (8), the Chair of the school makes the following checks relating to MB—
 - (i) an enhanced criminal record check;
 - (ii) checks confirming MB's identity and MB's right to work in the United Kingdom; and
 - (iii) where, by reason of MB's living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish MB's suitability to work in a school, such further checks as the Chair of the school considers appropriate, having regard to any guidance issued by the Secretary of State; and
 - (c) subject to sub-paragraph (8), where the Secretary of State makes a request for an enhanced criminal record check relating to MB countersigned by the Secretary of State to be made, such a check is made.
- (7) In a case where—

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(a) the suitability of the proprietor is being considered in response to an application by the governing body of a maintained school to enter the school on the register, and
(b) the local authority maintaining the school has made one or more of the checks referred to in sub-paragraph (5)(b) or (6)(b) in relation to the Chair of the school or MB,
sub-paragraph (5)(b) or (6)(b) (as the case may be) is treated as complied with so far as relating to that check.

(8) In the case of a registered school—

- (a) sub-paragraph (5)(b) is met where the checks referred to in that sub-paragraph are completed before or as soon as practicable after the Chair of the school starts acting as such;
- (b) sub-paragraph (6)(b) is met where the checks referred to in paragraph (b)(i) and (iii) are completed before or as soon as practicable after MB starts acting as a member of the body of persons corporate or unincorporate named in the register as the proprietor of the school; and
- (c) sub-paragraph (6)(c) is met where the enhanced criminal record check is made as soon as practicable after the Secretary of State's request.

(9) In this paragraph a reference to the Chair of the school is a reference to an individual who is the Chair of a body of persons corporate or unincorporate named as the proprietor of the school in the register or in an application to enter the school in the register and includes a reference to a similar officer.

22.—(1) The standard in this paragraph is met if the proprietor keeps a register which shows such of the information referred to in sub-paragraphs (3) to (7) as is applicable to the school in question.

(2) The register referred to in sub-paragraph (1) may be kept in electronic form, provided that the information so recorded is capable of being reproduced in legible form.

(3) The information referred to in this sub-paragraph is, in relation to each member of staff (“S”) appointed on or after 1st May 2007, whether—

- (a) S's identity was checked;
- (b) a check was made to establish whether S is barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006 or is subject to any direction made under section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in such a direction;
- (c) checks were made to ensure, where appropriate, that S had the relevant qualifications;
- (d) an enhanced criminal record certificate was obtained in respect of S;
- (e) checks were made pursuant to paragraph 19(2)(d);
- (f) a check of S's right to work in the United Kingdom was made; and
- (g) checks were made pursuant to paragraph 19(2)(e),

including the date on which each such check was completed or the certificate obtained.

(4) The information referred to in this sub-paragraph is, in relation to each member of staff in post on 1st August 2007 who was appointed at any time before 1st May 2007, whether each check referred to in sub-paragraph (3) was made and whether an enhanced criminal record certificate was obtained, together with the date on which any check was completed or certificate obtained.

(5) The information referred to in this sub-paragraph is, in relation to supply staff—

- (a) whether written notification has been received from the employment business that—

- (i) it has made checks corresponding to those referred to in sub-paragraph (3)(a) to (c), (e) and (f); and
 - (ii) it or another employment business has made an enhanced criminal record check or has obtained an enhanced criminal record certificate in response to such a check made by it or another employment business,
- together with the date the written notification that each such check was made, or certificate obtained, was received;
- (b) whether a check has been made in accordance with paragraph 20(2)(e) together with the date the check was completed; and
 - (c) where written notification has been received from the employment business in accordance with a contract or other arrangements referred to in paragraph 20(2)(d) that it has obtained an enhanced criminal record certificate which disclosed any matter or information, or that information was provided to it in accordance with section 113B(6) of the Police Act 1997, whether the employment business supplied a copy of the certificate to the school.
- (6) The information referred to in this sub-paragraph is, in relation each member (“MB”) of a body of persons named as the proprietor appointed on or after 1st May 2007, whether the checks referred to in paragraph 21(6)(b) were made, the date they were made and the date on which the resulting certificate was obtained.
- (7) The information referred to in this sub-paragraph is, in relation to each member of a body of persons named as the proprietor in post on 1st August 2007 who was appointed at any time before 1st May 2007—
- (a) whether each check referred to in sub-paragraph (6) was made; and
 - (b) whether an enhanced criminal record certificate was obtained, together with the date on which any check was completed or certificate obtained.
- (8) It is immaterial for the purposes of sub-paragraphs (3), (4), (5)(a) and (b), (6) and (7) whether the check was made or certificate obtained pursuant to a legal obligation.

PART 5

Premises of and accommodation at schools

- 23.** The standard about the premises of and accommodation at the school is met if the proprietor ensures that—
- (a) the water supply complies with the provisions of regulation 22 of the School Premises Regulations;
 - (b) there is an adequate drainage system for hygienic purposes and the disposal of waste water and surface water;
 - (c) each load bearing structure complies with the provisions of regulation 15 of the School Premises Regulations;
 - (d) the school has adequate security arrangements for the grounds and buildings;
 - (e) where premises are used for a purpose other than conducting the school, the health, safety and welfare of pupils are safeguarded and their education is not interrupted by other users;
 - (f) the school buildings provide reasonable resistance to penetration by rain, snow, wind and moisture from the ground;
 - (g) there is sufficient access so that emergency evacuations can be accomplished safely for all pupils, including those with special educational needs and disabilities;

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- (h) access to the school allows all pupils, including those with special educational needs and disabilities, to enter and leave the school in safety;
- (i) having regard to the number, age and needs (including any special educational needs and disabilities) of pupils, classrooms are appropriate in size to allow effective teaching, and no area of the school compromises health or safety;
- (j) there are sufficient washrooms for staff and pupils, including facilities for pupils with special educational needs and disabilities, having regard to the provisions of regulations 3 and 4 of the School Premises Regulations;
- (k) there are appropriate facilities for pupils who are ill, having regard to regulation 5 of the School Premises Regulations;
- (l) where food is served, there are adequate facilities for its hygienic preparation, serving and consumption;
- (m) classrooms and other parts of the school are maintained in a tidy, clean and hygienic state;
- (n) sound insulation and acoustics allow effective teaching and communication;
- (o) lighting, heating and ventilation in classrooms and other parts of the school are appropriate having regard to regulations 19 to 21 of the School Premises Regulations;
- (p) there is a satisfactory standard and adequate maintenance of decoration;
- (q) the furniture and fittings are appropriately designed for the age and needs (including any special educational needs and disabilities) of registered pupils;
- (r) there is appropriate flooring in good condition;
- (s) there are appropriate arrangements for providing outside space for pupils to play safely; and
- (t) where the school provides accommodation, regard is had to Standards 40 to 52 of the National Minimum Standards for Boarding Schools or, where applicable, Standards 23 to 26 of the National Minimum Standards for Residential Special Schools.

PART 6

Provision of information

24.—(1) The standard about the provision of information by the school is met if the proprietor ensures that—

- (a) the information specified in sub-paragraph (2) is provided to parents of pupils and parents of prospective pupils and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate;
- (b) the information specified in sub-paragraph (3) is made available to parents of pupils and parents of prospective pupils and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate;
- (c) particulars of the arrangements for meeting the standard contained in paragraph 7 are published on the school's internet website or, where no such website exists, are sent to parents on request;
- (d) following an inspection under section 162A of the 2002 Act, a copy of the report of the inspection (if it has been sent to the proprietor) is sent to the parents of each registered pupil, by any date specified by the body who conducted the inspection;
- (e) following an inspection under section 87(1) of the Children Act 1989, a copy of the report of the inspection is sent to the parents of each boarder;

- (f) an annual written report of each registered pupil's progress and attainment in the main subject areas taught is sent to the parents of that registered pupil except that no report need be sent where the parent has agreed otherwise;
 - (g) any information reasonably requested in connection with an inspection under section 162A of the 2002 Act which is required for the purposes of the inspection, and access to the school's admission and attendance registers, is provided to the body conducting the inspection;
 - (h) where a pupil wholly or partly funded by a local authority is registered at the school, an annual account of income received and expenditure incurred by the school in respect of that pupil is submitted to the local authority and, on request, to the Secretary of State; and
 - (i) where a pupil with a statement is registered at the school, such information as may reasonably be required for the purpose of the annual review of the statement is supplied to the responsible local authority.
- (2) The information specified in this sub-paragraph is—
- (a) the school's address and telephone number and the name of the head teacher;
 - (b) either—
 - (i) where the proprietor is an individual, the proprietor's full name, address for correspondence during both term-time and holidays and a telephone number or numbers on which the proprietor may be contacted at all times, or
 - (ii) where the proprietor is a body of persons, the address and telephone number of its registered or principal office;
 - (c) where there is a governing body, the name and address for correspondence of its Chair; and
 - (d) a statement of the school's ethos (including any religious ethos) and aims.
- (3) The information specified in this sub-paragraph is—
- (a) particulars of the school's policy on and arrangements for admissions, misbehaviour and exclusions;
 - (b) particulars of educational and welfare provision for pupils with statements and pupils for whom English is an additional language;
 - (c) particulars of the policy referred to in paragraph 2;
 - (d) particulars of the policy referred to in paragraph 9;
 - (e) particulars of arrangements for meeting the standards contained in paragraphs 10, 11 and 12;
 - (f) particulars of the school's academic performance during the preceding school year, including the results of any public examinations;
 - (g) details of the complaints procedure referred to in paragraph 25, and the number of complaints registered under the formal procedure during the preceding school year; and
 - (h) the number of staff at the school, including temporary staff, and a summary of their qualifications.

PART 7

Manner in which complaints are to be handled

25. The standard about the manner in which complaints are handled is met if the proprietor ensures that a complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents of pupils and which—

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- (a) is in writing;
- (b) is made available to parents of pupils;
- (c) sets out clear time scales for the management of a complaint;
- (d) allows for a complaint to be made and considered initially on an informal basis;
- (e) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (d), establishes a formal procedure for the complaint to be made in writing;
- (f) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
- (g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
- (h) allows for a parent to attend and be accompanied at a panel hearing if they wish;
- (i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—
 - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
 - (ii) available for inspection on the school premises by the proprietor and the head teacher;
- (j) provides for a written record to be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing;
- (k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them; and
- (l) where the school provides accommodation, is drawn up having regard to Standard 5 of the National Minimum Standards for Boarding Schools or where applicable Standard 4 of the National Minimum Standards for Residential Special Schools.

SCHEDULE 2

Regulation 4

Instruments revoked

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Instruments revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Education (Independent School Standards) (England) Regulations 2003	S.I. 2003/1910	The whole instrument
The Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004	S.I. 2004/3168	Article 70
The Education (Independent School Standards) (England) (Amendment) Regulations 2004	S.I. 2004/3374	The whole instrument

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Instruments revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Education (Independent School Standards) (England) (Amendment) Regulations 2007	S.I. 2007/1087	The whole instrument
The Education (Independent School Standards) (England) (Amendment) Regulations 2008	S.I. 2008/3253	The whole instrument
The Education (Miscellaneous Amendments relating to Safeguarding Children) (England) Regulations 2009	S.I. 2009/1924	Regulation 6

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Education (Independent School Standards) (England) Regulations 2003 (“the 2003 Regulations”) to make provision for the standards for independent schools, for the purposes of Part 10 of the Education Act 2002 (“the 2002 Act”).

Regulation 2 is an interpretation provision. The definitions are largely unchanged from the 2003 Regulations although in the definition of staff, volunteers are now excluded. Instead any arrangements for recruiting volunteers will be carried out with regard to the Safeguarding Children and Safer Recruitment in Education guidance issued by this Department (which can be found at <http://www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/saferrecruitment/guidance/>). This is in line with arrangements for maintained sector schools.

Regulation 3 introduces Schedule 1 which contains the new standards for independent schools. Part 1 of Schedule 1 sets out the requirements about the quality of education provided at independent schools. Part 2 sets out standards for the spiritual, moral, social and cultural development of pupils at such schools. Part 3 deals with the welfare, health and safety of pupils at such schools and Part 4 with the suitability of proprietors of and staff at those schools. Part 5 deals with school premises and accommodation. Part 6 deals with the provision of information by schools and Part 7 with handling complaints. The main changes to the 2003 Regulations are as follows:

Paragraph 7 of Schedule 1 makes it clear that it is the responsibility of the proprietor to ensure the welfare of all pupils and set out the arrangements that a proprietor must have regard to in order to safeguard pupils at the school.

Paragraph 8 of that Schedule makes it clear that it is the responsibility of the proprietor to safeguard the welfare of boarders, whether or not they are pupils of the school, and requires the proprietor to have regard to the National Minimum Standards for Boarding Schools or, where relevant, those for Residential Special Schools.

The requirements previously in the 2003 Regulations for checks to be made on staff with regard to their previous employment history, character references and professional references have been removed. Instead, these will be carried out with regard to Safeguarding Children and Safer Recruitment in Education guidance. This is in line with arrangements for maintained sector schools.

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Paragraph 21 of Schedule 1 makes provision for identity checks, checks with equivalent overseas bodies on those who have lived in other countries, right to work checks and CRB checks to be carried out on proprietors of registered schools before, or as soon as practicable after, the proprietor takes over in order to reduce delays in approving proprietors.

Paragraph 21(6)(c) of Schedule 1 makes provision for the Secretary of State to request a CRB disclosure in relation to a member of a proprietorial body for the purpose of determining the person's suitability to be a school proprietor. Paragraph 21(7) of that Schedule makes provision for a CRB check countersigned by a local authority to be accepted in place of one countersigned by the Secretary of State for the Chair of a maintained school that is applying to be registered as an academy.

Paragraph 24(1)(e) of Schedule 1 requires boarding and residential special schools to send to parents of boarding pupils a copy of the 3 yearly boarding inspection reports. This will put these reports on the same basis as reports on the education provision in independent schools. The associated costs are covered in the impact assessment referred to below.

The National Minimum Standards for Boarding Schools can be found at <http://www.teachernet.gov.uk/wholeschool/boarding/> and the National Minimum Standards for Residential Special Schools can be found at http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4069189.pdf

The Safe to Learn: Embedding anti-bullying work in schools Guidance can be found at <http://www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/safetolearn/>

The Health and Safety: Responsibilities and Powers Guidance can be found at <http://www.teachernet.gov.uk/wholeschool/healthandsafety/responsibilities/>

Information on the Health and Safety of Pupils on Educational Visits Guidance can be found at <http://www.teachernet.gov.uk/wholeschool/healthandsafety/visits/>

An impact assessment of the effect that this instrument will have on the costs of business and the public and voluntary sector is available from the Independent Education and Boarding Team, Department for Education, LG11, Mowden Hall, Staindrop Road, Darlington DL3 9BG and accessible on the Department's internet website at <http://www.education.gov.uk>. Copies have also been placed in the Library of each House of Parliament.