
WELSH STATUTORY INSTRUMENTS

2003 No. 3234 (W.314)

EDUCATION, WALES

The Independent School Standards (Wales) Regulations 2003

Made - - - - - *9th December 2003*

Coming into force - - - - - *1st January 2004*

In exercise of the powers conferred on the National Assembly for Wales by sections 157(1) and 210(7) of the Education Act 2002(1), the National Assembly for Wales makes the following Regulations:

Name, commencement and application

1.—(1) These Regulations are called the Independent School Standards (Wales) Regulations 2003 and come into force on 1st January 2004.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996(2);

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002(3);

“the 1999 Regulations” (“*Rheoliadau 1999*”) means the Education (School Premises) Regulations 1999(4);

“boarding accommodation” (“*llety byrddio*”) means overnight accommodation arranged or provided by the school at the school or elsewhere, but excluding accommodation for pupils being accommodated away from the school premises during a school trip;

“fire authority” (“*awdurdod tân*”) means the statutory body defined in section 4 of the Fire Services Act 1947(5);

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“proprietor” (“*perchennog*”) has the same meaning as in section 579 of the 1996 Act;

(1) 2002 c. 32; see section 212(1) for the definition of “regulations”, by virtue of which these Regulations made by the National Assembly for Wales apply only in relation to Wales. Section 212(1) also defines “prescribed”.

(2) 1996 c. 56.

(3) 2002 c. 32.

(4) S.I.1999/2002.

(5) 1947 c. 41.

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“school” (“*ysgol*”) means an independent school as defined by section 463 of the 1996 Act;
“staff” (“*staff*”) means those people working at the school whether under a contract of employment, a contract for services, or as a volunteer; and
“statement” (“*datganiad*”) means a statement of special educational needs made under section 324 of the 1996 Act.

3. The requirements set out in the Schedule are the independent school standards for the purposes of Part 10 of the 2002 Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁶⁾.

9th December 2003

D. Elis-Thomas
The Presiding Officer of the National Assembly

⁽⁶⁾ 1998 c. 38.

SCHEDULE

Regulation 3

THE INDEPENDENT SCHOOL STANDARDS

Quality of education provided

1.—(1) The quality of education provided by the school meets the standard if the requirements in sub-paragraphs (2) to (5) are met.

(2) The school must draw up and implement effectively a written policy on the curriculum supported by appropriate plans and schemes of work, which provides for —

- (a) full-time supervised education for all pupils of compulsory school age, which gives pupils experience in the following areas: 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) pupils to acquire skills in speaking and listening, literacy and numeracy;
- (d) where the principal language of instruction is a language other than English or Welsh, lessons in written and spoken English or Welsh, except that this requirement will not apply in respect of a school or part of a school which provides education for pupils who are temporarily resident in Wales 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 aims and ethos;
- (g) appropriate careers guidance for pupils receiving secondary education;
- (h) where the school has pupils below or above compulsory school age, a programme of activities which is appropriate to their respective needs;
- (i) the opportunity for all pupils to learn and make progress; and
- (j) appropriate preparation of pupils for the opportunities, responsibilities and experiences of adult life.

(3) The teaching at the school must —

- (a) enable 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) foster in pupils the application of intellectual, physical or creative effort, interest in their work and the ability to think and learn for themselves;
- (c) involve well planned lessons, effective teaching methods, suitable activities and wise management of class time;
- (d) show a good understanding of the aptitudes, needs and prior attainments of the pupils and ensure these are taken into account in the planning of lessons;
- (e) demonstrate appropriate knowledge and understanding of the subject matter being taught;
- (f) utilise effectively classroom resources of an adequate quality, quantity and range;
- (g) demonstrate that a framework is in place to assess pupils' work regularly and thoroughly and use information from such assessments to plan teaching so that pupils can progress; and
- (h) encourage pupils to behave responsibly.

(4) The school must have in place 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.

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(5) The school must provide effective education for all pupils within a class to make progress, including pupils with statements and those for whom Welsh or English is an additional language.

Spiritual, moral, social and cultural development of pupils

2. The spiritual, moral, social and cultural development of pupils at the school meets the standard if the school promotes principles 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; 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.

Welfare, health and safety of pupils

3.—(1) The welfare, health and safety of pupils at the school meet the standard if the requirements in sub-paragraphs (2) to (9) are met.

(2) The school must draw up and implement effectively a written policy to —

- (a) prevent bullying, which has regard to National Assembly circular 23/03 “Respecting Others: Anti-bullying Guidance”;
- (b) safeguard and promote the welfare of children who are pupils at the school which complies with Welsh Office circular 52/95 “Protecting Children from Abuse : the Role of the Education Service”;
- (c) safeguard and promote the health and safety of pupils on activities outside the school which has regard to National Assembly circular 2/99 “Health and Safety of Pupils on Educational Visits: A Good Practice Guide”; and
- (d) promote good behaviour amongst pupils and set out the sanctions to be adopted in the event of pupil misbehaviour.

(3) Where the school provides boarding accommodation, that provision must have regard to the National Minimum Standards for Boarding Schools 2003(7) or, where applicable, the National Minimum Standards for Residential Special Schools 2003(8).

(4) The school must have regard to any National Assembly guidance on health and safety responsibilities and powers of schools.

(5) The school must have a satisfactory level of fire safety, identified by—

- (a) the school’s risk assessment under regulation 3 of the Management of Health and Safety at Work Regulations 1999(9) insofar as it relates to obligations under Part II of the Fire Precautions (Workplace) Regulations 1997(10); and
- (b) any report from the Fire Authority.

(6) The school must have and implement effectively a satisfactory policy on First Aid.

(7) School staff must be deployed to ensure the proper and effective supervision of pupils.

(7) ISBN 0 7504 3077 X available at <http://www.wales.gov.uk/subisocialpolycycarestandards/content/regulationsfinal-e.htm>.

(8) ISBN 0 7504 3076 1 <http://www.wales.gov.uk/subisocialpolycycarestandards/content/regulationsfinal-e.htm>.

(9) S.I. 1999/3242.

(10) S.I. 1997/1840, amended by S.I. 1999/1877.

(8) The school must keep a written record of the sanctions imposed upon pupils for serious disciplinary offences.

(9) The school must maintain an admission register and an attendance register in accordance with the Education (Pupil Registration) Regulations 1995⁽¹¹⁾.

The suitability of proprietors and staff

4. The suitability of proprietors and staff at the school meets the standard if —
- (a) the proprietor is subject to a check with the Criminal Records Bureau which confirms his or her suitability to work with children, that check to be at an enhanced level if his or her duties involve regularly caring for, training, supervising or being in sole charge of persons aged under 18;
 - (b) prior to confirmation of their appointment, members of staff at the school are subject to a check with the Criminal Records Bureau which confirms their suitability to work with children, that check is to be at an enhanced level if their duties involve regularly caring for, training, supervising or being in sole charge of persons aged under 18;
 - (c) prior to confirmation of their appointment, checks are carried out on members of staff to confirm their identity, medical fitness, previous employment history, character references, and where appropriate, qualifications and professional references, and that information must be taken into account in determining whether an appointment is confirmed. National Assembly circular 34/02 “Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service” provides best practice advice on pre-appointment checks;
 - (d) where members of staff will care for, train, supervise or be in charge of children in boarding accommodation, they also comply with Standard 38 of the National Minimum Standards for Boarding Schools 2003 or, where applicable, Standard 27 of the National Minimum Standards for Residential Special Schools 2003; and
 - (e) neither the proprietor nor any member of staff carries out work, or intends to carry out work, in contravention of a direction under section 142(1) of the 2002 Act.

Premises of and boarding accommodation at schools

5. The school premises and boarding accommodation meet the standard if —
- (a) the water supply meets the requirements of the 1999 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 is satisfactory in accordance with the 1999 Regulations;
 - (d) the school has adequate security arrangements for the grounds and buildings;
 - (e) premises which are used for another purpose other than conducting the school are organised to ensure that 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, particularly those with special needs;

⁽¹¹⁾ S.I. 1995/2089 amended by S.I. 1997/2624.

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- (h) access to the school allows all pupils, including those with special needs, to enter and leave the school in safety and comfort⁽¹²⁾;
- (i) the premises have not been condemned by the Environmental Health Authority;
- (j) having regard to the number, age and needs (including any special needs) of pupils, classrooms are appropriate in size to allow effective teaching and do not compromise health or safety;
- (k) there are sufficient washrooms for staff and pupils, including facilities for pupils with special needs, taking account of the 1999 Regulations;
- (l) there are appropriate facilities for pupils who are ill in accordance with the 1999 Regulations;
- (m) where food and drink is served, there are adequate facilities for its hygienic preparation, service and consumption;
- (n) classrooms and other parts of the school are maintained in a tidy, clean and hygienic state;
- (o) sound insulation and acoustics allow effective teaching and communication;
- (p) lighting, heating and ventilation in classrooms and other parts of the school are satisfactory in accordance with the 1999 Regulations;
- (q) there is a satisfactory standard and adequate maintenance of decoration;
- (r) the furniture and fittings are appropriately designed for the age and needs (including any special needs) of all pupils registered at the school;
- (s) there is appropriate flooring in good condition;
- (t) there are appropriate arrangements for providing outside space for pupils to play safely;
- (u) where boarding accommodation is provided, it has regard to Standards 40-52 of the National Minimum Standards for Boarding Schools 2003 or, where applicable, Standards 23-26 of the National Minimum Standards for Residential Special Schools 2003; and
- (v) The premises comply with the requirements of the Disability Discrimination (Prescribed Periods for Accessibility, Strategies and Plans for Schools) (Wales) Regulations 2003⁽¹³⁾.

The provision of information

6.—(1) The provision of information by the school meets the standard if the requirements in sub-paragraphs (2) to (9) are met.

(2) Subject to sub-paragraph (10), the school must provide to parents of pupils and prospective pupils and on request to the Chief Inspector, the National Assembly, or a body approved under section 163(1)(b) of the 2002 Act —

- (a) the school's address, e-mail address and telephone number, and the name of the head teacher;
- (b) either—
 - (i) where the proprietor is an individual, his or her full name, usual residential address and appropriate e-mail address and telephone number, or
 - (ii) where the proprietor is a corporation, a Scottish firm or a body of persons, the address and telephone number of its registered or principal office;

⁽¹²⁾ This requirement is prescribed by section 28D of the Disability Discrimination Act 1995 c. 50, which itself was inserted by section 14(1) of the Special Educational Needs and Disability Act 2001 and paragraph 26 of Schedule 1 to the Education Act 2002, c. 32.

⁽¹³⁾ S.I. 2003/2531.

- (c) where the school has a governing body, the name and contact details of the Chairperson of that body;
 - (d) a statement of the school's ethos (including any religious ethos) and aims;
 - (e) particulars of the school's policy on and arrangements for admissions, discipline and exclusions;
 - (f) particulars of educational and welfare provision for pupils with statements and for pupils for whom English or Welsh is an additional language;
 - (g) particulars of the policies prepared under paragraph 1(2) of this Schedule;
 - (h) particulars of the policies prepared under paragraph 3(2) of this Schedule;
 - (i) particulars of academic performance, including the results of any public examinations;
 - (j) details of the complaints procedure set out in accordance with paragraph 7 of this Schedule, and the number of complaints registered under the formal procedure during the preceding school year; and
 - (k) the number of staff employed at the school, including temporary staff, and a summary of their qualifications.
- (3) Following an inspection under section 163(1) of the 2002 Act the school must send to the parents of every registered pupil, by a date specified by the body who conducted the inspection —
- (a) the summary report; or
 - (b) if no summary report has been prepared, the full report.
- (4) Where the summary report has been sent in accordance with sub-paragraph (3)(a), the school must make arrangements for parents to have access to the full report on request.
- (5) An annual written report of the progress of each registered child and their attainment in the main subject areas taught must be provided to parents by the school.
- (6) The school will provide any body conducting an inspection under section 163 of the 2002 Act with —
- (a) any information reasonably requested in connection with an inspection that is necessary for the purposes of the inspection; and
 - (b) access to the admission register, and any attendance register, maintained in accordance with the Education (Pupil Registration) Regulations 1995⁽¹⁴⁾.
- (7) Where a pupil wholly or partly funded by a local authority is registered at the school, an annual audited account of income received and expenditure incurred by the school must be submitted to the local education authority and on request to the National Assembly.
- (8) Where a pupil with a statement is registered at the school, the school must supply such information to the responsible local education authority as may reasonably be required for the purpose of the annual review of the statement.
- (9) A copy of the risk assessment referred to in paragraph 3(5)(a) of this Schedule must be provided on request to the National Assembly.
- (10) In relation to paragraphs (g) to (k) of sub-paragraph (2), provided that the school ensures that parents of pupils and of prospective pupils are aware that such information is available, it need only be provided to them on request.

(14) S.I. 1995/2089.

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The manner in which complaints are to be handled

7. The manner in which the school handles complaints meets the standard if it has a complaints procedure which—

- (a) is in writing;
- (b) is available on request in appropriate format to pupils, to the parents of pupils and of prospective pupils at the school;
- (c) sets out clear time scales for the management of a complaint;
- (d) provides an opportunity for a complaint to be made and considered on an informal basis;
- (e) where the parents are not satisfied with the response made in accordance with paragraph (d) or wish to pursue a formal complaint establishes a procedure for the complaint to be made in writing;
- (f) where the parents are not satisfied with the response to the complaint made in accordance with 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) stipulates that, where there is a panel hearing of a complaint, one person will be independent of the management and running of the school;
- (h) allows for the parents to attend and to be accompanied at a panel hearing if they wish;
- (i) provides for the panel to make findings and recommendations and stipulates that the complainant, proprietor and head teacher, and where relevant the person complained about, are each given a copy of any findings and recommendations;
- (j) provides for written records to be kept of all complaints, including whether they are resolved at the preliminary stage or proceed to a panel hearing;
- (k) provides that, subject to paragraph 6(2)(j) of this Schedule, correspondence, statements and records of complaints are to be kept confidential except where the National Assembly or a body conducting an inspection under section 163 of the 2002 Act requests access to any documents relating to the complaint; and
- (l) where the school provides boarding accommodation, complies with Standard 5 of the National Minimum Standards for Boarding Schools 2003 or, where applicable, Standard 4 of the National Minimum Standards for Residential Special Schools 2003.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the Independent School Standards (“the standards”) to which an independent school will be inspected under sections 160(4) and 163(2) of the Education Act 2002 (“the 2002 Act”). The person who conducts the inspection will make a report under section 163(3) of the 2002 Act with regard to the extent to which the standards are met.

The registration authority will consider the inspection report and any other evidence in determining whether a school should be registered or continue to be registered under section 161 of the 2002 Act.

The Schedule sets out the details of the standards.

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