
STATUTORY INSTRUMENTS

2003 No. 1910

EDUCATION, ENGLAND

The Education (Independent School Standards) (England) Regulations 2003

<i>Made</i>	- - - -	<i>25th July 2003</i>
<i>Laid before Parliament</i>		<i>5th August 2003</i>
<i>Coming into force</i>	- -	<i>1st September 2003</i>

In exercise of the powers conferred on the Secretary of State by sections 157(1) and 210(7) of the Education Act 2002⁽¹⁾, the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Education (Independent School Standards) (England) Regulations 2003 and shall come into force on 1st September 2003.
2. These Regulations shall apply only in relation to England.
3. These Regulations shall apply to any independent school, except that—
 - (a) paragraphs 1, 3(2)(d), 6(2)(f),(g),(i) and (k) and 6(7) of the Schedule shall not apply to an Academy; and
 - (b) paragraphs 1, 3(9), 6(2)(f),(g),(i) and (k), 6(5) and 6(7) of the Schedule shall not apply to a city technology college or a city college for the technology of the arts.

Interpretation

4. In these Regulations—
 - “the 1996 Act” means the Education Act 1996⁽²⁾;
 - “the 2002 Act” means the Education Act 2002;

(1) 2002 c. 32; by virtue of the definition of “regulations” in section 212(1), these Regulations made by the Secretary of State apply only in relation to England.
(2) 1996 c. 56

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“city technology college” or “city college for the technology of the arts” means a school established under section 482 of the 1996 Act⁽³⁾ before 26th July 2002 which is not an Academy;

“fire authority” means the statutory body defined in section 4 of the Fire Services Act 1947⁽⁴⁾, in section 328 of the Greater London Authority Act 1999⁽⁵⁾ or in section 26 of the Local Government Act 1985⁽⁶⁾;

“school” means an independent school;

“staff” means those people working at the school whether under a contract of employment, under a contract for services or as a volunteer; and

“statement” means a statement of special educational needs made under section 324 of the 1996 Act.

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

25th July 2003

David Miliband
Minister of State,
Department for Education and Skills

(3) Section 482 was substituted by section 65 of the 2002 Act.
(4) 1947 c. 41
(5) 1999 c. 29
(6) 1985 c. 51

SCHEDULE

Regulation 5

THE INDEPENDENT SCHOOLS 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 shall 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 pupils of compulsory school age, 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) pupils to acquire skills in speaking and 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 requirement shall 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 aims and ethos;
- (g) appropriate careers guidance for pupils receiving secondary education;
- (h) where the school has pupils above or below compulsory school age, a programme of activities which is appropriate to their needs;
- (i) all pupils to 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 teaching at the school shall—

- (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 that assessment to plan teaching so that pupils can progress; and
- (h) encourage pupils to behave responsibly.

(4) The school shall 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.

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

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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 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.

Welfare, health and safety of pupils

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

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

- (a) prevent bullying, which has regard to DfES Guidance “Bullying: don't suffer in silence”(7);
- (b) safeguard and promote the welfare of children who are pupils at the school, which complies with DfES Circular 10/95 “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 DfES Guidance “Health and Safety of Pupils on Educational Visits(8)”;
- (d) promote good behaviour amongst pupils and set out the sanctions to be adopted in the event of pupil misbehaviour.

(3) Where a school provides accommodation, it shall have regard to the National Minimum Standards for Boarding Schools(9) or where applicable the National Minimum Standards for Residential Special Schools(10).

(4) The school shall have regard to the DfES guidance “Health and Safety: Responsibilities and Powers”(11).

(5) The school shall 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(12) insofar as it relates to obligations under Part II of the Fire Precautions (Workplace) Regulations 1997(13); and
- (b) any report from the fire authority.

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

(7) School staff shall be deployed to ensure the proper supervision of pupils.

(7) DfES publication number 0064/2000

(8) HSPV2

(9) ISBN 0113225415 available at www.doh.gov.uk/ncsc

(10) ISBN 011322544X available at www.doh.gov.uk/ncsc

(11) DfES publication number 0803/2001

(12) S.I.1999/3242

(13) S.I.1997/1840; amended by S.I. 1999/1877

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

(9) The school shall maintain an admission and attendance register in accordance with the Education (Pupil Registration) Regulations 1995(14).

Suitability of proprietors and staff

4. The suitability of the proprietor and staff at the school meets the standard if—
- (a) the proprietor is subject to a check with the Criminal Records Bureau made by the Secretary of State to confirm his suitability to work with children, that check to be at an enhanced level if his 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 suitability to work with children, that check to be at an enhanced level if the member of staff's duties involve regularly caring for, training, supervising or being in sole charge of persons aged under 18;
 - (c) prior to confirmation of their appointment, appropriate checks are carried out on staff to confirm their identity, medical fitness, previous employment history, character references, and where appropriate, qualifications and professional references, and that information is taken into account in determining whether an appointment is confirmed;
 - (d) where staff will care for, train, supervise or be in charge of children for whom accommodation is provided, they also comply with Standard 38 of the National Minimum Standards for Boarding Schools or where applicable Standard 27 of the National Minimum Standards for Residential Special Schools; 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 accommodation at schools

5. The premises of and accommodation at the school meet the standard if—
- (a) the water supply meets the requirements of the Education (School Premises) Regulations 1999(15);
 - (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 Education (School Premises) Regulations 1999;
 - (d) the school has adequate security arrangements for the grounds and buildings;
 - (e) premises which are used for a 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, including those with special needs;
 - (h) access to the school allows all pupils, including those with special needs, to enter and leave the school in safety and comfort;

(14) S.I. 1995/2089; amended by S.I. 1997/2624, S.I. 2001/2802 and S.I. 2002/3178

(15) S.I. 1999/2

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- (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 Education (School Premises) Regulations 1999;
- (l) there are appropriate facilities for pupils who are ill in accordance with the Education (School Premises) Regulations 1999;
- (m) where food is served, there are adequate facilities for its hygienic preparation, serving 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 Education (School Premises) Regulations 1999;
- (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; and
- (u) where the school provides accommodation, it has regard to Standards 40-52 of the National Minimum Standards for Boarding Schools or, where applicable, Standards 23-26 of the National Minimum Standards for Residential Special Schools.

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 shall provide to parents of pupils and of prospective pupils and on request to the Chief Inspector, the Secretary of State or a body approved for the purposes of section 163(1)(b) of the 2002 Act—

- (a) the school's address and telephone number, and the name of the head teacher;
- (b) either—
 - (i) where the proprietor is an individual, his full name, usual residential 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;
- (c) where there is a governing body, the name and address of its Chair;
- (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 pupils for whom English is an additional language;
- (g) particulars of the policy prepared under paragraph 1(2);
- (h) particulars of the policy prepared under paragraph 3(2);

- (i) particulars of academic performance during the preceding school year, including the results of any public examinations;
 - (j) details of the complaints procedure set out in accordance with paragraph 7, and the number of complaints registered under the formal procedure during the preceding school year; and
 - (k) the number of staff 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 shall send to the parents of every registered pupil, by a date to be specified by the body who conducted the inspection—
- (a) a summary report; or
 - (b) if no summary has been prepared, a copy of the full report.
- (4) Where a summary report has been sent in accordance with sub-paragraph (3)(a), the school shall make arrangements for parents to have access to the full report on request.
- (5) Unless otherwise agreed with any parent, the school shall send to the parents of each registered pupil an annual written report of his progress and of his attainment in the main subject areas taught.
- (6) The school shall provide any body conducting an inspection under section 163(1) of the 2002 Act with—
- (a) any information reasonably requested in connection with it that is necessary for the purposes of the inspection; and
 - (b) access to the school's admission and attendance registers.
- (7) 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 shall be submitted to the local authority and on request to the Secretary of State.
- (8) Where a pupil with a statement is registered at the school, the school shall 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) shall be provided on request to the Secretary of State.
- (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.

Manner in which complaints are to be handled

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

- (a) is in writing;
- (b) is available on request to parents of pupils and of prospective pupils at the school;
- (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 parents are not satisfied with the response to the complaint made in accordance with paragraph (d), 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;

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- (g) ensures 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 parents 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 the complainant, proprietor and head teacher, and where relevant the person complained about, are given a copy of any findings and recommendations;
- (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 163 of the 2002 Act requests access to them; and
- (l) where the school provides accommodation, complies with Standard 5 of the National Minimum Standards for Boarding Schools or where applicable Standards 4 and 5 of the National Minimum Standards for Residential Special Schools.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the Independent School Standards (“the standards”) to which independent schools will be inspected under Part 10 of the Education Act 2002.

A person conducting such an inspection will make a report on the extent to which the standards are met, which the registration authority will consider along with any other evidence in determining whether to register a new school or to take enforcement action against an existing one.

The Schedule sets out the detail of the standards.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Independent Schools Registration Team, Department for Education and Skills, Ground Floor, Mowden Hall, Staindrop Road, Darlington DL3 9BG and accessible on the Department’s internet website at www.dfes.gov.uk/ria/. Copies have also been placed in the Library of each House of Parliament.