

2004 No. 3374

EDUCATION, ENGLAND

**The Education (Independent School Standards) (England)
(Amendment) Regulations 2004**

<i>Made</i> - - - -	<i>20th December 2004</i>
<i>Laid before Parliament</i>	<i>23rd December 2004</i>
<i>Coming into force</i> - -	<i>17th January 2005</i>

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

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Independent School Standards) (England) (Amendment) Regulations 2004 and shall come into force on 17th January 2005.

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

Amendments

2. The Education (Independent School Standards) (England) Regulations 2003(b) are amended in accordance with the following provisions of these Regulations.

3. In regulation 3 after paragraph 3(b) insert the following—

“(c) paragraph 4(b)(ii) of the Schedule shall not apply to an Academy, a city technology college or a city college for the technology of the arts where the Articles of Association of that school contain an article or articles which provide for Governors to be subject to a check with the Criminal Records Bureau that article or articles having been approved by the Secretary of State.”.

4. In paragraph 1(1) of the Schedule for “(5)” substitute “(4)”.

5. In paragraph 1 of the Schedule omit sub-paragraph (5).

6. In paragraph 3(2)(b) of the Schedule for everything following “complies with” substitute “DfES Guidance “Safeguarding Children in Education” [DfES publication number 0027/2004]”.

7. In paragraph 3(6) of the Schedule after “satisfactory” insert “written”.

8. For paragraphs 4(a) and (b) of the Schedule substitute the following—

(a) 2002 c.32; see section 212(1) for the definition of “regulations”, by virtue of which these regulations made by the Secretary of State apply only in relation to England.

(b) S.I. 2003/1910.

- “(a) the following are subject to a check with the Criminal Records Bureau made by the Secretary of State which confirms 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—
- (i) any proprietor who is an individual; and
 - (ii) the Chair of any body of persons named as the proprietor in the register or in an application to enter a school in the register.
- (b) the following 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 his duties involve regularly caring for, training, supervising or being in sole charge of persons aged under 18, and in respect of a person referred to in sub-paragraph (i) to be carried out prior to confirmation of their appointment—
- (i) members of staff at the school; and
 - (ii) any member of a body of persons named as the proprietor in the register or in an application to enter a school in the register.”.

9. After paragraph 4(e) of the Schedule insert the following—

- “(f) any foreign national falling within sub-paragraphs (a) and (b) above and for whom a Criminal Record Bureau check is inappropriate is subject to the checks for overseas teachers set out in DfES Guidance “Child Protection: Preventing Unsuitable People from working with Children and Young persons in the Education Service” [DfES publication number 0208/2002].”

10. In paragraph 5(j) of the Schedule before “do” insert “all areas of the school”.

11. In paragraph 6(2)(b)(i) of the Schedule for “usual residential address and telephone number” substitute “address for correspondence during both term-time and holidays and a telephone number or numbers on which he may be contacted at all times”.

12. In paragraph 6(2)(c) of the Schedule after “address” insert “for correspondence”.

13. In paragraph 6(3)(a) of the Schedule after “report” insert “prepared by that body”.

14. In paragraph 6(5) of the Schedule—

- (a) delete “Unless otherwise agreed with any parent,”; and
- (b) after “taught” insert “except that no report need be sent to a parent who has agreed otherwise with the school”.

15. In paragraph 7(l) of the Schedule for “Standards 4 and 5” substitute “Standard 4”.

20th December 2004

Stephen Twigg
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Independent School Standards) (England) Regulations 2003.

The principal amendments are—

- (a) a change to the requirement for checks with the Criminal Records Bureau on members of the Governing Body of an Academy, city technology college or city college for the technology of the arts. Where the Articles of Association, as approved by the Secretary of State, provide for such checks to be made by the Clerk to the Governing Body those checks are only required in the circumstances specified in the Articles (*regulation 3*);
- (b) a change to the requirement for Criminal Record Bureau checks to be carried out by the Secretary of State. Such checks now apply only to a sole proprietor and the Chair of any body of persons named as the proprietor in the register (or in application to enter a school in the register). The school will carry out Criminal Record Bureau checks on members of any such body of persons and will continue to carry out checks on members of staff (*regulation 8*);
- (c) the insertion of a different requirement for checks on foreign nationals (*regulation 9*); and
- (d) a change to the contact details required from sole proprietors (*regulation 11*).

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