

**EXPLANATORY MEMORANDUM TO  
THE EDUCATION (INDEPENDENT SCHOOL STANDARDS) (ENGLAND)  
(AMENDMENT) REGULATIONS 2004**

**2004 No.3374**

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments and the Select Committee on Statutory Instruments.

2. **Description**

The principal amendments are:

- 2.1 The removal of the requirement for academies, city technology colleges and city colleges for the technology of the arts to carry out Criminal Record Bureau checks on proprietors. Instead, a requirement will be contained in the Articles of Association that only those proprietors giving a cause for concern or who will be having regular contact with children must undergo a CRB check. Chairs of Governors will still be required to have a CRB check

- 2.2 The removal of the requirement for all individuals in bodies falling within the definition of proprietor of an independent school to be checked with the Criminal Records Bureau by the Secretary of State. Instead only the Chair of the body of persons named as the proprietor in the register, or in the application to enter a school in the register, will be checked by the Secretary of State and the remaining members will be checked with the CRB at school level.

- 2.3 The requirement for schools to carry out checks on foreign nationals. This is to ensure that schools take all possible steps to ensure adults with access to children are suitable.

- 2.4. The removal of the requirement for proprietors to give their residential address and telephone number to parents. Providing this information for parents has been contentious as proprietors felt it allowed for harassment. Instead they must provide a contact address for both term time and holidays and a telephone number for contact at all times.

3. **Matters of special interest to the Joint Committee on Statutory Instruments and the Select Committee on Statutory Instruments**

- 3.1 None

#### **4. Legislative Background**

4.1 In September 2003 the Department introduced regulations that set out in detail, for the first time, the standards to be met by independent schools. It was agreed at consultation stage that these regulations would be reviewed at the end of the first year of operation. The regulations have worked well and we do not propose any major changes at this time. However the amendments proposed will rectify some concerns that have arisen in the independent schools sector and also incorporate suggestions made by HMI from Ofsted and the Independent Schools Council.

#### **5. Extent**

5.1 This instrument applies to all of England.

#### **6. European Convention on Human Rights**

Not applicable

#### **7. Policy background**

7.1 These amending regulations will reduce bureaucracy for academies and those wishing to become governors of independent schools.

7.2 Other minor amendments will improve the provision of information for parents and improve health and safety in school buildings.

7.3 There has been no formal consultation on these amendments. Academies have been keen to reduce proprietorial checks and we expect several new academies a year will benefit from these amending regulations. The Academies Programme is a key Government initiative and this amendment will be welcomed by academies. Independent schools will also welcome the provision to check members of proprietorial bodies, including governors, themselves. In addition, we have incorporated minor, technical suggestions made by the Independent Schools Council and HMI from Ofsted and also included amendments to reflect minor concerns raised by schools throughout the last year about the provision of information to parents.

#### **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

8.2 The impact on the public sector is none

#### **9. Contact**

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