



Department  
for Education

**IEBT  
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Bishopsgate House  
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Darlington  
DL1 5QE**

Colours Academy  
Redlake Trading Estate  
Ivybridge  
Devon  
PL21 0EZ

[registration.enquiries@education.gov.uk](mailto:registration.enquiries@education.gov.uk)

Ref no: 878/6083

Date: 1 November 2021

Dear Proprietor

I refer to the inspection by The Office for Standards in Education, Children's Services and Skills (Ofsted) that was carried out at the above school under section 109 of the Education and Skills Act 2008 between 14-16 September 2021. You will see from the enclosed report that Ofsted noted serious regulatory failings.

Taking account of the report, the Secretary of State is satisfied, pursuant to section 114(1) of the Education and Skills Act 2008, that any one or more of the independent school standards<sup>1</sup> is or are not being met in relation to the school.

In these circumstances I enclose a Notice, served by the Secretary of State for Education under section 114(5) of the 2008 Act, requiring an Action Plan which details the steps that will be taken to meet all of the standards set out in the Annex to the Notice and the time by which each step will be taken, to be submitted by 15 November 2021.

You are reminded that the independent school standards require that a copy of the inspection report is sent to parents and a copy is published on the school's website or, where no such website exists, is provided to parents on request. This will be checked at the next inspection.

The Action Plan must contain reasonable timescales for implementation within which the necessary action will be taken and it is expected that the implementation dates given in the Action Plan should not extend beyond 1 February 2022. A template and supporting advice is enclosed which may help you in drawing up a satisfactory Action Plan.

The deadline by which the Action Plan must be received by me is 15 November 2021. If this date is not met, the Secretary of State may remove the school from the Register of Independent Schools or may impose a requirement restricting the school's operations (from a date following the period during which you may appeal).

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<sup>1</sup> [The Education \(Independent School Standards\) Regulations 2014 \(SI 2014/3283\)](#)

I must warn you that the Secretary of State may reject an Action Plan, and in these circumstances the Secretary of State may remove the school from the Register of Independent Schools or may impose a requirement restricting the school's operations (from a date following the appeal period).

If an Action Plan is accepted, Ofsted may be asked to visit the school again to check that the school has fully implemented the plan and that it is fully meeting the independent school standards.

Schedule 10 to the Equality Act 2010 requires you to produce, keep under review and implement an accessibility plan. The enclosed inspection report notes that there has been a failure to comply with the obligations in Schedule 10 at your school. You should take the necessary action to ensure compliance with your obligations here.

Please write to us by 15 November 2021, explaining what remedial action you have taken or intend to take. You are being asked to provide this information voluntarily. It is not being sought from you by the attached notice and therefore, as part of an action plan. Therefore, please provide it separately from your action plan – for example, in the body of a covering letter you might send us when you submit your action plan. The information you provide will be passed to Ofsted/ISI, to be taken into account for the purposes of the next inspection of your school.

I should remind you that the Secretary of State has the power to issue a direction to you, to secure your compliance with your obligation under Schedule 10 to the Equality Act 2010, and such a direction can be enforced by the courts.

You may wish to note that this letter, the enclosed Notice and Annex(es) will be published shortly on the Gov.uk website.

Yours faithfully



Pauline Stenhouse  
Independent Education and Boarding Team

**SECTION 114(5) OF THE EDUCATION AND SKILLS ACT 2008**

**NOTICE BY THE SECRETARY OF STATE FOR EDUCATION**

**IN RELATION TO**

**Colours Academy**

Redlake Trading Estate, Ivybridge, Devon, PL21 0EZ  
**(“the School”)**

**WHEREAS**

The Secretary of State for Education, being the keeper of the register of independent schools in England<sup>2</sup> –

- (i) has taken into account a report in respect of an inspection of the School by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills which was conducted between 14 and 16 September 2021; and
- (ii) is satisfied that the independent school standards, as prescribed in the Education (Independent School Standards) Regulations 2014, specified in the Annex to this Notice are not being met in relation to the School.

**NOW THEREFORE**

In exercise of the power conferred upon him by section 114(5) of the Education and Skills Act 2008, the Secretary of State serves the following Notice on the proprietor of the School:

(1) the independent school standards set out in the Annex to this Notice are not being met in relation to the School; and

(2) the proprietor of the School is required to submit an action plan<sup>3</sup> to the Secretary of State specifying the steps that will be taken to meet the standards, and the time by which each step will be taken, on or before 15 November 2021.

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Independent Education and Boarding Team

01/11/2021

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<sup>2</sup> The Secretary of State is required to keep a register of independent educational institutions in England under section 95(1) of the Education and Skills Act 2008. “Independent educational institution” is defined in section 92(1) of that Act as an independent school and an independent provider of part-time education. Independent providers of part-time education are not currently regulated so effectively the requirement under section 95(1) is for the Secretary of State to keep a register of independent schools.

<sup>3</sup> An action plan is defined in section 114(4) of the Education and Skills Act 2008.

## **ANNEX TO NOTICE**

### **Colours Academy**

Redlake Trading Estate, Ivybridge, Devon, PL21 0EZ  
(“the school”)

**The following independent school standards, as prescribed in the Schedule to the Education (Independent School Standards) Regulations 2014, are not being met in relation to the school:**

#### **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—
  - (a) 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; and
  - (b) the written policy, plans and schemes of work—
    - (i) take into account the ages, aptitudes and needs of all pupils, including those pupils with an EHC plan.
- (2) For the purposes of paragraph (2)(1)(a), the matters are—
  - (b) that pupils acquire speaking, listening, literacy and numeracy skills.
  
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 good progress according to their ability so that they increase their understanding and develop their skills in the subjects taught;
  - (b) fosters in pupils self-motivation, the application of intellectual, physical and 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 good knowledge and understanding of the subject matter being taught;
  - (f) utilises effectively classroom resources of a good quality, quantity and range; and

(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.

### **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.

11. The standard in this paragraph is met if the proprietor ensures that relevant health and safety laws are complied with by the drawing up and effective implementation of a written health and safety policy.

12. The standard in this paragraph is met if the proprietor ensures compliance with the Regulatory Reform (Fire Safety) Order 2005<sup>4</sup>.

14. The standard in this paragraph is met if the proprietor ensures that pupils are properly supervised through the appropriate deployment of school staff.

15. 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<sup>5</sup>.

16. The standard in this paragraph is met if the proprietor ensures that—

(a) the welfare of pupils at the school is safeguarded and promoted by the drawing up and effective implementation of a written risk assessment policy; and

(b) appropriate action is taken to reduce risks that are identified.

### **PART 4: Suitability of staff, supply staff, and proprietors**

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

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

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<sup>4</sup> S.I. 2005/1541, to which there are amendments not relevant to these Regulations.

<sup>5</sup> S.I. 2006/1751, to which there are amendments not relevant to these Regulations.

(d) the proprietor ensures that, where relevant to any such person, an enhanced criminal record check is made in respect of that person and an enhanced criminal record certificate is obtained before or as soon as practicable after that person's appointment.

21. (3) The information referred to in this sub-paragraph is—

(a) in relation to each member of staff ("S") appointed on or after 1st May 2007, whether—

(v) an enhanced criminal record certificate was obtained in respect of S;  
and

(vi) checks were made pursuant to paragraph 18(2)(d).

## **PART 5: Premises of and accommodation at schools**

22. The standards about the premises of and accommodation at the school are those contained in this Part.

23. (1) Subject to sub-paragraph (2), the standard in this paragraph is met if the proprietor ensures that—

(a) suitable toilet and washing facilities are provided for the sole use of pupils;  
and

(c) suitable changing accommodation and showers are provided for pupils aged 11 years or over at the start of the school year who receive physical education.

24. (1) The standard in this paragraph is met if the proprietor ensures that suitable accommodation is provided in order to cater for the medical and therapy needs of pupils, including—

(a) accommodation for the medical examination and treatment of pupils; and

(b) accommodation for the short term care of sick and injured pupils, which includes a washing facility and is near to a toilet facility.

25. The standard in this paragraph is met if the proprietor ensures that the school premises and the accommodation and facilities provided therein are maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of pupils are ensured.

28. (1) The standard in this paragraph is met if the proprietor ensures that—

(d) the temperature of hot water at the point of use does not pose a scalding risk to users.

29. (1) The standard in this paragraph is met if the proprietor ensures that suitable outdoor space is provided in order to enable—

- (a) physical education to be provided to pupils in accordance with the school curriculum.

#### **PART 6: Provision of information**

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

- (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.

(3) The information specified in this sub-paragraph is—

- (a) particulars of the school's policy on and arrangements for admissions, misbehaviour and exclusions; and
- (e) particulars of the school's academic performance during the preceding school year, including the results of any public examinations.

#### **PART 7: Manner in which complaints are handled**

33. 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—

- (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) provided 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 that are made in accordance with sub-paragraph (e) and—

(i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and

(ii) action taken by the school as a result of those complaints (regardless of whether they are upheld).

## **PART 8: Quality of leadership in and management of schools**

34. (1) The standard about the quality of leadership and management is met if the proprietor ensures that persons with leadership and management responsibilities at the school—

(a) demonstrate good skills and knowledge appropriate to their role so that the independent school standards are met consistently;

(b) fulfil their responsibilities effectively so that the independent school standards are met consistently; and

(c) actively promote the well-being of pupils.

*(2) For the purposes of paragraph (1)(c) “well-being” means well-being within the meaning of section 10(2) of the Children Act 2004<sup>6</sup>.*

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<sup>6</sup> 2004 c.31.