



Department  
for Education

# **Online education accreditation scheme**

**Guidance on meeting the online  
education standards**

**January 2023**

# Contents

Summary	3
Expiry or review date	3
Who is this publication for?	3
Main points	4
Enquiries	4
Introduction	4
Note on the drafting of this document	5
The online education standards	6
Section 1 – Quality of education provided (curriculum)	6
Section 2 – Quality of education provided (teaching)	14
Section 3 – Spiritual, moral, social and cultural (SMSC) development of pupils	18
Section 4 – Welfare, health and safety of pupils	26
Section 5 – Suitability of staff, supply staff and proprietors	33
Members of staff, excluding supply staff and proprietors	33
Supply staff	37
Proprietors of online providers	38
Section 6 – Provision of information	40
Section 7 – Manner in which complaints are handled	44
Section 8 – Quality of leadership in and management of the service	47
Annex A	49
Online education standards	49

## Summary

The Department for Education ('the Department') has developed a non-statutory scheme to accredit providers of full-time online education ('providers') that meet the standards for online education provision ('the standards'). The scheme is called the [online education accreditation scheme](#) ('the scheme' or 'OEAS').

It has been produced to help proprietors of online providers and others understand the standards. This guidance should be read alongside the standards themselves.

Inspectors deployed by Ofsted (the quality-assurance body for the scheme) will take this guidance into account during quality assurance activities. The Department will also take it into account when deciding whether to accredit a provider or to remove a provider's accreditation.

Some of the standards require a provider or proprietor to 'have regard to' guidance<sup>1</sup> issued by the Department such as Prevent Duty and Keeping Children Safe in Education ([KCSIE](#)). This does not mean that the guidance must always be followed to the letter. Rather, it means that the guidance must be considered and followed unless there is a good reason not to follow it; and that any departures from the requirements set out in the guidance or standards must be considered and based on appropriate reasons, and proprietors should therefore record the justification behind any departure in writing.

This document relates to the non-statutory standards for online education provision. Readers who are looking for guidance on the independent school standards contained in the Schedule to the Education (Independent School Standards) Regulations 2014<sup>2</sup> should read the Department's non-statutory guidance on those standards.<sup>3</sup>

## Expiry or review date

This guidance will be reviewed before 12 months after the scheme commences.

## Who is this publication for?

This guidance is for proprietors and staff of online providers, and for inspectors employed by Ofsted (the quality-assurance body for the scheme).

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<sup>1</sup> Guidance such as, but not necessarily limited to: [Keeping children safe in education](#), [Relationships and sex education \(RSE\) and health education](#), and [Protecting children from radicalisation: the prevent duty](#)

<sup>2</sup> S.I. 2014/3283, available at <http://www.legislation.gov.uk/ukSI/2014/3283/contents/made>

<sup>3</sup> [Regulating independent schools - GOV.UK \(www.gov.uk\)](#)

## Main points

Full-time online education is only likely to be suitable for a small number of school-age pupils, normally on a temporary basis. Where full-time online education is the best option for a child, the DfE strongly encourages commissioners to use accredited providers only.

Providers that apply for accreditation and providers that have been accredited should meet the standards set out in this document consistently. The standards are not intended as something to be met every few years when an accreditation visit takes place; the standards should be met continually.

## Enquiries

Any enquiries about this guidance can be made by email to:

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

## Introduction

In September 2019, the Department consulted on a proposal to establish a non-statutory accreditation scheme for providers of full-time online education<sup>4</sup>. The consultation recognised the growing market of online education services for children in England, many of which offer a full curriculum and may represent a child's main or only source of formal education. As this type of provision is currently unregulated, the Department sought views on an accreditation scheme to reassure children, parents (also meaning carers) and local authorities of the quality of education and safeguarding arrangements in such services, which would increase public confidence and help to inform commissioning decisions.

The consultation made two key proposals:

- the establishment of a voluntary online education accreditation scheme
- the establishment of non-statutory standards for online education provision

Based on the broad and substantial levels of support for some form of quality assurance framework for the online education sector, the Government announced in June 2020 its intention to proceed with the creation of the scheme<sup>5</sup>. This document contains guidance on the non-statutory standards for online education provision, for the benefit of providers and inspectors.

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<sup>4</sup> <https://consult.education.gov.uk/independent-education-division/online-schools-accreditation-scheme/>

<sup>5</sup> <https://www.gov.uk/government/consultations/online-schools-accreditation-scheme>

Ofsted was appointed as the quality-assurance body (QAB) for the scheme in 2021. Ofsted is responsible for:

- carrying out suitability checks on the proprietors of providers that apply for accreditation
- visiting providers to assess whether they meet the standards
- publishing a report that sets out which of the standards were met or failed at the time of a visit

The terms and conditions for the scheme require providers to admit Ofsted's inspectors to their premises. They also require that providers assist inspectors, including by disclosing any information which is relevant to the inspection. Providers that do not comply with these requirements will not be accredited by the Department or will lose the accreditation they hold.

DfE expects that providers will have copies of all policy documents (or schemes of work and plans) which are required by the standards available in English, to facilitate the work of Ofsted's inspectors.

## **Note on the drafting of this document**

The standards for online education are non-statutory. Where this document says that providers 'must' take a course of action, this does not necessarily imply a legal requirement or duty (though there may also be a requirement in law). It is meant that the provider will not meet a standard unless they have taken that course of action.

This document does not summarise all of the legislation that may apply to providers of full-time online education.

# The online education standards

The standards in full appear at *Annex A*.

## Section 1 – Quality of education provided (curriculum)

### 1.1

**There is a written policy on the curriculum, supported by appropriate plans and schemes of work, which is drawn up and implemented effectively.**

This standard requires a provider to draw up and maintain three documents:

- a policy that sets out their overall approach to its curriculum (i.e., the subjects it teaches);
- plans for how that written policy on the curriculum will be implemented ('plans'); and
- detailed specifications for each subject of what will be taught throughout the year for each year group taking that subject ('schemes of work').

The other standards in section 1 require providers to teach certain subjects and to ensure that their pupils acquire certain skills. For example, under standard 1.4, pupils must acquire speaking, listening, literacy and numeracy skills; under standard 1.7, pupils receiving secondary education must have access to appropriate careers guidance. The written curriculum policy, plans, and schemes of work should set out how each of the mandatory subjects and skills set out in section 1 of the standards are taught throughout the year.

If the school takes a holistic approach to curriculum, for example by teaching several subjects together through a project-based approach, then the documentation must reflect this. However, it will also need to explain how each of the mandatory subjects and skills are covered throughout the year and in sufficient depth.

Providers should have a copy of these documents available in English, to allow inspectors to determine whether the standard is met.

Standard 1.1 requires that the written policy is effectively implemented. This will be a key point for inspectors.

### 1.2

**The written curriculum policy, plans and schemes of work–**

- (i) take into account the ages, aptitudes and needs of all pupils, including those pupils with an [Education, Health and Care] plan; and**
- (ii) do not undermine the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.**

The written curriculum policy, plans and schemes of work mentioned in standard 1.1 should reflect the needs of all individual pupils in terms of their ages, needs and aptitudes, including those with special educational needs and/or disabilities.<sup>6</sup>

So far as fundamental British values are concerned, the aim is to ensure that the education which is offered to pupils is not in conflict with, or inconsistent with, any of them. A school is unlikely to meet the requirement in paragraph 2(b)(ii) if its policy on curriculum or the supporting plans and schemes of works, for example:

- includes material in history lessons which promotes non-democratic political systems rather than those based on democracy, whether for reasons of faith or otherwise;
- teaches that the requirements of religious law permit the requirements of English civil or criminal law to be disregarded;
- are designed to suggest to pupils that some or all religions are wrong and that therefore those who follow them are not worthy of respect. For the avoidance of doubt, teaching that some religions, all religions, or atheism/agnosticism are wrong does not conflict with fundamental British values, so long as it is made clear that adherents of those belief systems should be treated with respect.

### **1.3**

**Full-time supervised education is provided for pupils of compulsory school age (construed in accordance with section 8 of the Education Act 1996) which, so far as is reasonably practicable, gives pupils experience in linguistic, mathematical, scientific, technological, human and social, physical, and aesthetic and creative education.**

This standard requires that pupils should receive ‘full-time supervised education’.

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<sup>6</sup> Throughout the document we refer to children with ‘special educational needs’. Whenever this reference is made, it should be read as special educational needs and/or disabilities.

The Department considers an institution to be providing full-time education if it is intended to provide, or does provide, all, or substantially all, of a child's education. Generally, the Department considers any institution that is operating during the day, for more than 18 hours per week, to be providing full-time education. This is because the education being provided is taking up the substantial part of the week in which it can be reasonably expected a child can be educated, and therefore indicates that the education provided is the main source of education for that child.

For the purposes of this standard, provision for a child of compulsory school age may be regarded as 'full-time' if it occupies less than 18 hours a week, as long as it constitutes all, or substantially all, of that child's education. This might occur where a child has a health condition that limits the amount of time they can spend in education during a normal week.

Standard 1.3 also requires that the full-time education which is provided to pupils of compulsory school age must be 'supervised'. Clearly, the word 'supervised' does not indicate physical supervision in this context. However, it does indicate that the teacher must have a means of communicating with the pupil, checking their understanding, and ensuring they are applying themselves to their work. Pupils must have a means of communicating with their teachers in real time.

Providers that solely or largely make use of 'asynchronous' teaching methods (where the education provided takes place without live supervision from a teacher) will therefore not meet standard 1.3. Where providers make use of asynchronous teaching methods in addition to 'live' teaching, they should ensure that this does not hinder them from meeting all of the standards before applying for the scheme, paying particular attention to standard 1.3, as well as standards 2.3, 2.8 and 4.1.

Standard 1.3 also sets out the requirements for the range of curriculum areas that must be taught to pupils. A provider must be able to show that each specified area is covered, for each stage of study, by pupils who are of compulsory school age.

There is wide discretion for providers as to how each specified area is covered. If there is no practical element in the teaching of science or aesthetic and creative education, for example, the provider should be able to show how it compensates for this in a way which allows pupils to reach an appropriate overall level of understanding of the subject in question. There is no requirement for aesthetic and creative education to cover any specific art form (such as, for example, music).

The Department expects providers seeking accreditation to make the most of the limited opportunities for physical education (PE) that the medium affords, considering the needs of their pupils. This could involve teaching about the benefits of regular exercise and timetabled yoga or exercise sessions.

Pupils must be taught all of the subjects listed in standard 1.3 unless there is evidence of an exceptional circumstance where it is not reasonably practicable or appropriate to do



so. In most cases, it will be reasonably practicable for providers of full-time online education to give pupils experience in linguistic, mathematical, scientific, technological, human and social, and aesthetic and creative education. However, there may be rare cases where it is in pupils' best interests to receive a more limited curriculum, normally on a temporary basis (for example during a period of illness which limits the time a pupil can spend in education).

Inspectors will base their assessment of how far it is 'reasonably practicable and appropriate for pupils to be given linguistic, mathematical, scientific, technological, human and social, and aesthetic and creative education' on the needs of individual pupils. They will not consider logistical limitations on the provider's part (for example the availability of suitably qualified staff), or the terms under which the provider has been commissioned to provide full-time education to a pupil. Providers should discuss the needs of each pupil with the commissioner<sup>7</sup> of the place, to ensure that they are receiving full-time education that is appropriate to their needs. They should be prepared to renegotiate commissions if the education offered to a pupil is no longer appropriate.

Where practicable, all children should follow a full curriculum. The offer of a narrowed curriculum should only take place by exception. Where pupils are not accessing all areas of the curriculum, providers must be able to provide evidence that the full curriculum is available. They must also be able to provide evidence and justification as to why it is not in the interests of a particular child to receive the full curriculum.

While there is no requirement in the standards for religious education per se, there are requirements elsewhere in the standards for pupils to be taught about religions and belief systems in order to engender respect for other people. If religious education is used as the medium for some teaching about the secular subjects mentioned in standard 1.3, then the provider's curriculum documents referred to in standard 1.1 must set out how each of those secular subjects is covered through that religious teaching and elsewhere.

Online providers may teach creationism as part of a belief system but it should not be presented as having a similar or superior evidence base to scientific theories. On the other hand, providers should not suggest that those who hold creationist beliefs are not worthy of respect.

## **1.4**

### **Pupils acquire speaking, listening, literacy and numeracy skills.**

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<sup>7</sup> In the context of Online Education, a commissioner may include parents, carers, Local Authorities, Schools and other relevant authorities

The written policy on the curriculum, and supporting documents, should include provision for these skills to be gained by pupils in an age-appropriate way.

Providers that use workbooks or rote learning as significant elements of instruction must also address how lessons make provision which will encourage proper speaking and listening.

Where education is being delivered without the use of microphones during lessons, inspectors should assess how far the provider is actively supporting pupils to develop speaking and listening skills that are appropriate to their age. Inspectors will consider any special educational needs that pupils may have when making this assessment, but the fact that some or all pupils have such needs does not alter the requirement to ensure that they acquire speaking and listening skills (as well as literacy and numeracy skills) as appropriate.

The principal language of instruction must be English. Providers must have a copy of all documents required by the standards available in English, to allow inspectors to determine whether each standard is met.

## **1.6**

### **Personal, social, health and economic education which-**

**(i) reflects the service's aim and ethos; and**

**(ii) encourages respect for other people, paying particular regard to the protected characteristics set out in the [Equality Act 2010]<sup>8</sup>.**

This standard requires that some form of personal, social, and health education (PSHE) is provided for all pupils, including mandatory elements of Relationships and Sex Education (RSE) as discussed below. Standard 1.1 requires that this subject should be covered in the written curriculum policy and supporting plans and schemes of work, and that these documents must be implemented effectively.

This standard requires that providers must provide Relationships Education to pupils receiving primary education; and must provide Relationships and Sex Education (RSE) to pupils receiving secondary education (except where a pupil's parent requests that the pupil is partly or wholly excused from the sex education element of RSE). Providers must have regard to the statutory guidance for schools on relationships education and RSE published by the Secretary of State and must issue a statement of their policy relating to Relationships Education and RSE.

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<sup>8</sup> The protected characteristics are set out in Chapter 1 of Part 2 of the Equality Act 2010.

Online providers must allow parents to request that their child be withdrawn from some or all of sex education, as set out in statutory guidance. Any such request should be appropriately documented.

Because a provider's approach to PSHE should reflect its aims and ethos, there is a wide discretion to adjust its content, but the PSHE curriculum must be designed to encourage respect for other people, with particular regard to the protected characteristics set out in the Equality Act 2010. It is not sufficient for a provider to say that it meets this standard because its curriculum encourages respect for all people in a general way; that is not paying particular regard to protected characteristics, of which pupils must be made aware (to the extent that it is considered age appropriate). However, a provider does not necessarily have to address all of the characteristics in every year group because in drawing up its policy, plans and schemes of works relating to the PSHE curriculum, a provider is to take account of (amongst other things) the ages of pupils and their learning abilities and deliver the curriculum appropriately. Also, if there were some occurrence or event involving one or more of the protected characteristics which became an issue amongst the pupils, the provider should help the children understand the issues, and ensure the children respect all those with those characteristics. See also standard 3.7.

The protected characteristics as listed in the Equality Act 2010 are as follows: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The protected characteristics should be referenced in curriculum policies, plans and schemes of work.

This standard will not be met if, for example, the PSHE curriculum, or teaching of the subject:

- encourages pupils to see those of particular races or religions as being inferior in any way
- suggests to male pupils that women and girls should be treated with less respect than men and boys, or that a woman's role is subservient to that of a man – or vice versa
- were to facilitate debate on same-sex marriage, but teach pupils that the parties to such a marriage do not merit the protection which the legal status of marriage or civil partnership affords in law (although teaching that a faith position that marriage is only between a man and a woman is acceptable)
- teaches that disabled people deserve less equal treatment, for example because of sins they are said to have committed in previous lives
- encourages pupils to believe that women who are pregnant without being married should be punished or not respected (although teaching a faith position that sexual activity involving members of that faith should be kept within the bounds of marriage is acceptable).

A school can teach that its particular faith has teachings relevant to these matters, and explain to pupils what those teachings are. However, this does not mean that a

curriculum, including that for religious education, can be planned or teaching provided which advocates or otherwise encourages pupils not to respect other people on the basis of a protected characteristic. In that case the standard will not be met and there may also, depending on the facts of the case, be a breach of other standards, for example, standards 2.9, 3.6 or 3.7.

## **1.7**

**For pupils receiving secondary education, access to accurate, up-to-date careers guidance that-**

**(i) is presented in an impartial manner;**

**(ii) enables them to make informed choices about a broad range of career options; and**

**(iii) helps to encourage them to fulfil their potential.**

This standard applies to pupils aged at least 12 years (or at least 10 and a half if being educated with senior pupils). Standard 1.1 requires that this subject should be covered in the written curriculum policy and supporting plans and schemes of work, and that these documents must be implemented effectively.

In the delivery of careers guidance, pupils of both sexes should be encouraged to consider options for their future working lives which are not stereotyped. It is unlikely that there will be effective implementation if curriculum materials, library reference books and other learning materials carry messages which suggest that particular roles are more suited than others for pupils of a particular sex. Providers should not limit children's horizons but rather expand them, making sure that pupils have a broad view of the careers options open to them rather than the options being restricted to those that are available within a certain faith community. Careers guidance should therefore cover a broad range of the opportunities which are available in wider society, not just those of a type considered particularly appropriate to the provider's pupils. It is good practice to encourage work experience and similar initiatives.

The provider should be able to demonstrate that its approach to careers guidance is likely to have the effect of enabling pupils to make informed choices from amongst the different sorts of careers that can be available to school-leavers generally. When gathering evidence to decide whether this standard is met, inspectors may decide to speak to pupils to find out how well they understand the career options available to them.

Providers should never suggest that their pupils avoid entering further or higher education simply on the grounds that these forms of education are not favoured within a faith community.

## **1.8**

**Where the setting has pupils above compulsory school age, a programme of activities which is appropriate to their needs.**

This is a generalised requirement. Because of the greater specialisation normal amongst pupils at Key Stage 5, there is no need for a broad subject range. However, it should be noted that there should be an element of enrichment available for pupils which goes beyond specific subjects being learnt.

## **1.9**

**All pupils have the opportunity to learn and make progress.**

This is a general requirement that the curriculum content is designed so that all pupils at the provider can make progress. Providers will fail this standard if the curriculum is not demanding enough given the ability and aptitude of pupils (or, on the other hand, is too demanding).

A key word in this standard is 'all'. A provider should not be seeking to cater only for the majority of pupils. If there are pupils of exceptional ability they should be enabled to make progress, as should pupils of all other attainment profiles and pupils with special educational needs and disabilities. Inspectors will wish to see that the needs of all pupils are appropriately taken into account in the policy on curriculum and in supporting documents. In addition, as is the case with the other requirements in this sub-paragraph, there needs to be effective implementation.

## **1.10**

**The curriculum provides effective preparation of pupils for the opportunities, responsibilities and experiences of life in British society.**

This standard is closely linked to the standard for careers guidance but has a more general application. It aims to ensure that all pupils can function properly as adult citizens. A properly designed curriculum policy will need to take into account that pupils will inevitably have some contact with wider society, even if they choose to continue life in a particular community, and need to be equipped for that contact. It will also need to take into account that some pupils may choose to leave their home or faith communities. Therefore, providers should be preparing pupils for engagement with public institutions and society at both national and local level; and for civic responsibilities, and contact with a wide range of members of society in England.

Online learning can be an isolated learning experience, and therefore, it is crucial that pupils learn to work alongside others, for instance, through structured and well-planned group work where practicable.

Providers will have to be able to show that their pupils are being prepared for engagement with communities where gender mixing is common and understand and respect that any gender can fulfil almost any role in society, with very few exceptions (such as ministers in some religions).

## **Section 2 – Quality of education provided (teaching)**

### **2.1**

**Teaching enables all pupils to acquire new knowledge and make good progress according to their age and ability, so that they increase their understanding and develop their skills in the subjects taught.**

While the standards for online education are intended to function as a set of minimum standards, the Department's view is that all accredited providers should at least enable their pupils to make good progress, according to their age and ability.

A child making good progress is not one who is just 'getting by' but is being actively pushed towards increased achievement by the teaching he or she receives. Meeting this standard therefore requires that teaching does this for pupils in general, according to their age and ability. This also means that providers that have pupils with special educational needs and disabilities can meet this standard if their teaching produces progress which is good, taking into account the nature of their needs.

An effective system to track pupil progress (see standard 2.11) will provide the evidence that inspectors will need to assess whether pupils are making 'good' progress, according to their age and ability.

### **2.2**

**Teaching 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.**

As well as the basic requirement to encourage pupils to work hard and achieve, and take a positive attitude towards learning, providers should also feel able to encourage open discussion by pupils and staff of problems and themes which arise from the curriculum or everyday life. Providers which suppress debate and do not encourage questioning and individual opinion are not likely to meet this standard.

## **2.3**

### **Teaching involves well-planned lessons and effective teaching methods, activities and management of class time.**

The overall quality of teaching offered to pupils is what matters in meeting this standard. Providers need not follow any particular pedagogical approach, but should ensure that the teaching methods they use are suited to the needs of their pupils and the demands of the subject or subjects being taught.

Inspectors will look for indications that a provider's teaching is generally well-planned and effective and shows good progress throughout. A single poor lesson observed during a quality assurance visit from Ofsted would not necessarily result in a failure to meet standard 2.3 (though it might if it indicated wider weaknesses in teaching).

## **2.4**

### **Teaching 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.**

This is another very basic requirement, that teachers should know their pupils and plan their lessons accordingly. The provider should have, and use, data or other information to track pupil progress. This provides evidence that this requirement is being met through the use of appropriate attainment data.

## **2.5**

### **Teaching demonstrates good knowledge and understanding of the subject matter being taught.**

Although teachers in online providers are not required to have Qualified Teacher Status (QTS) or any particular subject qualifications, this standard will not be met if members of the provider's teaching staff do not have a good understanding and knowledge of the subject(s) which they teach.

## **2.6**

### **Teaching utilises effectively resources of a good quality, quantity and range, including available technologies.**

This standard is designed to ensure that teaching resources (including digital resources) used by a provider are of good quality and are adequate for the range of teaching needed to meet the other standards. The requirement for range is also important; while there is nothing to stop a provider basing its teaching on particular types of resource or

those from only one supplier, it should consider whether or not this means that pupils are exposed to a sufficiently wide variety of stimulating material.

When the teaching of subjects touches on matters covered by the standards in section 3 (on spiritual, moral, social and cultural development of pupils), such as forms of government or political ideologies, the resources used for teaching should be of a range which fulfil the requirements of the SMSC standard, for example, by representing a range of views. This does not mean that individual items should all reflect the principles referred to in the SMSC standard. Confident teaching about potentially controversial or difficult subjects is likely to use some material which presents opinions which are not compatible with the principles referred to in the SMSC standard but are useful to illustrate the full range of opinion on a matter.

## **2.7**

**Teaching demonstrates that a framework is in place to assess pupils' work regularly and thoroughly and to use information from that assessment to plan teaching so that pupils can progress.**

This requirement is designed to ensure that providers make active use of the pupil assessment mandated by standard 2.11 to inform the planning of teaching, rather than simply as an end in itself or simply to demonstrate progress (important though the latter is). Whatever approach to evaluation of pupil performance is taken, providers must ensure that the data is sufficiently detailed, and is collected regularly enough, that it can be used to direct teaching. Teaching achieves more where it takes full account of individual pupils' real progress to date, for instance by being flexible enough to undertake more work on areas where progress has been poor. A written record of the assessment of pupils' progress will help demonstrate that the standard is met.

## **2.8**

**Teaching utilises effective strategies for managing behaviour and encouraging pupils to act responsibly.**

Teaching which is otherwise good is unlikely to be effective if delivered in an environment in which pupil behaviour is poor, so teachers should actively think about and do their best to secure proper management of pupil behaviour. That includes putting the provider's behaviour management policy into operation from day to day, in a consistent manner.

While disruptive or aggressive behaviour may be rare in some online providers, providers should recognise that a lack of engagement with teaching can be a form of poor behaviour, and should take steps to ensure that pupils are encouraged to engage with and give their full attention to their lessons.



## **2.9**

**Teaching does not undermine the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.**

Even if a provider's curriculum documents are compatible with fundamental British values, it is possible for teachers to convey in their teaching that either the values are wrong, or that they do not apply to the community served by the provider. Evidence of such teaching would lead to this standard not being met. In order to assess compliance with the standard inspectors will check pupils' understanding, in an age-appropriate way, of the concepts listed.

## **2.10**

**Teaching does not discriminate against pupils because of their protected characteristics as if the relevant provisions of Part 6 of the Equality Act 2010 applied to the service.**

This standard is designed to ensure that providers are not accredited unless they meet the requirements imposed on schools under the Equality Act 2010 in relation to their teaching. This means that providers will not be accredited if they discriminate in their teaching, in relation to the protected characteristics to which chapter 1 of Part 6 of the Equality Act 2010 (disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation) relates. The 'relevant provisions' of the Equality Act 2010 for the purpose of this standard is section 85(2).

This standard means that accreditation may be withheld or withdrawn where a provider provides its teaching in a way which would amount to unlawful discrimination if it was a school. Examples of teaching which are unlikely to meet this standard include separation of boys and girls in mixed settings which disadvantages one sex, or both. In this respect, settings should refer to the DfE guidance document 'Gender separation in mixed schools' for forms of separation likely or unlikely to comply with the standard. In a mixed setting, any separation of pupils of either sex that denies them the choice or opportunity to interact socially, or to interact in an educational setting, with pupils of the other sex is likely to involve subjecting the pupils to a detriment because of their sex. This will be considered direct discrimination and will not meet the standard unless it falls within one of the statutory exceptions contained within chapter 1 of Part 6 of the Equality Act 2010 even if done for religious or other bona fide reasons and even if the quality of the education provided to boys and girls is the same. Teaching which allows pupils of one race or religion greater opportunities than another is also unlikely to meet the standards. Settings teaching pupils with a disability will also want to take account of the obligation to make reasonable adjustments, which ideally would be agreed with the pupil's parents.

In addition to the requirements of this standard, the Department's view is that online providers fall under the definition of a 'service provider' for the purposes of Part 3 of the Equality Act 2010 and the legal requirements for service providers set out in that Act apply to them. Accordingly, online providers will, in addition to the requirement of Standard 2.10, have to comply with their legal duties under Part 3 of the Equality Act 2010.

Discriminatory teaching may also lead to providers failing other standards, for example standard 4.3 (on the implementation of the behaviour policy) or certain standards in section 3 of the standards (spiritual, moral, social and cultural development of pupils), as well as the leadership standards in section 8.

## **2.11**

**There is a framework in place for pupil performance to be evaluated, by reference to the service's own aims as provided to parents or national norms, or to both.**

This standard is designed to ensure that the provider not only assesses individual pupil performance for the purpose of lesson planning but is also in a position to give parents a detailed and clear assessment of the performance of their child.

No particular system or way of doing this is specified, but in choosing the method the school should be aware of the requirements in standards 6.7 (on the production of an annual written report on each pupil's progress and attainment for parents) and 6.9 (on information relevant to annual reviews of Education, Health and Care plans).

Whatever framework is adopted, it should be implemented in a way which enables the parent to judge the child's performance in the context of the school's aims, or national norms, or both – to ensure a standardised or common approach.

## **Section 3 – Spiritual, moral, social and cultural (SMSC) development of pupils**

The purpose of the standards in section 3 is to ensure that pupil's development in non-academic terms will enable them to play a confident, informed role in society, have a fully developed value system, and be able to interact with other people in a positive way.

This guidance is intended to help providers understand the standards in section 3 and to give examples of ways in which providers can meet the standards and continue to do so.

SMSC development can be advanced through virtually all parts of the curriculum, as well as through a provider's ethos, though some subjects and activities are likely to be more relevant than others. The provider's approach should be adjusted for the age, ability, and needs of pupils.

### 3.1

**The fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs, are actively promoted.**

According to this standard, providers must actively promote the fundamental British values (FBV). They should have a clear strategy for introducing the FBV to their pupils in an age-appropriate manner and embedding them in their curriculum and through extra-curricular activities. They should also be able to show how their work with pupils is effective in doing so. Actively promoting the values also means challenging opinions or behaviours amongst pupils and staff that are contrary to the FBV. Promoting views that undermine the FBV would be at odds with this standard, though that does not mean that providers should avoid debate on the issues involved.

The list below gives examples of how the understanding and knowledge that may be expected of pupils where this part of the standard is being met:

- An understanding of how citizens can influence decision-making through the democratic process
- An appreciation that living under the rule of law protects individual citizens and is essential for their wellbeing and safety
- An understanding that there is a separation of power between the executive and the judiciary, and that while some public bodies such as the police and the army can be held to account through Parliament, others such as the courts maintain independence
- An understanding that the freedom to hold other faiths and beliefs is protected in law
- An acceptance that people having different faiths or beliefs to oneself (including those people who leave their faith or those who hold no faith) should be accepted and respected, and should not be the cause of prejudicial or discriminatory behaviour
- An understanding of the importance of identifying and combatting unfair or illegal discrimination

The requirement to actively promote mutual respect and tolerance of those with different faiths and beliefs does not require schools to 'promote' teachings, beliefs or opinions that conflict with their own, but it is not acceptable for schools to promote discrimination against (or a lack of respect for) other people or groups on the basis of their belief, opinion or background. As noted in the guidance for standard 1.6, in relation to the requirement covered there about encouraging respect for others, teaching generalised 'respect' without any regard to any of the protected characteristics is not sufficient to meet that requirement.

It should be noted that the requirement that the provider actively promotes the FBV is separate from the requirement that the provider ensures that principles are actively promoted which encourage respect for other people, paying particular regard to the protected characteristics set out in the Equality Act 2010 (see standard 3.7 below).

The following is not designed to be exhaustive, but provides some examples of different actions that providers could take, such as:

- including material on the strengths, advantages and disadvantages of democracy, and how democracy and the law works in the UK and other democracies (in contrast to other forms of government), in suitable parts of the curriculum
- ensuring that all pupils within the provider have a voice that is listened to, and demonstrating how democracy works by actively promoting democratic processes such as a student council whose members are voted for by pupils
- using opportunities such as general or local elections to hold mock elections to promote the fundamental British values, and provide pupils with the opportunity to learn how to argue and defend points of view
- enabling pupils to encounter people of different faith backgrounds
- using teaching resources from a wide variety of sources to help pupils understand a range of faiths
- considering the role of extra-curricular activity, including any organised directly by pupils, in promoting the fundamental British values

### **3.2**

#### **Pupils are enabled to develop their self-knowledge, self-esteem and self-confidence.**

This standard is intended to ensure that accredited providers actively help their pupils develop into self-assured, confident, happy and positive young people.

Providers should help pupils to learn to articulate their feelings and justify them in both informal and formal settings and be given responsibility and trust to develop their confidence. Providers can develop the traits listed in the standard by celebrating achievement and encouraging pupils to have the confidence to undertake difficult tasks and have a wide range of experiences. Pupils should also be encouraged to question things which prevent them developing into confident adults – for example, lack of aspiration and unfair discrimination.

### **3.3**

#### **Pupils are encouraged to distinguish right from wrong and to respect the civil and criminal law of England.**

This standard is intended to ensure pupils are encouraged to value the English legal system. It is expected that pupils should understand that, while different people may hold different views about what is 'right' and 'wrong', all people living in England are subject to its law. The provider's ethos and teaching should encourage respect for English civil and criminal law, and providers should not teach in a way which undermines this.

If providers teach about religious law, particular care should be taken to explore the relationship between English civil and criminal law, and religious requirements. Pupils should be made aware of the differences between the law of the land and religious law. This is not incompatible with encouraging pupils to respect religious law if the provider's ethos is faith-based; and the provider should not avoid discussion, of an age-appropriate nature, of potential conflicts between state law and religious law, and the implications for an individual living in England.

### **3.4**

**Pupils are encouraged to accept responsibility for their behaviour, show initiative and understand how they can contribute positively to the lives of those living and working in the locality in which they live, to society more widely, and as a global citizen.**

Providers should seek to develop pupils into individuals who know how to act responsibly, and who are capable of becoming more independent as they grow older while knowing the value and importance of making a positive impact on the lives of other people. Schools can meet this requirement in many different ways, including group activities that teach co-operation and initiative, giving pupils responsibility within the provider, or allowing pupils to take ownership of charitable activities.

### **3.5**

**Pupils are enabled to acquire a broad general knowledge of and respect for public institutions and services in England.**

Providers should help their pupils to grow up knowing how public institutions (such as Parliament or the police) and services (such as healthcare, education or welfare services) operate, and also respect and understand their importance to life in modern society. The intention is that pupils should understand how public services have evolved – especially if their role is best understood in a historic context – and how they relate to the daily lives of pupils and their families, as well as what they should reasonably expect from public services as a citizen. Activities such as educational visits from representatives of public institutions and services can enhance pupils' understanding in this area.

### **3.6**

**Tolerance and harmony between different cultural traditions is actively promoted by enabling pupils to acquire an appreciation of and respect for their own and other cultures.**

This standard requires providers to actively promote principles that develop tolerance and harmony between different cultural traditions.

Enabling pupils to gain knowledge and respect for their own culture is an essential part of the requirement and providers should ensure that pupils' work on other cultures takes place on a secure foundation of knowledge about their own culture. Culture is about the factors that are common to communities, such as custom, traditions, dress and food. Different cultures will however have differences in the way all of these particular aspects have evolved. Culture can be examined from both a historical and a contemporary perspective. While culture is different to faith, the two can be interlinked, and influence each other. Pupils should be encouraged to regard all cultures with respect and this cannot be achieved properly without reference to the influence of faith. Teaching should aim to prepare pupils to interact positively with people of different cultures and faiths.

Providers should develop this knowledge through the content of their curriculum. Children must not be taught that those who do not adopt the cultural or religious practices of their own (or the provider's) culture, are in any way inferior. Providers are unlikely to meet this standard if they offer a curriculum which is significantly unbalanced in terms of the information presented about the achievements of other cultures. It is not unreasonable for providers in England to have a curriculum which particularly emphasises the culture and achievements of England and its people, but it must also allow for pupils to learn about the achievements of other cultures, including those outside Europe. Online providers that have pupils based in England and in other countries are likely to be particularly well-placed to facilitate discussion, but the standard applies equally to all providers.

### **3.7**

**Respect for other people is encouraged, paying particular regard to the protected characteristics set out in the Equality Act 2010.**

It is not sufficient for a provider to say that it meets this standard because its curriculum encourages respect for all people in a general way; that is not paying particular regard to protected characteristics, of which pupils must be made aware (although only to the extent that it is considered age appropriate).

However, a provider does not necessarily have to address all of the characteristics in every year group because in drawing up its policy, plans and schemes of work relating to the PSHE curriculum, a provider is to take account of (amongst other things) the ages of

pupils and their learning abilities and deliver the curriculum appropriately. Also, if there were some occurrence or event involving one or more of the protected characteristics which became an issue amongst the pupils, the school should help the children understand the issues, and ensure the children respect all those with those characteristics. Providers should take steps to ensure that the children do not form a negative or restrictive view of the role of the opposite sex.

### **3.8**

**Respect for democracy and support for participation in the democratic processes are encouraged, including respect for the basis on which the law is made and applied in England.**

To meet this standard, schools should be actively encouraging pupils to understand why democracy is perceived within the UK as the fairest form of political organisation; understand why taking part in democracy is a good thing; and understand why law-making on the basis of representation in Parliament is seen as better than alternatives.

### **3.9**

**The promotion of partisan political views is precluded in the teaching of any subject in the setting.**

The aim of this provision is to prevent the political indoctrination of pupils through the curriculum. The wording is based on section 406(1)(b) of the Education Act 1996, which applies to maintained schools. As explained below, the aim is not to prevent pupils from being exposed to political views or from discussing political issues in school. Pupils should not, however, be actively encouraged by teachers or others to support particular political viewpoints. This provision should be read in conjunction with standard 3.10.

The following is how the Department interprets the following two key terms in the provision.

**‘Partisan’** – in a case<sup>9</sup> relating to the alleged promotion of partisan political views in maintained schools the judge considered that the best synonym for ‘partisan’ is "one-sided". Drawing from the judgment in the case, in deciding whether the promotion of a political view is partisan, the factors that could be taken into account include:

- superficial treatment of the subject matter, typified by portraying factual or philosophical premises as being self-evident, with insufficient explanation and without any indication that they may be the subject of legitimate controversy

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<sup>9</sup> Dimmock v Secretary of State for Education and Skills [2007] EWHC 2288 (Admin)

- the misleading use of data; misrepresentations and half-truths
- deployment of material in such a way as to prevent pupils meaningfully testing its veracity and forming an independent understanding as to how reliable it is
- the exaltation of protagonists and their motives coupled with the demonisation of opponents and their motives
- whether a particular view is advocated as being the 'right' view which must be adopted because otherwise certain presupposed consequences follow

**'Political views'** – views expressed with a political purpose. A political purpose includes actions taken either directly or indirectly:

- to further the interests of a particular political party
- to procure changes to the laws of this or another country
- to procure the reversal of government policy or of particular decisions of governmental authorities in this or another country

This standard does not require the provider to actively promote positive outcomes. In this case compliance with the standard only requires the prevention of a negative outcome (which is the promotion of partisan political views).

Concepts such as democracy and the historical development of the political process in society cannot be meaningfully taught without reference to political belief and practice, and the use of concrete examples is normally helpful in promoting understanding. Furthermore, the part of the standard at paragraph 5(c) envisages that political issues may be discussed in schools; it does not prevent the presentation of political views. In the case referred to above the judgement also suggested that if, for example, a history class is shown Nazi propaganda, or a citizenship class is shown a racist film, this is not 'promoting' the views shown, but merely presenting them. However, teaching staff should not exploit pupils' vulnerability by seeking to convince them that a particular political position is necessarily correct, or by trying to impose their own views on pupils.

### **3.10**

**Such steps as are reasonably practicable are taken to ensure that where political issues are brought to the attention of pupils-**

- (i) while they are participating in learning activities;**
- (ii) while they are taking part in extra-curricular activities which are provided or organised by or on behalf of the setting; or**
- (iii) in the promotion at the setting, including through the distribution of promotional material, of extra-curricular activities organised by the provider or others on behalf of the provider**

**they are offered a balanced presentation of opposing views.**



This provision is modelled on section 407 of the Education Act 1996, which applies to maintained schools. The aim of this standard is to ensure that providers take steps to ensure that when political issues are discussed or arise, pupils are made aware that there are normally countervailing views and a balance is struck between the opinions and beliefs discussed. This may be during lessons, or when extra-curricular activities such as debates take place, or through the use of external speakers. In the case referred to above, the judge considered that “the word ‘balanced’ in s.407 means nothing more than ‘fair and dispassionate’.”

Providers should take a common-sense approach to securing balance. This provision of the standard does not require the closely matched presentation of the opposite view where a partisan political view has been expressed. Providers need not take a mechanistic approach to securing balance, and it would be acceptable for a provider to demonstrate that it had taken steps, over a period of time, to ensure a balance.

One step which could be taken is to create and implement a clear policy that sets out how visiting speakers are chosen and how a balance of opposing views is to be achieved over a period. There is no reason why speakers should not include representatives of political parties or campaigning organisations. Providers should consider having a policy for vetting all speakers and also ensure that the content of presentations is agreed beforehand.

Where a speaker has expressed partisan political views on a subject, the provider should make an assessment as to whether it is appropriate to challenge the speaker’s views without delay, arrange for a speaker with opposing views to address pupils at a later date, or present opposing views on the subject to pupils in the course of subsequent class teaching. However, the provider would need to be able to demonstrate what steps it took to offer pupils a fair and dispassionate opportunity to learn about alternative viewpoints.

It should be noted that the standard also relates to the use of promotional literature in the provider for events which are not part of the curriculum, which pupils might see and as a result wish to attend the events in question. Although such material can be political in nature, providers will need to consider both the content and quantity of promotional material which addresses political issues. Irrespective of whether or not it relates to events that take place outside learning or extra-curricular activities arranged by the provider, providers should take steps to address any imbalance that might arise from its terms or the predominance of material reflecting a particular view on a political issue.

## Section 4 – Welfare, health and safety of pupils

### 4.1

**Effective arrangements are made to safeguard and promote the welfare of pupils at the setting which have regard to any guidance issued by the Secretary of State.**

Providers of online education must have appropriate safeguarding arrangements in place to meet this standard and to become an accredited provider.

To meet standard 4.1, a provider must have a comprehensive safeguarding policy drawn up with reference to their particular context, which is reviewed regularly (e.g., an annual review), and must ensure that staff are fully aware of and understand its contents so that they can implement it effectively. There must also be effective oversight of safeguarding by a governing body, if one exists, or a senior leader with appropriate authority if one does not exist. The policy must include measures for online safety.

The safeguarding policy and any supporting documents must contain appropriate contacts for external referrals, and inspectors will discuss with staff what their actual practice is in relation to the handling of allegations.<sup>10</sup> It is worth noting that there may be different types of allegations that may require different referrals – for instance the report of abuse by an adult on a child would be need to be referred in a different way to the report of child on child abuse. The safeguarding policy and supporting documents should cover all possible scenarios.

Providers should have a named and designated lead who is empowered to play an effective role in pursuing concerns and protecting pupils. This person will be equivalent to the designated safeguarding lead in a school. They should be given the time, funding, training, resources and support necessary to fulfil their role. Further details and best practice on the work of a designated safeguarding lead can be found in [KCSIE](#).

Providers should also ensure that pupils know how to report anything that they see online that is inappropriate, abusive or offensive to an appropriate member of staff. Pupils should also be made aware of external routes to report issues such as the National Crime Agency’s CEOP resource [Thinkuknow](#), as they may be reluctant to speak about

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<sup>10</sup> Further information on handling of allegations can be found in Part 4 of [KCSIE](#)

their concerns with a member of staff they have only met online. This should be reflected in the safeguarding policy and should be made clear to all children and parents.

Generic safeguarding policies that do not reflect the nature of the provision offered will not be considered adequate by inspectors (nor policies which are adequate but ineffectively implemented).

The documentation should record safer recruitment procedures and the provider should ensure that these are followed, even when a prospective member of staff is well-known to the provider. There are separate requirements in section 5 in relation to checks and the recording of checks.

The requirement that safeguarding arrangements 'have regard to any guidance issued by the Secretary of State' relates to two sets of statutory safeguarding guidance:

- a) [Keeping children safe in education](#)
- b) [Working together to safeguard children](#)

Online providers should have regard to this guidance, as if they were a school. This does not mean that the statutory guidance must always be followed to the letter. Rather, it means that online providers should follow the guidance wherever possible, and should only depart from the guidance where it is not possible to follow it or where there is a good reason not to follow it. Any departure from the requirements set out in these documents should be considered and based on appropriate reasons, and proprietors will therefore want to record the justification behind any departure from practice set out in these documents.

Both of these documents are revised from time to time, and the provider's own documentation and safeguarding arrangements should reflect those revisions as soon as reasonably practicable.

Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is key that staff are aware of how these children's experiences can impact on their mental health, behaviour and education.

Providers should ensure that all staff have read and understood at least Part 1 of KCSIE, and staff must have received training appropriate to their responsibilities and to the online context.

Providers should assess cybersecurity risks and put appropriate cybersecurity measures in place, in line with the statement in KCSIE that 'Education settings are directly responsible for ensuring they have the appropriate level of security protection procedures in place, in order to safeguard their systems, staff and learners'. Ofsted inspectors will assess whether this has taken place as part of their assessment of whether a provider

has met standard 4.1. In doing so, they may require providers to provide evidence that they have a valid industry-standard cybersecurity certificate at the time of the visit.

The prevent duty under section 26 of the Counter-Terrorism and Security Act 2015, states that a specified authority must, in the exercise of its functions, have due regard to the need to prevent people being drawn into terrorism. Whilst the duty does not legally apply to online providers, they must have regard to the guidance for schools in carrying out the Prevent duty in order to meet standard 4.1. This relevant guidance is:

- [Revised Prevent duty guidance: for England and Wales](#) (Home Office)
- [Protecting children from radicalisation: the prevent duty](#)

The [Educate Against Hate](#) website brings together advice, support and resources for providers to help them protect young people from extremism and radicalisation.<sup>11</sup>

#### **4.2**

**Good behaviour amongst pupils is promoted by ensuring that a written behaviour policy is drawn up that, amongst other matters, sets out the sanctions to be adopted in the event of pupil misbehaviour.**

#### **4.3**

**The behaviour policy is implemented effectively.**

#### **4.4**

**A record is kept of the sanctions imposed upon pupils for serious misbehaviour.**

These standards require providers to draw up and implement a written behaviour policy. This policy should be available in English even if it is also available in another language. Standard 6.15 requires that the behaviour policy must be made available to parents of pupils and of prospective pupils, but also to the Secretary of State (i.e. DfE) and to Ofsted – for example by hosting a copy of the website on the provider’s website.

Providers have wide discretion to decide on an approach to behaviour that works in their context. Whatever approach they choose, it must be clearly understood by pupils and staff. Having a written behaviour policy is of no use if, in practice, teachers follow widely varying approaches to managing behaviour. This causes mistrust amongst pupils and

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<sup>11</sup> [Educate Against Hate - Prevent Radicalisation & Extremism](#)

increases the likelihood of unfairness in applying sanctions. The sanctions administered should reflect the provider's policy.

Providers may wish to refer to DfE advice, [Behaviour and discipline in schools](#), available to help school staff in developing and implementing behaviour policy.

#### **4.5**

#### **Bullying within the setting is prevented, in so far as reasonably practicable, by the drawing up and implementing of an effective online anti-bullying strategy.**

In order to meet this standard, providers must draw up a written anti-bullying strategy that makes special reference to online bullying and cyber-bullying, and prejudice-based bullying because of a protected characteristic. A failure to include references to these forms of bullying will result in a failure to meet this standard, even if the provider claims that none of these issues occurs amongst its pupils. A provider's policy, to be effective, should also be able to demonstrate how it teaches pupils to deal with bullying if it occurs, using age-appropriate concepts. A provider's online anti-bullying strategy will not have been properly implemented where pupils do not know what cyber-bullying is, or who to turn to for help.

Standard 6.15 requires that the anti-bullying policy must be made available to parents of pupils and of prospective pupils, but also to the Secretary of State (i.e. DfE) and to Ofsted – for example by hosting a copy of the website on the provider's website.

There is DfE advice available on the prevention of bullying, and as well as an advice note on how schools can protect their staff from cyber-bullying, which may be helpful for providers.<sup>12</sup>

#### **4.6**

#### **A relevant health and safety policy is drawn up and effectively implemented.**

Effective implementation of a health and safety policy means being vigilant as to actual health and safety risks which may arise, the roles and responsibilities within risk management processes, the mechanisms to control risk, and specific control measures that need to be implemented. It should state how the provider intends to manage certain risks, for example from both on-site and off-site activities where they are offered, and in ensuring that home learning environments are safe as far as can reasonably be

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<sup>12</sup> [Preventing bullying - GOV.UK \(www.gov.uk\)](#)

expected. Importantly, it should outline the action that the provider intends to take to deal with issues as they arise in order to protect pupils. This policy should be proportionate and relevant to the provider.

The following list gives examples that providers could include in their health and safety policy. This list is not exhaustive and the content of the policy will be determined by the provider:

- arrangements for lone working and working with display screen equipment (DSE)
- proportionate control measures for COVID-19
- staff health and safety training, including [assessment of risk](#)
- dealing with [health and safety emergencies](#), including procedures and contacts
- occupational health services
- how providers will investigate accidents and incidents to understand causes
- how providers will monitor and report performance and effectiveness of the health and safety policy

The Health and Safety Executive has a web resource for schools, which may assist providers.<sup>13</sup>

## 4.7

### **Appropriate admission and attendance registers are maintained.**

The aim of this standard is to ensure that providers maintain admission and attendance registers that perform a similar function to those maintained by schools, including independent schools. For the avoidance of doubt, this is not a legal requirement on providers of full-time online education, as the relevant law<sup>14</sup> does not apply to online providers; it is simply a requirement of the non-statutory standards for online education.

In order to meet this standard, providers have to maintain two documents:

- An **admission register** containing the personal details of every full-time pupil residing in England. The admission register should contain all of the information that a school's admissions register must contain on each pupil.<sup>15</sup> Pupils' details should be recorded from the beginning of the first day on which the provider has agreed, or has been notified, that the pupil will be educated by the provider. The

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<sup>13</sup> [Health and safety: responsibilities and duties for schools - GOV.UK \(www.gov.uk\)](#)

<sup>14</sup> Sections 434(1)(2)(4) and (6) and 458(4) and (5), and The Education (Pupil Registration) (England) Regulations 2006 (as amended).

<sup>15</sup> That is, each pupil's name in full; sex; the name and address of every person known to the proprietor of the provider to be a parent of the pupil and, against the entry on the register of the particulars of any parent with whom the pupil normally resides, an indication of that fact and a note of at least one telephone number at which the parent can be contacted in an emergency; day, month and year of birth; day, month and year of admission or re-admission to the provider; and the name and address of the school last attended, if any.

admission register may also include details of pupils who reside outside England, but if it does, it must also record whether each pupil resides in England or in another country.

Once a pupil ceases to be a full-time pupil (for any reason), providers should delete pupils from the admission register they maintain in compliance with standard 4.7 (though records may be retained as appropriate).

Where the details of a pupil residing in England are added to or deleted from the admission register, providers should notify the relevant local authority (the one in which the pupil resides) of the full name of the pupil, the full name and address of any parent with whom the pupil lives, at least one telephone number of any parent with whom the pupil lives, and the reason why the pupil's name has been deleted from the admission register. If the parent of the pupil has objected to the sharing of this information, then the provider should record this.

- An **attendance register**, in which the provider must record (at the start of every school day and once later in the day) whether every pupil is present; absent attending an approved educational activity; absent; unable to attend due to exceptional circumstances; or not attending in circumstances relating to coronavirus (COVID-19). A provider should follow up any absences in a timely fashion to ascertain the reason, ensure proper safeguarding action is taken, and identify whether the absence is approved or not. Providers should record this information in the attendance register, making use of the national absence and attendance codes set out in the Department's non-statutory guidance on school attendance,<sup>16</sup> or a comparable system that will facilitate analysis of the level of, and the reasons for, absence.

Providers must make both documents available to Ofsted during visits.

#### **4.8**

**The welfare of pupils within the setting is safeguarded and promoted by the drawing up and effective implementation of a written risk assessment policy; and appropriate action is taken to reduce risks that are identified.**

Providers should have a proper risk assessment in place across the whole range of their activities affecting pupils. Risk assessment should not be an afterthought or confined to the most obvious dangers for pupils. This standard requires providers to consider risk in

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<sup>16</sup> [Working together to improve school attendance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422222/Working_together_to_improve_school_attendance.pdf)

relation to all activities which could place pupils at risk of harm. During inspections evidence will be sought that this has been done systematically in order to inform the written risk assessment policy required by this standard, and that appropriate action has been taken to reduce any risks that are identified. It is accepted that, since pupils will access their education from home (or at least a physical setting which is not under the provider's control), their ability to mitigate some physical risks directly may be limited. This does not alter the requirement for providers to assess and identify risks, and to raise them with the commissioner of the placement if this is necessary to mitigate them.

Providers should therefore consider how comprehensive their approach is to risk management, and what more needs to be done to ensure that risk is properly assessed, and that the results of assessment are carried through by reducing risk so far as reasonably practicable. Risk assessment should be a constant process, with input encouraged from all staff and pupils, and based on a provider's particular circumstances. The Health and Safety Executive website has a section on risk assessment.<sup>17</sup>

As noted above (see guidance for standard 4.1), providers should ensure that they have the appropriate level of cyber security protection in place. The procedures adopted to protect against cyber security risks should be reflected in the risk assessment.

#### **4.9**

#### **Effective action is taken to minimise the risk of pupils within the setting accessing inappropriate material or sites online and pupils are supported to remain safe online.**

This standard requires that providers teach their pupils how to stay safe online and take reasonable steps to minimise the risks of their pupils accessing inappropriate material or sites.

Providers should do all that they reasonably can to limit children's exposure to online risks. They should be able to demonstrate during a quality assurance visit from Ofsted that they have a comprehensive and up to date knowledge of online risks and harms and how to ensure children stay safe online. If it is their normal practice to issue devices to pupils, they should ensure that devices have appropriate filters and monitoring systems in place. Providers should also carry out an annual review of their approach to online safety, supported by the risk assessment (see standard 4.8). More information on online safety can be found in Part 2 of [KCSIE](#) and in Annex D to the same document.

Providers must also teach their pupils the underpinning knowledge and behaviours that will allow them to navigate the online world safely. Any pupil can be vulnerable online,

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<sup>17</sup> [Risk assessment: Template and examples - HSE](#)



and their vulnerability can fluctuate depending on their age, developmental stage and personal circumstance. However there are some pupils, for example looked after children and those with special educational needs, who may be more susceptible to online harm or have less support from family or friends in staying safe online. Providers should consider how they tailor their offer to ensure these pupils receive the information and support they need. The Department has published non-statutory guidance which will help providers to design and deliver content on online safety to pupils in an age-appropriate way.<sup>18</sup>

## **Section 5 – Suitability of staff, supply staff and proprietors**

This section of the standards sets out, in detail, the checks which providers (and in some cases the Secretary of State) are required to make to ensure that staff, supply staff and proprietors or members of proprietor bodies are suitable for the posts they occupy.

Because of the need for precision the standards in this section are worded in ways which are not always easy for providers to interpret. Providers may therefore find it useful to refer to those parts of the statutory guidance KCSIE which sets out procedures for checks on staff and other people such as members of proprietor bodies.

Alongside the standards discussed below, the purpose of teacher regulation policy is to safeguard pupils, maintain public confidence in the teaching profession, and uphold high standards of teacher conduct.

### **Members of staff, excluding supply staff and proprietors**

#### **5.1**

**No staff are barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006 where that person is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act.**

#### **5.2**

**No staff carry out work, or intend to carry out work, at the setting if to do so would be in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 [Education and Skills] Act or section 142 of the 2002**

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<sup>18</sup> [Teaching online safety in schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/teaching-online-safety-in-schools)

**[Education] Act, or any disqualification, prohibition or restriction were those provisions to apply to staff at the setting.**

**5.3**

**Appropriate identity checks are carried out in respect of all staff.**

**5.4**

**Appropriate checks of medical fitness are carried out in respect of all staff.**

**5.5**

**Appropriate checks of right to work are carried out in respect of all staff.**

**5.6**

**Appropriate checks of qualifications are carried out in respect of all staff.**

**5.7**

**Where relevant to any staff, an enhanced criminal record check is made in respect of that person and an enhanced criminal record certificate is obtained before that person's appointment.**

**5.8**

**In case of any person for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, such further checks are made as are considered appropriate, having regard to any guidance issued by the Secretary of State.**

**5.9**

**In the light of the information from the checks referred to in paragraphs 1-8 above the proprietor considers that the person is suitable for the position to which the person is appointed.**

**5.10**

**The checks referred to in paragraphs 1-8 above are completed before a person's appointment.**

Standards 5.1 – 5.10 set out the requirements for checks on members of staff at a provider that are neither supply staff nor proprietors. In order to meet these standards, providers must:

- Verify the person's identity, in line with standard 5.3. Best practice is to check the name on the applicant's birth certificate, where this is available. Further

identification checking guidelines can be found in [How to prove and verify someone's identity](#).

- Verify the candidate's mental and physical fitness to carry out their work responsibilities, in line with standard 5.4. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role.
- Verify the candidate's right to work in the UK, if they are based in the UK, in line with standard 5.5. If there is an uncertainty about whether an individual needs permission to work in the UK, then schools and colleges should follow advice on [Checking a job applicant's right to work](#).
- Verify the candidate's professional qualifications, as appropriate (though providers of online education are not required to have qualified teacher status (QTS)).
- Verify that the candidate is not subject to a section 128 direction by the Secretary of State (if the person is taking up a management position), in line with standard 5.2. Advice on what qualifies as a management role in this context and the process for requesting information from the Teaching Regulation Agency (TRA) is provided below.
- Verify that the candidate is not subject to a teaching prohibition order (or an interim prohibition order or a direction made under section 142 of the Education Act 2002), in line with standard 5.2. Advice on requesting information from the TRA is provided below.
- Undertake a DBS check that reflects the requirements of the role. Information on the types of DBS checks that are available is provided in [KCSIE](#) and in eligibility guidance from the DBS.<sup>19</sup> The Department's view is that if a person works for an online provider for more than 3 days in 30 where they have access to children (albeit remotely) and are there to ensure the establishment can provide its services, they will be in regulated activity with children.<sup>20</sup> In this case an enhanced DBS check which includes children's barred list information will be required. An enhanced DBS check with children's barred list information will also be required if a person's role involves managing others who are in regulated activity. If the person has opportunity for contact (albeit remotely) with the children educated at the provider, but not for more than 3 days in 30, an enhanced DBS check will be required. For positions which do not involve interaction with children (e.g. a marketing role), a basic DBS check will be appropriate.
- Ensure that they have obtained an enhanced criminal record certificate before a staff member takes up post. As online providers do not have access to the standalone barred list check, they must not allow someone to start work in regulated activity without an enhanced DBS certificate with barred list information.

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<sup>19</sup> [DBS eligibility guidance - GOV.UK \(www.gov.uk\)](#)

<sup>20</sup> Regulated activity is defined in the Safeguarding Vulnerable Groups Act 2006 (as amended).

- Where the candidate has lived or worked outside the UK, the proprietor must carry out the same checks as are carried out for other staff in schools or colleges, even if the individual has never been to the UK. Providers should also make any further checks they think appropriate, such as criminal records checks in other countries and checks with the professional regulating authority in the country or countries in which the applicant has worked (see [KCSIE](#) for more information).
- In light of this information, the provider must decide whether or not the candidate is suitable for the position.

Under standard 5.10, these checks should be completed before the person's appointment to the role.

Standard 5.2 will not be met if any member of staff works in a teaching position who has been subject to a teaching prohibition order (or an interim prohibition order or a direction made under section 142 of the Education Act 2002).

Standard 5.2 will also not be met if a person works in a management position at a provider and is subject to a direction (or any equivalent disqualification, prohibition or restriction) barring them from participating in the management of an independent school. If the person concerned occupies a teaching role or a management role, checks relating to these matters should also be carried out as necessary. For the purposes of barring from participation in the management of an independent school, there is no precise definition of what posts constitute 'management' because this will be a factual question in each case; but the following are regarded by the Department as definitely falling within scope: head teacher or teacher in charge, any teaching positions on the senior leadership team, and any teaching positions which carry a department headship. Other teaching posts with additional responsibilities do not count as 'taking part in management'. For non-teaching staff, only posts which are part of the senior leadership team or staff who otherwise occupy roles as a 'governor', member of a proprietor body, or equivalent oversight or management grouping, by whatever title, should be regarded as 'management' for the purposes of checking for the existence of a barring direction.

Providers of online education can apply to the TRA directly to check members of staff against the lists of teachers and others who are prohibited from teaching in England ('s.142 checks') and individuals who have been barred from taking part in the management of an independent school ('s.128 checks'). To do this, they need to email [employer.access@education.gov.uk](mailto:employer.access@education.gov.uk), providing at least three of the following details: full name (including any middle names and previous names), date of birth, Teacher reference number, National Insurance number. Since these lists are public information, the TRA can confirm the presence of an individual on either list with or without the consent of the data subject.

## **Supply staff**

### **5.11**

**Supply staff only begin work when the proprietor has received written notification from the employment business that checks of identity, right to work, medical fitness and qualifications have been made.**

### **5.12**

**Where relevant to that person, an enhanced criminal record check has been made and that it or another employment business has obtained an enhanced criminal record certificate in response to such a check.**

### **5.13**

**In the case of any person for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, such further checks are made as are considered appropriate, having regard to any guidance issued by the Secretary of State.**

### **5.14**

**If the employment business has obtained such a certificate before the person is due to begin working at the setting, whether it disclosed any matter or information.**

### **5.16**

**A person offered for supply by an employment business only begins work at the setting if the proprietor considers that the person is suitable for the work for which the person is supplied.**

### **5.17**

**Before a person offered for supply by an employment business begins work at the setting the person's identity is checked by the proprietor (irrespective of any such check carried out by the employment business before the person was offered for supply).**

### **5.18**

**The proprietor, in the contract or other arrangements which the proprietor makes with any employment business, requires the employment business to provide-**

- (i) the notification of checks completed referred to in paragraphs 5.11-5.14; and**
- (ii) a copy of any enhanced criminal record certificate which the employment business obtains in respect of any person whom the employment business supplies to the setting**

Standards 5.11 to 5.18 set out the information which must be supplied by an employment business which provides supply staff who replace school staff and are under the direction of the school's management. The information required is similar to the requirement for members of the school staff.

The proprietor must obtain evidence that the employment business has undertaken the necessary checks on each named individual. The evidence must be specific to each individual, not simply a general statement that checks have been carried out on staff supplied by the employment business. Until such time as this information and any required DBS certificate is received by the proprietor, then the relevant person must not be allowed to start work. The requirements here mean that any enhanced criminal record certificate which is supplied must be no more than 3 months old, when a person starts work.

Teaching or non-teaching staff supplied by employment businesses must have additional checks undertaken if they are living or have lived outside the UK. When supply staff are living or have lived abroad, if an enhanced criminal record certificate is not sufficient to establish a person's suitability, that person cannot start work at a setting unless the proprietor has received written notification from the employment business that appropriate checks have been made, having regard to any guidance on such checks issued by the Secretary of State (that guidance being [KCSIE](#)).

These requirements in respect of supply staff connected with an employment business are separate from those for staff who work at the school but are employed by a third party contractor which is paid by the school to provide a service using its employees.

## **Proprietors of online providers**

### **5.19**

**Individual proprietors and members of proprietorial bodies are checked to ensure that they are not barred from regulated activity related to children in accordance with section 3(2) of the**

**Safeguarding Vulnerable Groups Act 2006 where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 of that Act.**

#### **5.20**

**Individual proprietors and members of proprietorial bodies do not carry out work, or intend to carry out work, at the service if to do so would be in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction were those provisions to apply to staff at the service.**

#### **5.21**

**Where relevant, individual proprietors and members of proprietorial bodies are subject to an enhanced criminal records check, and checks confirming identity and right to work in the United Kingdom where applicable.**

#### **5.22**

**Individual proprietors and members of proprietorial bodies living or who have lived outside the United Kingdom are subject to such further checks of suitability as are considered appropriate by the Secretary of State.**

#### **5.23**

**Where an enhanced criminal check is made, an enhanced criminal record certificate is provided to the Secretary of State.**

As the quality assurance body for the scheme, Ofsted will undertake suitability checks on proprietors of online providers that apply for accreditation. According to the terms and conditions of the scheme, accredited providers must notify DfE when their proprietor changes, ideally before they come into post, so that the Department can commission suitability checks on the new proprietor where necessary. Any additional suitability checks will be carried out by Ofsted. The costs to providers of additional checks are set out in Ofsted's handbook for quality assurance activities under the scheme. Accredited providers that do not notify the Department of a change of proprietor may have their accreditation withdrawn.

The standards also set out a series of checks which proprietors and members of proprietor bodies should carry out when new members are appointed to the proprietor body.

With regard to standard 5.21, providers should follow the advice given above in the section on checks for members of staff (p.30 – 31) when determining the appropriate level of DBS check for a proprietor of an online provider.

#### **5.24**

**A comprehensive register is maintained of all staff (including the proprietor, or Chair or member of a proprietorial body), supply staff and volunteers who currently work in the setting, or who have worked in the setting in the past three years, showing when they commenced and ceased working in the setting and the suitability and other checks which have been made, and the information obtained.**

To meet this standard, providers must maintain a single central record ('comprehensive register') of the checks made on staff, supply staff and members of proprietor bodies. This can be kept in paper or electronic form. The information that the single central record must reflect is set out in [KCSIE](#). Providers are free to record other information they deem relevant (for example the name of the person who carried out each check, or the dates on which safeguarding and safer recruitment training was undertaken).

Providers should note that some of the requirements for checks only apply to persons appointed in post on or after specified dates.

Providers must also follow the guidance on retention of documents in [KCSIE](#).

## **Section 6 – Provision of information**

This part sets out what information must be provided or made available to parents of pupils and parents of prospective pupils, and to certain other people or agencies. It also contains requirements about the publication of information. It is intended to encapsulate the minimum which parents and others need to form a proper picture of the provider. Providers may make public more information than is stipulated in section 6 of the standards if they choose.

#### **6.1**

**The service's website includes the service's correspondence address, telephone number and the name of the headteacher or person responsible for the day to day leadership of the service.**

#### **6.2**

**The service's website includes either-**



**(i) where the proprietor is an individual, the proprietor's full name, address for correspondence during both term-time and holidays and a telephone number or numbers on which the proprietor may be contacted, or**

**(ii) where the proprietor is a body of persons, the address and telephone number of its registered or principal office.**

### **6.3**

**The service's website includes, where there is a governing body, the name and address for correspondence of its Chair.**

### **6.4**

**The service's website includes a statement of the service's ethos (including any religious ethos) and aims.**

### **6.5**

**The service's website includes a copy of the latest inspection report under the voluntary accreditation scheme.**

To comply with this standard, a copy of the latest inspection report in relation to the service (where one exists) and where it was conducted as part of the scheme, must be published on the service's website at the time of the quality assurance visit.

### **6.6**

**The service's website includes the service's safeguarding policy and any supporting policies.**

These standards are designed to ensure that basic information about the provider is easily available. The documents should be hosted on a page of the website that browsers could reasonably be expected to find. They need not be on the landing page of the website but should be easily located through the navigation structure of the website (such as page footers or menus).

### **6.7**

**An annual written report of each registered pupil's progress and attainment in the main subject areas taught is provided to the parents of that registered pupil except that no report need be provided where the parent has agreed otherwise.**

This is a basic requirement for an annual report to be provided in writing about each registered pupil to their parents (excepting parents who have opted out). One parent cannot opt out for another unless the other parent agrees to this. If parents are

separated, reports should go to both. This is linked with the requirement in standard 2.11 for pupil performance to be evaluated.

## **6.8**

**Where a pupil wholly or partly funded by a local authority is registered at the service, an annual account of income received and expenditure incurred by the service in respect of that pupil is provided to the local authority and, on request, to the Secretary of State.**

This standard requires a provider to provide an annual account of income and expenditure in respect of LA-funded pupils at the provider. This standard obliges the provider to supply the information without the local authority having to request it. Although the standard requires that such details are also provided to the Secretary of State on request, it would be unusual for such a request to be made.

## **6.9**

**Where a pupil with an education, health and care plan (EHC plan) wholly or partly funded by a local authority or other body through public funds is registered at the service, such information as may reasonably be required for the purpose of the annual review of the EHC plan is provided to the responsible local authority and, on request, to the Secretary of State.**

This standard applies in relation to pupils at a provider who have an EHC plan. Here the proprietor must provide to the responsible local authority, where requested, any information (such as education, safeguarding or other pupil-centred information) that may reasonably be required for the annual review of any pupil's EHC Plan. Although standard 6.9 specifically highlights information required for the annual review, in general, we would expect cooperation with responsible local authorities on all reasonable requests in relation to pupils who have an EHC plan.

If a local authority finds that an accredited provider does not supply the information required, it may complain to the Department. In these circumstances, the Department may commission Ofsted to carry out an additional visit.

## **6.10**

**Following a quality assurance visit under the online education accreditation scheme, a copy of the report (if it has been sent to the proprietor) is published and maintained on the service's website, and**

**provided to the parents of each registered pupil, by any date specified by the body which conducted the quality assurance visit.**

The purpose of this standard is to ensure that parents are aware of any unmet standards. It requires that providers publish and maintain a copy of Ofsted's report, or a link to Ofsted's report, on their website. The copy or link should be hosted on a page that browsers of the website could reasonably be expected to find. It need not be on the landing page of the website but should be easily located through the navigation structure of the website (such as page footers or menus).

Providers should continue to display previous reports (or links to them), because the standard requires them not just to publish reports, but to 'publish and maintain' them.

A copy of, or link to, Ofsted's report should also be provided to the parents of each registered pupil resident in England who is receiving full-time education, by any date specified by Ofsted. This means that parents should receive an email or letter containing the link or copy.

#### **6.11**

**Any information reasonably requested in connection with a quality assurance visit under the online education accreditation scheme which is required for the purposes of the visit is provided to the body conducting the visit.**

This standard places an expectation on providers to assist Ofsted's inspectors by disclosing any information that they hold which may be relevant to a quality assurance visit. Providers should not interpret inspectors' requests for information narrowly, and should act during a quality assurance visit as if a 'duty of candour' had been placed on them. Providers must also take this approach when returning application forms and other information to Ofsted ahead of a quality assurance visit.

To meet this standard, providers must not deliberately omit relevant information or refuse to share information with inspectors.

#### **6.12**

**The service's policy on and arrangements for admissions, misbehaviour and exclusions are made available.**

#### **6.13**

**The service's policies on educational and welfare provision for pupils with [Education, Health and Care] plans and pupils for whom English is an additional language are made available.**

#### **6.14**

**The service's curriculum policy is made available.**

#### **6.15**

**The service's policies on promotion of good behaviour and preventing bullying and health and safety are made available.**

#### **6.16**

**The particulars of the service's academic performance during the preceding school year, including the results of any public examinations are made available.**

#### **6.17**

**The service's complaints policy and the number of complaints registered under the formal procedure during the preceding school year are made available.**

The documents specified in standards 6.12 to 6.17 must be 'made available' to parents of pupils and of prospective pupils, but also to the Secretary of State (i.e. DfE) and to Ofsted.

The term 'made available' means either a) that the document is accessible to the general public on the provider's website, or b) that the document is not accessible to the general public on the provider's website, but is available for inspection by Ofsted during quality assurance visits and may be requested (free of charge) by the Secretary of State and by parents of pupils and prospective pupils. If a document listed above is not accessible to the general public on the provider's website, the provider must take reasonable steps to ensure that parents of pupils and of prospective pupils are made aware that it can be requested.

## **Section 7 – Manner in which complaints are handled**

#### **7.1**

**A written complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents or pupils.**

#### **7.2**

**The policy is in writing.**

#### **7.3**

**The policy is made available to parents of pupils.**

#### **7.4**

**The policy sets out clear time scales for the management of a complaint.**

**7.5**

**The policy allows for a complaint to be made and considered initially on an informal basis.**

**7.6**

**Where the parent is not satisfied with the response to the complaint made on an informal basis, the policy establishes a formal procedure for the complaint to be made in writing.**

**7.7**

**Where the parent is not satisfied with the response to the complaint made in accordance with the formal procedure, the policy makes provision for a hearing before a panel appointed by or on behalf of the service and consisting of at least three people who were not directly involved in the matters detailed in the complaint, including one who is independent of the management and running of the service.**

**7.8**

**The policy allows for a parent (or parents) to attend and be accompanied at a panel if they wish.**

**7.9**

**The policy 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 service's premises by the proprietor and the head teacher.**

**7.10**

**The policy provides for a written record to be kept of all complaints that are made in accordance with the formal procedure-**

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

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

## 7.11

**The policy 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 a quality assurance visit under the online education accreditation scheme requests access to them.**

These standards require a provider to implement a complaints procedure to deal with complaints from the parents of pupils which, amongst other things, needs to provide for three stages: informal complaints, formal complaints and a hearing before a panel which is to include an independent member.

This complaints procedure:

- need not apply to prospective pupils, and therefore does not need to cover failure to admit such pupils;
- only needs to apply in relation to complaints from parents of pupils.<sup>21</sup> Therefore, the process does not need to cover complaints from parents of pupils who have left voluntarily or as a result of being excluded (except in cases where the complaints process was started when the pupil was still being educated by the provider).

A school can have a complaints process which has a wider scope or more facilities for complaint than the standards require (for example, it may allow for complaints by pupils).

According to standard 7.7, a complaints panel must feature a member who is 'independent of the management and running of the service'. This person should not only be outside the provider's workforce, and not a member of a governing body or proprietor body, but should also not be otherwise involved with the management and running of the provider. Providers should be aware that business or family relationships may also bring the independence of a person into question. For example, a solicitor who regularly provides legal advice for a provider, or a family member of a proprietor, are not likely to be able to act as an independent panel member.

The requirement that a complaints procedure must allow a parent to be accompanied at a panel hearing (standard 7.8) does not confer a right on a parent to have a legal representative to make representations on their behalf at the hearing (although the provider can allow this if it wishes).

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<sup>21</sup> "Parent" includes a person who has parental responsibility or who has care of a child – see section 576 of the Education Act 1996.

If a parent does not exercise the right to attend a panel hearing, this does not remove the provider's obligation to hold the hearing in conformity with its complaints policy. The provider's arrangements for the panel hearing should be reasonable in order to facilitate parents' attendance.

The standards in section 7 relate to the procedure by which complaints are administered, rather than the outcome of individual complaints (i.e. how complaints are resolved, whether complaints are upheld, and what action is taken by providers as a result of them). However, inspectors may take complaints, and the actions taken as a result of them, into account when assessing whether the leadership of a provider meets the standards in section 8.

## **Section 8 – Quality of leadership in and management of the service**

### **8.1**

**Persons with leadership and management responsibilities at the service-**

- (i) demonstrate good skills and knowledge appropriate to their role so that the online education accreditation scheme standards are met consistently;**
- (ii) fulfil their responsibilities effectively so that the [scheme] standards are met consistently; and**
- (iii) actively promote the well-being of pupils (“well-being” means well-being within the meaning of section 10(2) of the Children Act 2004)**

The standards in this section require that accredited providers are led by skilled, knowledgeable leaders who put the well-being of pupils first. The scope of the standard is capable of covering members of governing and proprietorial bodies as well as employees in leadership positions. It relates to anyone with leadership or management responsibilities at a provider, regardless of the title of their position.

It will be noted that the emphasis in these standards is on meeting the standards consistently. The standards are not intended as something to be met every few years when an accreditation visit takes place; the standards should be met continually. This standard is intended to ensure that the quality of leadership and management at a provider is sufficient for that purpose.

If it appears that a failure to meet other standards is attributable to a lack of skill or knowledge in those responsible for leading or managing a provider, or the way in which

such people discharge their responsibilities, or a failure by leaders to correct a lack of capacity that prevents the provider meeting other standards consistently, then this standard will be failed (in addition to the other standards concerned).

The last limb of the standard (8.1(iii)) is intended to ensure that the underlying ethos of a provider should be to develop and nurture the well-being of its pupils, and that therefore, the well-being of pupils should be actively promoted by those who are leading or managing it. It is possible to fail this last limb of the leadership and management standard even though the other standards are being met.



# Annex A

## Online education standards

### Section 1: Quality of education provided (curriculum)

1.1	There is a written policy on the curriculum, supported by appropriate plans and schemes of work, which is drawn up and implemented effectively.
1.2	The written curriculum 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; and (ii) do not undermine the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.
1.3	Full-time supervised education is provided for pupils of compulsory school age (construed in accordance with section 8 of the Education Act 1996) which, so far as is reasonably practicable, gives pupils experience in linguistic, mathematical, scientific, technological, human and social, physical, and aesthetic and creative education.
1.4	Pupils acquire speaking, listening, literacy and numeracy skills.
1.6	Personal, social health and economic education which – (i) reflects the service's aim and ethos; and (ii) encourages respect for other people, paying particular regard to the protected characteristics set out in the Equality Act 2010.
1.7	For pupils receiving secondary education, access to accurate, up-to-date careers guidance that (i) is presented in an impartial manner; (ii) enables them to make informed choices about a broad range of career options; and (iii) helps to encourage them to fulfil their potential.
1.8	Where the setting has pupils above compulsory school age, a programme of activities which is appropriate to their needs.
1.9	All pupils have the opportunity to learn and make progress.
1.10	The curriculum provides effective preparation of pupils for the opportunities, responsibilities and experiences of life in British society.

### Section 2: Quality of education provided (teaching)

2.1	Teaching enables all pupils to acquire new knowledge and make good progress according to their age and ability, so that they increase their understanding and develop their skills in the subjects taught.
2.2	Teaching 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.
2.3	Teaching involves well-planned lessons and effective teaching methods, activities and management of class time.
2.4	Teaching 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.
2.5	Teaching demonstrates good knowledge and understanding of the subject-matter being taught.

2.6	Teaching utilises effectively resources of a good quality, quantity and range, including available technologies.
2.7	Teaching demonstrates that a framework is in place to assess pupils' work regularly and thoroughly and to use information from that assessment to plan teaching so that pupils can progress.
2.8	Teaching utilises effective strategies for managing behaviour and encouraging pupils to act responsibly.
2.9	Teaching does not undermine the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.
2.10	Teaching does not discriminate against pupils because of their protected characteristics as if the relevant provisions of Part 6 of the Equality Act 2010 applied to the service.
2.11	There is a framework in place for pupil performance to be evaluated, by reference to the service's own aims as provided to parents or national norms, or to both.

### Section 3: Spiritual, moral, social and cultural development of pupils

3.1	The fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs, are actively promoted.
3.2	Pupils are enabled to develop their self-knowledge, self-esteem and self-confidence.
3.3	Pupils are encouraged to distinguish right from wrong and to respect the civil and criminal law of England.
3.4	Pupils are encouraged to accept responsibility for their behaviour, show initiative and understand how they can contribute positively to the lives of those living and working in the locality in which they live, to society more widely, and as a global citizen.
3.5	Pupils are enabled to acquire a broad general knowledge of and respect for public institutions and services in England.
3.6	Tolerance and harmony between different cultural traditions is actively promoted by enabling pupils to acquire an appreciation of and respect for their own and other cultures.
3.7	Respect for other people is encouraged, paying particular regard to the protected characteristics set out in the Equality Act 2010.
3.8	Respect for democracy and support for the participation in the democratic processes are encouraged, including respect for the basis on which the law is made and applied in England.
3.9	The promotion of partisan political views is precluded in the teaching of any subject in the school setting.
3.10	Such steps as are reasonably practicable are taken to ensure that where political issues are brought to the attention of pupils - <ul style="list-style-type: none"> <li>(i) while they participate in learning activities;</li> <li>(ii) while they are taking part in extra-curricular activities which are provided or organised by or on behalf of the setting; or</li> <li>(iii) in the promotion at the setting, including through the distribution of promotional material, of extra-curricular activities organised by the provider or others on behalf of the provider</li> </ul> they are offered a balanced presentation of opposing views.

### Section 4: Welfare, health and safety of pupils

4.1	Effective arrangements are made to safeguard and promote the welfare of pupils at the setting which have regard to any guidance issued by the Secretary of State
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4.2	Good behaviour amongst pupils is promoted by ensuring that a written behaviour policy is drawn up that, amongst other matters, sets out the sanctions to be adopted in the event of pupil misbehaviour.
4.3	The behaviour policy is implemented effectively.
4.4	A record is kept of the sanctions imposed upon pupils for serious misbehaviour.
4.5	Bullying within the setting is prevented, in so far as reasonably practicable, by the drawing up and implementation of an effective online anti-bullying strategy
4.6	A relevant health and safety policy is drawn up and effectively implemented.
4.7	Appropriate admission and attendance registers are maintained.
4.8	The welfare of pupils within the setting is safeguarded and promoted by the drawing up and effective implementation of a written risk assessment policy; and appropriate action is taken to reduce risks that are identified
4.9	Effective action is taken to minimise the risk of pupils within the setting accessing inappropriate material or sites online and pupils are supported to remain safe online

## Section 5: Suitability of staff, supply staff and proprietors

<b>Staff means any person working at the setting whether under a contract of employment, under a contract for services or otherwise than under a contract but does not include proprietors, supply staff or a volunteer.</b>	
5.1	No staff are barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006 where that person is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act.
5.2	No staff carry out work, or intend to carry out work, at the setting if to do so would be in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act, or any disqualification, prohibition or restriction were those provisions to apply to staff at the setting.
5.3	Appropriate identity checks are carried out in respect of all staff.
5.4	Appropriate checks of medical fitness are carried out in respect of all staff.
5.5	Appropriate checks of right to work are carried out in respect of all staff.
5.6	Appropriate checks of qualifications are carried out in respect of all staff.
5.7	Where relevant to any staff, an enhanced criminal record check is made in respect of that person and an enhanced criminal record certificate is obtained before that person's appointment.
5.8	In the case of any person for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, such further checks are made as are considered appropriate, having regard to any guidance issued by the Secretary of State.
5.9	In the light of the information from the checks referred to in paragraphs 1-8 above the proprietor considers that the person is suitable for the position to which the person is appointed.
5.10	The checks referred to in paragraphs 5.1-5.8 above are completed before a person's appointment.
<b>Supply staff means a person offered for supply by an employment business to the setting.</b>	
5.11	Supply staff only begin work when the proprietor has received written notification from the employment business that checks of identity, right to work, medical fitness and qualifications have been made.

5.12	Where relevant to that person, an enhanced criminal record check has been made and that it or another employment business has obtained an enhanced criminal record certificate in response to such a check.
5.13	In the case of any person for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, such further checks are made as are considered appropriate, having regard to any guidance issued by the Secretary of State.
5.14	If the employment business has obtained such a certificate before the person is due to begin work at the setting, whether it disclosed any matter or information.
5.16	A person offered for supply by an employment business only begins work at the setting if the proprietor considers that the person is suitable for the work for which the person is supplied.
5.17	Before a person offered for supply by an employment business begins work at the setting the person's identity is checked by the proprietor (irrespective of any such check carried out by the employment business before the person was offered for supply)
5.18	The proprietor, in the contract or other arrangements which the proprietor makes with any employment business, requires the employment business to provide – <ul style="list-style-type: none"> <li>(i) the notification of checks completed referred to in paragraphs 5.11-5.14; and</li> <li>(ii) a copy of any enhanced criminal record certificate which the employment business obtains,</li> </ul> in respect of any person whom the employment business supplies to the setting.
<b>Proprietor means the individual(s), governors, trustees or directors responsible for the management of the service.</b>	
5.19	Individual proprietors and members of proprietorial bodies are checked to ensure that they are not barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006 where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 of that Act.
5.20	Individual proprietors and members of proprietorial bodies do not carry out work, or intend to carry out work, at the service if to do so would be in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction were those provisions to apply to staff at the service.
5.21	Individual proprietors and members of proprietorial bodies are subject to an enhanced criminal records check, and checks confirming identity and right to work in the United Kingdom where applicable.
5.22	Individual proprietors and members of proprietorial bodies living or who have lived outside the United Kingdom are subject to such further checks of suitability as are considered appropriate by the Secretary of State.
5.23	Where an enhanced criminal check is made, an enhanced criminal record certificate is provided to the Secretary of State.
<b>Single Central Register of Appointments</b>	
5.24	A comprehensive register is maintained of all staff (including the proprietor, or Chair or member of a proprietorial body), supply staff and volunteers who currently work in the setting, or who have worked in the setting in the past three years, showing when they commenced and ceased working in the setting and the suitability and other checks which have been made, and the information obtained.

## Section 6: Provision of information

6.1	The service's website includes the service's correspondence address, telephone number and the name of the headteacher or the person responsible for the day to day leadership of the service.
6.2	The service's website includes either – (i) where the proprietor is an individual, the proprietor's full name, address for correspondence during both term-time and holidays and a telephone number or numbers on which the proprietor may be contacted, or (ii) where the proprietor is a body of persons, the address and telephone number of its registered or principal office.
6.3	The service's website includes, where there is a governing body, the name and address for correspondence of its Chair.
6.4	The service's website includes a statement of the service's ethos (including any religious ethos) and aims.
6.5	The service's website includes a copy of the latest inspection report under the voluntary accreditation scheme.
6.6	The service's website includes the service's safeguarding policy and any supporting policies.
6.7	An annual written report of each registered pupil's progress and attainment in the main subject areas taught is provided to the parents of that registered pupil except that no report need be provided where the parent has agreed otherwise.
6.8	Where a pupil wholly or partly funded by a local authority is registered at the service, an annual account of income received and expenditure incurred by the service in respect of that pupil is provided to the local authority and, on request, to the Secretary of State.
6.9	Where a pupil with an education, health and care plan ("EHC plan") wholly or partly funded by a local authority or other body through public funds is registered at the service, such information as may reasonably be required for the purpose of the annual review of the EHC plan is provided to the responsible local authority and, on request, to the Secretary of State.
6.10	Following a quality assurance visit under the online education accreditation scheme, a copy of the report (if it has been sent to the proprietor) is published and maintained on the service's website, and provided to the parents of each registered pupil, by any date specified by the body which conducted the quality assurance visit.
6.11	Any information reasonably requested in connection with a quality assurance visit under the online education accreditation scheme which is required for the purposes of the visit is provided to the body conducting the visit.
<b>In the following paragraphs, 'made available' means to publish on the service's website and to provide on request to a parent of a pupil or prospective pupil.</b>	
6.12	The service's policy on and arrangements for admissions, misbehaviour and exclusions are made available.
6.13	The service's policies on educational and welfare provision for pupils with EHC plans and pupils for whom English is an additional language are made available.
6.14	The service's curriculum policy is made available.
6.15	The service's policies on promotion of good behaviour and preventing bullying and health and safety are made available.
6.16	The particulars of the service's academic performance during the preceding school year, including the results of any public examinations are made available.

6.17	The service's complaints policy and the number of complaints registered under the formal procedure during the preceding school year are made available.
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## Section 7: Manner in which complaints are to be handled

7.1	A written complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents of pupils.
7.2	The policy is in writing.
7.3	The policy is made available to parents of pupils.
7.4	The policy sets out clear time scales for the management of a complaint.
7.5	The policy allows for a complaint to be made and considered initially on an informal basis.
7.6	Where the parent is not satisfied with the response to the complaint made on an informal basis, the policy establishes a formal procedure for the complaint to be made in writing.
7.7	Where the parent is not satisfied with the response to the complaint made in accordance with the formal procedure, the policy makes provision for a hearing before a panel appointed by or on behalf of the service and consisting of at least three people who were not directly involved in the matters detailed in the complaint, including one who is independent of the management and running of the service.
7.8	The policy allows for a parent (or parents) to attend and be accompanied at a panel hearing if they wish.
7.9	The policy provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is – <ul style="list-style-type: none"> <li>(i) provided to the complainant and, where relevant, the person complained about; and</li> <li>(ii) available for inspection on the service's premises by the proprietor and the head teacher.</li> </ul>
7.10	The policy provides for a written record to be kept of all complaints that are made in accordance with the formal procedure and - <ul style="list-style-type: none"> <li>(i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and</li> <li>(ii) action taken by the service as a result of those complaints (regardless of whether they are upheld).</li> </ul>
7.11	The policy 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 a quality assurance visit under the online education accreditation scheme requests access to them.

## Section 8: Quality of leadership in and management of the service

8.1	Persons with leadership and management responsibilities at the service- <ul style="list-style-type: none"> <li>(i) demonstrate good skills and knowledge appropriate to their role so that the online education accreditation scheme standards are met consistently;</li> <li>(ii) fulfil their responsibilities effectively so that the [scheme] standards are met consistently; and</li> <li>(iii) actively promote the well-being of pupils ("well-being" means well-being within the meaning of section 10(2) of the Children Act 2004).</li> </ul>
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Department  
for Education

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