

Standards for Registration

What are the standards that free schools will be required to satisfy in order to be registered?

The standards are set out in the Education (Independent Schools Standards) Regulations 2010 which may be viewed at:

<http://www.legislation.gov.uk/ukxi/2010/1997/contents/made>.

The amendments that took effect on 1 January 2013 may be found here:

http://www.legislation.gov.uk/ukxi/2012/2962/pdfs/ukxi_20122962_en.pdf

Part 1 of the regulations does not apply to free schools and academies.

PART 2: Spiritual, moral, social, and cultural development of pupils

The regulations are not prescriptive, but the school is expected to ensure that it plans and provides effectively in order to develop pupils' spiritual, moral, social and cultural awareness. Subject areas such as personal, social and health education (PSHE) and religious education may make strong contributions, but work within all other subjects may also contribute.

Pupils should be led towards distinguishing right from wrong and towards acting consistently with their beliefs and with a view to the consequences of their own and others' actions. In addition school should:

- lead pupils towards becoming confident and positive contributors to their community and effective users of its services and facilities according to their maturity;
- enable pupils to gain insights into the origins and practices of their own cultures, and into those of the wider community;
- take steps to ensure that pupils appreciate racial and cultural diversity and avoid and resist racism.

In January 2013 changes came into effect which now require independent schools to promote principles which encourage pupils to respect fundamental British values of democracy, the rule of law, individual liberty, mutual respect and tolerance, as well as preclude the promotion of partisan political views.

PART 3: Welfare, health and safety of pupils

The standards specifying requirements relating to ensuring the welfare, health and safety of pupils currently require schools to have regard to statutory departmental guidance which has now been withdrawn and replaced by simpler non-statutory advice. The Regulations were amended in early 2013 to require schools to have relevant Health & Safety and Anti-Bullying policies in place that are implemented effectively. The current regulations also require schools to have a written policy to promote good behaviour amongst pupils

including setting out the sanctions to be adopted in the event of pupil misbehaviour.

The DfE guidance Safeguarding and Safer Recruitment in Education is statutory but is currently being considered for review and a public consultation following the introduction of new the Disclosure and Barring arrangements under the Protection of Freedoms Act. Listed below are links to the relevant Departmental advice documents which summarises the existing law requirements relevant to schools and provides information to help understand their legal responsibilities in this area::

- prevent bullying, referring to DfE advice: *Preventing and Tackling Bullying: Advice for school leaders and governors*:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/bullying/f0076899/preventing-and-tackling-bullying>
- safeguard and promote the welfare of children who are pupils at the school, which has regard to DfE guidance Safeguarding Children and Safer Recruitment in Education:
<http://publications.education.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DFES-04217-2006&>
- safeguard and promote the health and safety of pupils on activities outside the school with reference to: *Health and Safety: DfE advice on legal duties and powers for local authorities, head teachers, staff and governing bodies*:
<http://www.education.gov.uk/schools/adminandfinance/healthandsafety/f00191759/departmental-health-and-safety-advice-on-legal-duties-and-powers-for-local-authorities-headteachers-staff-and-governing-bodies>

All schools must have satisfactory arrangements for First Aid, ensure pupils are properly supervised and keep a written record of sanctions for serious pupil disciplinary offences.

Fire Precautions

The Regulatory Reform (Fire Safety) Order 2005 (RRFSO):
<http://www.legislation.gov.uk/ukxi/2005/1541/contents/made> was introduced on 1 October 2006. The Order places responsibility on a 'responsible person', which in the case of an independent school is the proprietor. Under the order the 'responsible person' has a duty to:

- carry out a fire risk assessment (formally recorded and regularly reviewed so as to keep it up to date);
- produce a fire risk policy which includes the elimination or reduction of risks from dangerous substances;
- develop fire procedures and provide staff training (repeated periodically where appropriate);
- ensure the safety of staff or anyone else legally on the school premises;

- carry out fire drills and contact emergency services when necessary;
- appoint one or more competent persons (with sufficient training, experience and knowledge) to assist in taking preventive and protective measures (including fire fighting and evacuation);
- have a suitable system for the maintenance of: clear emergency routes and exits (with doors opening in the direction of escape), signs, notices, emergency lighting where required, fire detectors, alarms and extinguishers (the maintenance should be by a 'competent person' (for example, ISO9001 certified or BAFE approved);
- provide staff and any others working on the school site with fire safety information.

Additionally, staff are required to take reasonable care.

The Fire Risk Assessment should be reviewed regularly and revised in light of any changes that occur at the school. Local Fire Services will inspect independent schools in the same way as any other business i.e. on a risk basis.

Registers

Independent school proprietors are required to keep registers of both admissions and attendance and proprietors should acquaint themselves with the Education (Pupil Registration) Regulations 2006 which govern this. They may be found on the following link:

<http://www.legislation.gov.uk/ukxi/2006/1751/contents/made>

Guidance may be viewed at:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/schoolattendancedata/a0010008/pupil-registration-regulations-and-guidance>

These regulations specify the detail required in the registers and the manner of their completion. Proprietors of independent schools must make the registers available for inspection. Proprietors are also liable, under the Regulations, to make returns to the local authority detailing the names of any children who fail to attend school regularly. The duty to keep attendance (as distinct from admissions registers) does not apply where all the children in an independent school are boarders, but their maintenance in this eventuality is, nevertheless, desirable.

PART 4: The suitability of proprietors and staff

The regulations require the Secretary of State to make checks on any individual or individuals responsible for the management of an independent school. These checks are commissioned as part of the free schools application process for which you fill in your Section I forms and apply for your DBS check.

All proprietors will be responsible for ensuring that any person working at the school, whether under a contract of employment, under a contract for services or other than under a contract, has been subject to criminal background checks before or as soon as practicable after their appointment. To do this, proprietors must register direct with the Disclosure and Barring Service or use the services of a third party (umbrella body) to enable checks to be undertaken. To apply for direct registration you should contact the DBS on 0870 9090844, however, direct registration can only apply in certain circumstances.

Further information about umbrella bodies can be obtained at:

http://www.DBS.homeoffice.gov.uk/guidance/ub_guidance.aspx

- You should note that enhanced disclosures will be required for all staff working at the school whether under a contract of employment, under a contract for services or other than under a contract.
- Checks on volunteers should be carried out with regard to the guidance in “Safeguarding Children and Safer Recruitment in Education”.
- ***Inspectors will expect to see evidence that you have a process to ensure that DBS checks have been or will have been conducted for all staff.***
- In addition to criminal record information, disclosures obtained on people who have been selected for appointment to a post which involves contact with children will contain information about whether the person is included on the Department’s List 99 (persons barred from teaching) or Protection of Children Act List (people considered unsuitable to work in child care organisations). Any school who appoints a person whose name appears on List 99 in contravention of the Direction prohibiting or restricting that person’s employment may be struck off the register of independent schools. It is an offence to operate an unregistered independent school and anyone who does so is liable for prosecution.
- Individuals will be charged for an enhanced disclosure; volunteers will not be charged.
- Copies of enhanced disclosures will be provided simultaneously to the applicant and the prospective employer.

Information on the Disclosure Service and registering can be found here:

<http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/>

Inspectorates will also expect to see evidence that the appropriate additional checks have been carried out on any person who has lived outside the UK.

PART 5: Premises and accommodation

The standards about the premises of and accommodation at the school are

those contained in Part 5 of the Independent School Standards. You will work with your Education Funding Agency (EFA) Project Manager to ensure that all the requirements of the regulations will be included in the build plans/capital works for free schools. However, trusts should note that, where required, Building Regulations approval will still need to be obtained before Ofsted will sign off the building regulations as likely to be met.

PART 6: The provision of information

Independent schools must provide all parents and prospective parents with the following information:

- the school's address and telephone number, and the name of the head teacher;
- the full name of the proprietor and an address for correspondence during both term-time and holidays and a telephone number or numbers on which he may be contacted at all times;
- where there is a board of governors, the name and address of its Chair;
- a statement of the school's ethos (including its religious ethos) and aims;
- Parents must also have the opportunity to be provided with an annual report on their child's progress.

Schools must also ensure that parents are aware of the other information to be made available under Standard 6 of the regulations and either place the information on the school's website, if there is one, or provide this information direct to parents on request. Particulars of the school's safeguarding arrangements must be placed on the school website where there is one and where there is not, provided on request. In addition they must provide information to regulatory bodies on request so that they can confirm that they meet the standards for registration.

PART 7: The manner in which complaints are to be handled

All parents of children in independent schools must have access to a written complaints procedure. Complaints should be investigated, properly considered, and the findings should be made known to the proprietor, head teacher, complainant and others about whom a complaint has been made. Independent boarding schools must also comply with the Complaints Procedure required under Standard 18 of the National Minimum Standards for Boarding Schools or, if appropriate, Standards 18 of the National Minimum Standards for Residential Special Schools, or Standard 21 of the National Minimum Standards for Children's Homes.

All independent schools must have a written complaints procedure which is available to parents of pupils and of prospective parents at the school. Some

schools may include this information in the School Prospectus.

The required provisions of the complaints procedure are as follows:-

- (a) it must set out clear timescales for every stage
- (b) it must allow for a complaint initially to be made and considered on an informal basis;
- (c) if the complainants are not satisfied with the informal approach the school should make provision for the complaint to be made in writing.
- (d) if the complainants wish the matter to be considered further the procedure should make provision for a hearing before a panel of at least 3 people who were not directly involved in previous consideration of the complaint.
- (e) where a panel hearing is convened, one person on the panel must be independent of the management and running of the school. The proprietor is responsible for the appointment of the panel. The procedure must set out clear timescales for the management of the complaint i.e. providing adequate notice of the hearing etc.
- (f) parents must be allowed to attend and be accompanied to a panel hearing if they wish.
- (g) it must provide for the panel to make findings and recommendations, and ensure that the complainant, proprietors, head teachers, and, where relevant, the person complained about, are informed of any findings and recommendations.
- (h) written records must be kept of all complaints and their outcomes, whether they were resolved at the preliminary stage, when a complaint is submitted in writing or whether they proceeded to a panel hearing.
- (i) all correspondence, statements and records of complaints must be kept confidential but must be shown to HMI/ISI when they inspect. Copies must also be made available to the Registration Authority on request.

Whilst we do not wish to be prescriptive about who schools should appoint as an independent person our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered by schools. Schools will of course have their own views.