



Department
for Education

**Bishopsgate House
Feethams
Darlington
DL1 5QE**

The Proprietor
Abbey College in Malvern
253 Wells Road
Malvern
Worcestershire
WR14 4JF

Direct line: [REDACTED]

registration.enquiries@education.gov.uk

Our ref: [REDACTED]

Date: 16 May 2018

Dear Proprietor

I refer to the inspection by the Office for Standards in Education, Children's Services and Skills (Ofsted) that was carried out at the above school under section 109 of the Education and Skills Act 2008 on 14 to 16 November 2017. You will see from the enclosed report that Ofsted noted serious regulatory failings.

Taking account of the report the Secretary of State is satisfied, pursuant to section 114(1) of the Education and Skills Act 2008, that any one or more of the independent school standards¹ is or are not being met in relation to the school.

In these circumstances I enclose a Notice, served by the Secretary of State for Education under section 114(5) of the 2008 Act, requiring an Action Plan which details the steps that will be taken to meet all of the standards set out in the Annex to the Notice and the time by which each step will be taken, to be submitted by 16 June 2018.

In addition, the failings identified in the report on the boarding/residential provision at the school constitute serious failings under the National Minimum Standards for Boarding schools², which you must have regard to under paragraph 8 of the independent school standards¹.

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

The Action Plan must contain reasonable timescales for implementation within which the necessary action will be taken and it is expected that the implementation dates given in the Action Plan should not extend beyond 16 August 2018. A template and supporting advice is enclosed which may help you in drawing up a satisfactory Action Plan.

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

² <https://www.gov.uk/government/publications/boarding-schools-national-minimum-standards>

The deadline by which the Action Plan must be received by me is 16 June 2018. If this date is not met, the Secretary of State may remove the school from the Register of Independent Schools or may impose a requirement restricting the school's operations (from a date following the period during which you may appeal).

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

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

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

Yours faithfully



Independent Education and Boarding Team

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

NOTICE BY THE SECRETARY OF STATE FOR EDUCATION

IN RELATION TO

**Abbey College in Malvern, 253 Wells Road, Malvern, Worcestershire, WR14 4JF
("the School")**

WHEREAS

The Secretary of State for Education, being the keeper of the register of independent schools in England³ –

- (i) has taken into account a report in respect of an inspection of the School by Her Majesty's Chief Inspector of Education, Children's Services and Skills which was conducted on 14 to 16 November 2017; and
- (ii) is satisfied that the independent school standards, as prescribed in the Education (Independent School Standards) Regulations 2014, specified in the Annex to this Notice are not being met in relation to the School.

NOW THEREFORE

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

- (1) the independent school standards set out in the Annex to this Notice are not being met in relation to the School; and
- (2) the proprietor of the School is required to submit an action plan⁴ to the Secretary of State specifying the steps that will be taken to meet the standards, and the time by which each step will be taken, on or before 16 June 2018.


Independent Education and Boarding Team

Date 16 May 2018

³ The Secretary of State is required to keep a register of independent educational institutions in England under section 95(1) of the Education and Skills Act 2008. "Independent educational institution" is defined in section 92(1) of that Act as an independent school and an independent provider of part-time education. Independent providers of part-time education are not currently regulated so effectively the requirement under section 95(1) is for the Secretary of State to keep a register of independent schools.

⁴ An action plan is defined in section 114(4) of the Education and Skills Act 2008.

THE ANNEX TO NOTICE

Abbey College in Malvern, 253 Wells Road, Malvern, Worcestershire, WR14 4JF
("the school")

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

PART 3: Welfare, health and safety of pupils

6. *The standards about the welfare, health and safety of pupils at the school are those contained in this Part.*

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

(a) arrangements are made to safeguard and promote the welfare of pupils at the school; and

(b) such arrangements have regard to any guidance issued by the Secretary of State.

8. Where section 87(1) of the 1989 Act⁵ applies in relation to a school the standard in this paragraph is met if the proprietor ensures that—

(a) arrangements are made to safeguard and promote the welfare of boarders while they are accommodated at the school; and

(b) such arrangements have regard to the National Minimum Standards for Boarding Schools; that is to say:

Section 3 - Boarders' health and wellbeing

- Standard 3.4: All medication is safely and securely stored and proper records are kept of its administration. Prescribed medicines are given only to the boarders to whom they are prescribed. Boarders allowed to self-medicate are assessed as sufficiently responsible to do so;

Section 5 - Boarding accommodation

- Standard 5.4: Boarding houses and other accommodation provided for boarders is appropriately lit, heated and ventilated, cleaned and maintained, and reasonable adjustments are made to provide adequate accessible accommodation for any boarders with restricted mobility;

⁵ Section 87(1) was amended by section 105 of the Care Standards Act 2000 (c.41) and section 1A was inserted by section 43 of the 2011 Act.

Section 6 - Safety of boarders

- Standard 6.2: The school premises, accommodation and facilities provided therein are maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of pupils are ensured;

Section 11 - Child protection

- Standard 11.1: The school ensures that:
 - arrangements are made to safeguard and promote the welfare of pupils at the school; and
 - such arrangements have regard to any guidance issued by the Secretary of State⁶;

Section 13 - Management and development of boarding

- Standard 13.1: The school's governing body and/or proprietor monitors the effectiveness of the leadership, management and delivery of the boarding and welfare provision in the school, and takes appropriate action where necessary;

Section 14 - Staff recruitment and checks on other adults

- Standard 14.1: Schools operate safe recruitment and adopt recruitment procedures in line with the regulatory requirements and having regard to relevant guidance⁷ issued by the Secretary of State;

Section 15 - Staffing and supervision

- Standard 15.3: The staff supervising boarders outside teaching time are sufficient in number, training and experience for the age, number and needs of boarders, and the locations and activities involved.

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

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

18. (1) The standard in this paragraph relates to the suitability of persons appointed as members of staff at the school, other than the proprietor and supply staff.

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

- (c) the proprietor carries out appropriate checks to confirm in respect of each such person—

⁶ Keeping Children Safe in Education and Working Together to Safeguard Children

⁷ Keeping Children Safe in Education and Working Together to Safeguard Children

(i) the person's identity;

(ii) the person's medical fitness;

(iii) the person's right to work in the United Kingdom; and

(iv) where appropriate, the person's qualifications;

(e) 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 the proprietor considers appropriate, having regard to any guidance issued by the Secretary of State; and

(f) in the case of staff who care for, train, supervise or are in charge of boarders, in addition to the matters specified in paragraphs (c) and (e), the proprietor checks that Standard 14 of the National Minimum Standards for Boarding Schools, is complied with,

and in the light of the information from the checks referred to in paragraphs (c) to (f) the proprietor considers that the person is suitable for the position to which the person is appointed.

(3) The checks referred to in sub-paragraphs (2)(c) and (except where sub-paragraph (4) applies: *that is to say, staff who before their appointment worked in a maintained school or further education institution in England*) (2)(e); must be completed before a person's appointment.

21. (1) *The standard in this paragraph is met if the proprietor keeps a register which shows such of the information referred to in sub-paragraphs (3) as is applicable to the school in question.*

(3) The information referred to in this sub-paragraph is (in relation to each member of staff ("S") appointed on or after 1st May 2007) whether —

(b) in relation to each member of staff ("S"), whether a check was made to establish whether S is subject to a prohibition order or an interim prohibition order, including the date on which such check was completed.

PART 5: Premises of and accommodation at schools

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

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

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

(b) external lighting is provided in order to ensure that people can safely enter and leave the school premises.

PART 8: Quality of leadership in and management of schools

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

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

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

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

(2) For the purposes of paragraph (1)(c) “well-being” means well-being within the meaning of section 10(2) of the Children Act 2004⁸.

⁸ 2004 c.31.