



Lord Nash

Parliamentary Under Secretary of State for Schools

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Mr Graham Stuart MP
Chair, Education Select Committee
House of Commons
London
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Dear Graham,

THE REGULATION OF INDEPENDENT SCHOOLS

I am writing to draw your attention to a consultation that the Government is launching today, as part of a wider reform programme for the regulation of the independent schools sector. The consultation is on regulations to be made under the Education and Skills Act 2008 to reform the basis on which the independent inspectorates are approved by the Secretary of State. These inspectorates inspect around half of the independent schools in England and their work is quality assured by Ofsted.

This initiative is an element of the Government's wide-ranging programme to reform the basis on which independent schools in England are regulated by the Secretary of State. Most independent schools offer high quality education and care to children and the current system of regulation and inspection, which was put in place through the Education Act 2002, has been a major driver for improvement. Regulation must be proportionate and the Government has been considering carefully what powers it needs and will use them only as necessary. However, the cases that continue to come to light, both current and past, have led us to review the current arrangements and identify specific areas to strengthen.

The reform programme comprises the components set out below and incorporates the implementation of most of the provisions in Part 4 of the Education and Skills Act 2008. When implemented, these will replace the regulatory provisions in the Education Act 2002.

- We intend to make new independent school standards regulations and to introduce a new standard on the leadership and management of independent schools. The new standard will allow us to take regulatory action to require improvement in a school's leadership and management where it is failing to meet the standard.
- We also intend to amend the existing independent school standards to raise the bar in relation to the education standards and to tighten up the standards on pupil welfare to improve safeguarding and the standards

on spiritual, moral, social and cultural development of pupils to strengthen the barriers to extremism. We intend to consult on the changes to the standards and the new leadership and management standard during the Spring.

- We will implement new emergency powers to allow us to close a school or impose restrictions where there are serious safeguarding concerns. The new powers will allow us to apply to a Justice of the Peace for an order to remove a school from the register of independent schools. The school can appeal but may not operate during the appeal period.
- We will implement powers to allow us to take more effective regulatory action against schools which, despite having produced action plans to address failings, have never fully implemented them.
- We will implement new stronger powers to bar unsuitable people from managing independent schools. We are currently consulting on draft regulations.
- As set out in today's consultation document, we will implement new powers to underpin the approval of the independent inspectorates and put the performance monitoring of their work by Ofsted onto a statutory footing.
- We shall be clarifying in new guidance for the education sector "Keeping Children Safe in Education", to be published shortly, that all schools have a responsibility to work closely with local authorities, including allowing access to children's services social workers so that local authorities can discharge their duties effectively under the Children Acts, and confirm that the inter-Agency guidance "Working Together to Safeguard Children" applies to schools.
- We have codified our working practices with Ofsted in a formal Memorandum of Understanding. This covers all of our joint working arrangements but in particular is explicit about the arrangements for commissioning emergency inspections.
- We have agreed with the police and Ofsted the arrangements for prosecuting individuals or groups that are conducting unregistered schools.

Taken together this represents a wide ranging programme of reform to the regulatory regime which will raise standards in independent schools backed by robust inspection and allow us to take action faster and more effectively in cases where schools are not meeting the standards. I am placing this letter and a series of documents that underpin this announcement in the Libraries of both Houses of Parliament.



JOHN NASH