



Department  
for Education

# **British Schools Overseas**

**Government consultation response**

**November 2016**

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## Introduction

The consultation on revisions to the standards for British Schools Overseas (BSOs) to replicate those for independent schools in England and raise the bar for BSOs was published on 26 November 2015. The consultation took place online, with the opportunity to also respond by email or letter.

The consultation ran for 12 weeks until 17 February 2016.

There were 33 responses to the consultation. Of these:

- 15 were from schools (including some which are not BSO accredited)
- 7 were from representative organisations (including unions and 2 joint responses)
- 6 were from BSO approved inspectorates
- 5 were from other organisations or individuals

A list of the organisations which responded is at Annex A.

## Summary of responses received and the government's response

In general, responses to the consultation were favourable to the general tightening up of the standards to bring them into line with those for independent schools in England. Respondents confirmed that the ensuring the high quality of the BSO brand was important to them and to parents. However, reservations were expressed about how the requirements in relation to actively promoting fundamental British values (FBV) and actively encouraging respect for people with the protected characteristics set out in the Equality Act 2010 would play out in some countries.

Introducing the proposed standards as they are will maintain the quality and integrity of the brand. We want the BSO accreditation to make clear to parents, prospective parents and the wider community the quality and ethos of the provision offered. Introducing the revised standards will ensure consistency of the BSO offer and assure parents, prospective parents and the wider community of the comparability of the quality of provision between BSOs and independent schools in England.

## Question analysis

### Question 1

We received 31 responses on whether respondents supported applying the same standards for British Schools Overseas as for independent schools in England in relation to the quality of education.

Do you support applying the same standards for BSOs regarding quality of education as for independent schools in England?	Total	Percent
Yes	21	68%
No	4	13%
Not sure	6	19%

The major themes were:

- local context and legal requirements need to be considered
- British values in the context of a global society

The majority of respondents were supportive of bringing in the same standards for the quality of education. Key points were:

- The same high expectations should be applied overseas as in the UK. Keeping children safe and developing spiritual, moral, social and cultural character is of paramount importance. Many feel this is what sets British education apart from other international competitors.
- The standards should be seen in the context of the local regulatory requirements and culture, particularly in relation to SMSC matters, which may make the detail of the standards as drafted impossible to enforce.
- Parents in certain countries are very well aware that there are specific issues that cannot explicitly be addressed. Parents would want to be assured that the standards of teaching and learning and pastoral care are high and that their children were safe. It is argued that where schools are doing their utmost, within the local legal jurisdiction, to comply with certain specified matters, that this should not be a bar to achieving BSO status, but that the areas in which local laws prevent full compliance should be noted in the inspection report.

- Any international school would aspire to prepare its pupils for a global society, not just British society.
- We suggest that the reference to ‘British society’ should be replaced, for example, with ‘life beyond school’ which would cover whether a child remains overseas or is brought to the UK. We would suggest that if these sensitive issues are to be introduced in schools overseas, there should be a reasonable lead-in period to allow for parents and staff to make choices and other arrangements, if necessary.
- There is a distinction between promoting ‘British’ values and observing British legislation. References, such as to ‘the criminal and civil law of England’ (5(b)(ii)) might be viewed overseas as an attempt to undermine local sovereignty.
- The standards in this form may be difficult for people to understand if they have English as an additional language. They may need to be made more accessible. The style of presentation of the standards is also likely to be problematic. There is considerable scope for simplifying the proposed standards while retaining the same essential meaning as the current independent school standards. The use of plain English has very much supported promotion of the brand over the last five years and assisted schools, parents and inspectors. By contrast, the approach proposed will inevitably complicate compliance for the schools without necessarily a great deal of benefit for the pupils.
- From an inspectorate’s point of view, it makes it easy to apply a very similar inspection framework and grade descriptors to all schools we inspect and to make consistent judgements. This would give a clear comparison for parents and prospective parents which is one of the key aims of the BSO scheme.

## Government response

It is good to see the strong level of support for bringing the standards for BSOs in line with the standards for independent schools in England. It is understandable that schools which operate in countries which are not democracies or whose citizens do not enjoy the same level of equality as in Britain are concerned about meeting the standards which relate to fundamental British values and the protected characteristics as set out in the Equality Act. However, we believe it is important to maintain the consistency of the BSO brand and to provide parents with a clear guide as to what is offered by a school with BSO status. We do not therefore agree that there should be caveats added which will weaken the proposed robust standards, and we propose to keep the standards as proposed in the consultation.

We understand the comments relating to preparation for life in British society but we think the wording makes clear what BSOs need to do to meet the standards. This does not preclude them from also preparing pupils for life in global society.

We believe that the language used in the standards, which replicates that already used for independent schools in England, is very clear and makes the intention of the standards unmistakable, so we do not intend to make changes to it.

We intend to introduce these standards from September 2017. In the meantime, the existing standards will continue to be used for inspection purposes.

## Question 2

**We received 27 responses on whether there were issues with applying the same standards for British Schools Overseas as for independent schools in England in relation to the spiritual, moral, social and cultural (development of pupils (SMSC), having regard for the local context in host countries. We also asked respondents to comment on what the issues were and how they might be overcome.**

<b>Having regard to the local context of host countries do you see issues with applying the same SMSC standards for BSOs as for independent schools in England? Please comment on what are they and how might they be overcome.</b>	<b>Total</b>	<b>Percent</b>
Yes	21	78%
No	4	15%
Not sure	2	7%

The major themes were:

- active promotion of fundamental British values
- the legal position in host countries

The majority of the respondents identified difficulties with applying the SMSC standards in countries where to do so would bring them into conflict with the local or religious law.

Key comments were:

- BSOs should be required to actively promote the ‘fundamental British values’ mentioned in the standard. Fairness, tolerance and respect are at the heart of being British. With regard to the Equality Act, some schools in certain countries might have difficulty with ‘actively promoting’ principles which encourage respect for some of the protected characteristics, where these characteristics are in conflict with the local or religious laws, for example where the host country itself outlaws homosexuality or gender reassignment. DfE would need to define for schools and inspectors what would be acceptable practice within the wording ‘active promotion’.



- This is the most contentious part of the draft standards. In some countries promoting some of the principles outlined, and in particular those relating to gender issues, would be at best culturally unacceptable and at worst illegal. This is not to say that the spirit of the standard cannot be applied. Our overseas schools are generally multicultural and tolerance is a fundamental value which is promoted. It would be unreasonable to impose these specific standards where this might jeopardise a school's licence to operate in a particular country. This might be addressed by rewording the standard in more general terms, i.e. the promotion of tolerance, respect, personal integrity etc., and by adding a caveat that schools will not be expected to implement anything that contravenes local laws.
- This concern has come from schools from a number of different countries. For BSOs in a Muslim country, actively promoting respect for protected characteristics could lead to issues with parents within the school population as well as with local authorities. An overseas school needs to consider its local circumstances carefully in terms of what it may actively promote within its curriculum and how this may be perceived or reacted to by elements of its community and the broader public. A school may jeopardise its licence if its practices are considered to contravene local education authority guidelines and the laws of that country. A solution could be to state "Where this is not in direct contravention to the laws in the host country" at the end of the standard. It has to be emphasised that schools are not in any way opposed to the sentiments of the requirement.
- Whilst it is expected and hoped that all schools will encourage and develop respect for a wide range of life choices and situations, including those listed in the Equality Act, in certain countries it would be impossible to be as specific in teaching and learning activities as the regulations appear to demand. Promoting respect for gay, lesbian and bisexual people, where the practice of homosexuality is illegal in certain countries, would have a "dramatic effect" in that Headteachers in British international schools in certain jurisdictions overseas would face imprisonment.
- Part of the value of the BSO brand for parents and children is that the attitudes promoted, as much as the quality of education, are fundamentally British and there is an ethos of respect and toleration. There may be difficulties in some host countries, particularly those outside of the EU, in actively promoting positive, non-discriminatory attitudes and principles in relation to some personal characteristics which are protected in the U.K., because these principles are at odds with the values of the host country.
- "Having regard to the local context of host countries" is an essential part of this requirement. It is reasonable to expect that BSO's are aiming for the same spiritual and moral standards and the same level of social and cultural development as independent schools in England, but we would expect BSO

inspectors to be sensitive to, and to allow, differences that result from different national and cultural contexts.

## Government response

We understand the concerns expressed about the application of the SMSC standard in some countries where there may be potential conflict with local laws and culture. But the Government believes that it is important that the values which are promoted in BSOs match the requirements for schools in England and that pupils in BSOs are exposed to the same expectations concerning respect for others and for fundamental British values. We wish to be able to assure the comparability of SMSC standards between BSOs and independent schools in England and therefore intend to keep the standards as proposed in the consultation.

## Question 3

**We received 29 responses on whether respondents supported applying the same standards for British Schools Overseas as for independent schools in England in relation to welfare health and safety.**

<b>Do you support applying the same welfare, health and safety standards for BSOs as for independent schools in England?</b>	<b>Total</b>	<b>Percent</b>
Yes	20	69%
No	3	10%
Not sure	6	21%

The major themes were:

- local standards and requirements
- local support systems

Most respondents supported this. Key comments were:

- Compliance with host country law might lead to different standards being applied – sometimes higher, sometimes lower standards, and working with 2 separate Inspection regimes – UK-based and local host country can be tricky and expensive e.g. Health and safety training.
- It can be hard to find definitive answers to questions concerning what is and what is not a local requirement. We would aspire to be as good as, if not better than, a similar school in UK. All our policies and procedures are based on policies and

procedures that are compliant with the ISI inspection regulations, so in that respect we are on an equal footing with a UK school.

- BSO Standard 7 is not the same as in the UK where reference is made to having regard for the latest government guidance, which we know as *Keeping Children Safe in Education* and *Working Together to Safeguard Children*. The proposed BSO standard 7 is not as strong as it only requires the school to have 'made arrangements to safeguard and promote pupils' welfare'. What kind of arrangements? At the very least the word 'effective' should be included. We know that government guidance together with rigorous inspection has raised standards of pupil welfare in the UK immeasurably and the BSO standards should be similarly demanding overseas.
- Health and safety is something that should not be compromised and we would support applying a similar level of rigour in this respect. However, it would be impossible to impose one country's legal standards on another. To do otherwise would be unenforceable. Local context needs to be taken into account. Indeed, in some circumstances, local laws may go beyond the standard, for example in addressing local health and security issues.
- We would welcome anything that improves the welfare and safety of pupils in our schools. However, it is important to point out that in general we do not have access to the same level of support from Social Services and other external agencies that exists in the UK and therefore procedures for acting would almost certainly have to be adapted to local conditions and circumstances.
- Schools in general support the concept of applying the same welfare, health and safety standards for BSO schools as for UK independent schools in England. It is noted, however, that some UK standards for health and safety may not translate to every context. There are also some areas not covered by UK standards that are vital for many schools: for example: regulations relating to the prevention of mosquito breeding: with regard to water to be used in irrigation and regulations relating to workers when the temperature exceeds a certain point. This would be overcome by adding a clause that states; "The school can show that it has made all possible efforts to meet the same welfare, health and safety standards as UK independent schools given the context that they are in. In addition, they are fully in compliance with the standards of the host country". Any area of non-compliance with UK regulations could be appended to the inspection report.
- Paragraphs 7 and 8 - There is some repetition between paragraphs 7 and 8(a) and (b) in that they both refer to boarders, unlike in the standards for schools in England. In the absence of a duty to have regard to KCSIE, it may be helpful to add a direct reference to certain safeguarding essentials e.g. pastoral care, clear reporting procedures for allegations, a duty to protect children and young people

from being drawn into terrorism. Paragraph 9 could also incorporate the ban on corporal punishment.

- We recommend that the application of this standard includes looking to see that the anti-bullying strategy includes ways to identify and address all forms of bullying, including homophobic, biphobic and transphobic bullying.

## Government response

The welfare, health and safety of pupils, both day pupils and boarders is of utmost importance. It is therefore right to apply robust standards to all BSOs. Where the requirements of the host country are higher, or respond to particular local circumstances, schools should of course meet these requirements too.

We have taken on board comments in relation to standard 7 which now reads “effective arrangements are made to safeguard and promote the welfare of pupils at the school taking into account the local context”. We have also addressed the point of repetition between standards 7 and 8.

There is no barrier to a BSO school going above and beyond what the standards require, and we do not therefore intend to add any country specific requirements regarding climatic issues, nor to expand the definition of bullying or safeguarding.

## Question 4

**We received 27 responses about whether the proposed wording “ensures compliance with fire standards which are at least as stringent as the Regulatory Reform (Fire Safety) Order 2005” was clear.**

Does the proposed wording “ensures compliance with fire standards which are at least as stringent as the Regulatory Reform (Fire Safety) Order 2005” make that clear?	Total	Percent
Yes	13	48%
No	9	33%
Not sure	5	19%

The major themes were:

- local standards and requirements
- local infrastructure

There were mixed views on this issue. They included:

- Compliance with host country law might lead to different standards being applied – sometimes higher, sometimes lower standards, and working with 2 separate Inspection regimes – UK-based and local host country can be tricky and expensive.
- Yes – it makes it clear. But that does not mean that we can actually provide what is suggested. The booklet “Regulatory Reform (Fire Safety) Order 2005 A short guide to making your premises safe from fire” is very helpful and we follow all these procedures, with regular checks, assessments and drills. Where we might fall short is in the quality of training, as local providers may not be as experienced or as qualified as their counterparts in the UK.
- If you said ‘at least as stringent as in the UK’ that would be clearer, but I think it would be best to define simply the key features of fire safety that make for acceptable practice in the UK, e.g. staff training, well maintained alarms and equipment, clear evacuation procedures, sensible precautions to prevent fire, regular testing, drills and records etc.
- Fire safety is of paramount importance. However, each country will have its own emergency services infrastructure. Compliance with the standard needs to be seen within the context of local regulation and infrastructure.
- The standards of the fire safety order do not fit a country such as ours – we can ensure compliance as much as we can from a school point of view, however, we live in a country without a fire service.
- The responses to this question showed a determination to have buildings that are safe from fire hazards and which can be evacuated rapidly and safely in the event of a fire. Each school has local requirements and standards that have to be maintained and the need to take account of local requirements was mentioned. There was concern that some administrative aspects of the regulations would be difficult to implement, for example: “Where both parties (the enforcing authority and the responsible person) agree that there is a need for improvements to fire precautions but disagree on the technical solution to be used, they may agree to refer the issue to the Secretary of State for independent determination under article 36 of the Order.” With regard to this paragraph from the guidance (and similar questions arise in other parts): firstly: Is it envisaged that the Secretary of State will resolve any such issue, as is implied by the proposed BSO regulation – and, indeed, for other procedures described in the 2010 guidance notes to the Fire Safety Order? Secondly: which body in each country is it envisaged would be the Enforcing Authority?

- The Regulatory Reform (Fire Safety) Order 2005 can be used as a guideline in most countries but certain aspects of it (e.g. the material used for fire doors, etc.) may be against the law in some countries for example Qatar. Fire regulations in most Middle East countries are based on the American model. While they are being revised regularly, we cannot assume that what is UK law would be accepted there if it contravenes current legislation. Most countries in Latin America have fairly stringent safety standards and procedures because of being in an area with regular seismic activity. It is likely that they provide standards with respect to fire safety equivalent to those found in the Regulatory Reform (Fire Safety) Order 2005. There may be differences in detail but they will provide fire safety as good as independent schools in England.
- The reference to UK legislation is unhelpful as it may not be accessible to schools and parents overseas. A short summary of the key requirements should be provided in plain English and/or a link to such. The Regulatory Reform (Fire Safety) Order 2005 is significantly more stringent than the requirements of the previous BSO standard whilst the reference in Para 11 is now confusing and potentially weaker than previously if it were to be read as referring only to local requirements. These requirements are almost non-existent in some countries.
- In most countries, schools will be obliged by local law to comply with local fire safety standards. These may differ from those set out in the 2005 order and inspectors would have to decide if those differences result in a significantly different level of safety. The issue here might be the extent to which BSO inspectors are capable of analysing the actual safety/risk levels of different procedures.

## Government response

Parents of pupils in BSOs must be able to rely on robust fire safety arrangements being in place. For that reason, we expect BSOs to meet requirements which are at least as stringent as those in the UK, and which take account of any additional circumstances in the host country and therefore we intend to keep to the standards as proposed in the consultation. Where there are potential conflicts in the practical application of this standard, schools should seek advice locally; inspectorates will make judgements as to whether the standard is met.

## Question 5

**We received 22 responses on whether the fire safety requirements were workable for schools.**

Is this workable for your school?	Total	Percent
Yes	8	36%
No	4	18%
Not sure	10	45%

The major theme was compliance with local requirements.

There was considerable variation about how easy it would be to put this into practice:

- It is not workable here, as we are in a third world not a first world country.
- If schools can be allowed to follow the guidance as far as is practical, taking into account local circumstances, this could be workable.
- Suggestion: “The school can show that it has made all possible efforts to meet the same fire safety standards as UK independent schools given the context that they are in. In addition, they are fully in compliance with the standards of the host country”.
- Aspects of the BSO regulations may not be workable in all regions as local regulatory requirements will need to take precedence. This may also create an additional burden on schools to demonstrate compliance against two sets of Fire safety regulations in order to meet the requirements of both.
- In practice it probably is workable.

## Government response

Parents of pupils in BSOs must be assured that there are effective fire safety measures in place. It must therefore be expected that BSOs make sure this is the case, and that the measures are at least as stringent as those in England.

## Question 6

**We received 28 responses on whether respondents agreed that the revised standards regarding suitability of staff, supply staff and governors were appropriate and could be delivered.**

Do you agree that the revised standards regarding suitability of staff, supply staff and governors are appropriate and can be delivered?	Total	Percent
Yes	17	61%

Do you agree that the revised standards regarding suitability of staff, supply staff and governors are appropriate and can be delivered?	Total	Percent
No	5	18%
Not sure	6	21%

The major themes were:

- all available checks made
- less stringent police checks
- DBS equivalent

Comments were generally in favour in principle but pointed out the practical difficulties of following the standard to the letter:

- Mostly, yes, but where the procedure in the host country for police checks is less stringent, it is a harder standard to meet. Would prefer this to be to make every reasonable effort to achieve the standard.
- With robust recruitment procedures and a well-established and maintained systematic approach it is possible to ensure that all staff and volunteers are checked and well trained for suitability to work with children. In our country we are well supported by local and national police checking procedures and also by visa application processes which require a stringent criminal records check.
- Unlikely to be able to use an employment business or supply agency as they do not exist in many countries. This standard should be replaced and covered by a more general one. The school ensures checks take place on the suitability of any person working on a supply basis at the school.
- Yes- they are absolutely appropriate but no – they cannot be delivered. The ICPC is a very valuable form of certification for teachers who are British or who have worked in UK. All our staff are checked by our CID and have current certificates of good conduct. We aim to ensure that all members of the school are as rigorously checked as is possible, however, we cannot possibly check every single person who comes on site, as families have drivers and nannies; we have any number of workmen, most of whom are casuals. The site is safe and the children are rigorously supervised.
- I think that a DBS check must be run on any member of staff who has ever been resident in the UK. These standards are clearly designed to reflect the ISS in force in the UK, and I think they should be no less rigorous wherever possible for the



protection of children. However, the wording is dense and difficult and has caused some difficulties for UK schools to understand and follow. They may be even less clear for schools overseas with less recourse to advice.

- The standard is appropriate in that schools should ensure that all available checks are made, including DBS checks where these are possible and/or relevant. Where checks are to be made with British authorities, it is essential that the systems in place can easily be accessed by schools overseas. The variability of arrangements in other countries needs to be taken into account.
- In principle yes, with the proviso that procedures such as police checks are not always available or as reliable as in the UK.
- We go to great lengths to do what we can but systems either work for us or work against us. We seek ICPC for UK staff. Recent circular from DfE regarding Secure Access to do checks on European staff will not allow us to log in as we do not have a UK URN.
- It is not possible for schools outside of the UK or EC to obtain a full DBS check on relevant British teachers whom they wish to employ. One or more overseas schools and other organisations, based in England, say that they CAN provide these on behalf of overseas schools. This is excellent, but at least one other organisation has been told, by DBS, that it cannot do this. This whole area is confused and needs urgent clarification.
- In principle yes, with the proviso that procedures such as police checks are not always available or as reliable as in the UK. The national regional contexts need to be taken into account. The one problem that schools in certain parts of the world would have is that there is no DBS equivalent there. For example, there is no regulation in Asia. While staff can and will be checked on their time spent in the UK and in other countries, there is no such thing as a criminal records check of the kind available in England.
- We agree that stringent checks are necessary to safeguard the welfare of the children but it is not clear that they need to be any more stringent than they already are. This is a big change in terms of the number of requirements to be complied with. The repeated references to detailed and specific legislation are unhelpful. As drafted, the standards will be unworkable in those countries where schools do not have direct control over all appointments, for example, where caretaking staff are all host government employees. It would be clearer and more transparent to parents if the standards set out the desired features but with a clear direction that where local arrangements prevent the standards from being applied this must be stated clearly in the report.

- We would suggest that it is made explicit that the new International Child Protection Certificates are an acceptable alternative to DBS checks, for staff who have lived in the UK. It should be made clearer that UK DBS checks/ICPCs, when required, are only required for those who have lived in the UK.
- In some countries suitability checks are also enforced by law. This is now the case for Spain. BSO inspectors would need to have access to information about local requirements in order to ensure that the school is meeting them. This would be particularly important when school have employees who have never been resident in the UK in which case UK based checks will not serve much purpose.

## Government response

Safeguarding children is of the utmost importance and we must apply rigorous measures to ensure the safeguarding of children in schools. That is why this standard is as robust as the standard for independent schools in England. However, we recognise that there are sometimes practical difficulties in obtaining DBS checks for some staff and for some schools overseas and the standards have been amended to reflect this. Otherwise, we will keep the standards as proposed in the consultation. The BSO standards do not prevent schools from seeking an International Child Protection Certificate, although this is not a product endorsed by the Government within the statutory disclosure regime.

## Question 7

**We received 28 responses on whether respondents supported applying the same standards for British Schools Overseas as for independent schools in England in relation to premises and accommodation.**

Do you support applying the same premises and accommodation standards for BSOs as for independent schools in England?	Total	Percent
Yes	20	71%
No	2	7%
Not sure	6	21%

The major theme was local restraints and circumstances.

The majority of respondents supported this standard. Key points raised were:

- In principle, it seems reasonable for British Schools Overseas to aspire to these standards, although, again, there may be local constraints or circumstances that may need to be taken into account.

- Most countries have their own regulations, which will be largely equivalent to those laid out in the standards. There may be some minor variations related to climatic and cultural differences. The building regulations differ from country to country and this must be taken in to account. Prescriptions connected to water are out of place for example in hot climates. The guidance relating to temperature and hot water to avoid scalding is too prescriptive.
- There are few qualified service providers in this country to the UK standards.
- The standards as proposed impose high standards which may not always be attainable overseas. It may be that there needs to be more focus on meeting local standards (for example, in relation to water). Constraints on accommodation that the school has no control over may be a real barrier to meeting the standards of, for example of showering facilities. It is not unusual for overseas schools to have arrangements whereby all children go home to shower after sports.
- No. It cannot be the case that our premises and accommodation can be measured against a UK standard. In so far as is possible, we would aim to follow guidelines that are designed to ensure that premises meet sensible, practical and enforceable standards. I am satisfied that the school's premises and accommodation are better than that which is required as a minimum standard.

## Government response

Parents who chose to send their children to a BSO should be able to rely on them providing premises and accommodation which meet high standards, as set out here. So the Government does not intend to relax the standards; however, this does not mean that the school might not consider additional measures relating to the conditions in the host country.

## Question 8

**We received 27 responses on whether respondents supported applying the same standards for British Schools Overseas as for independent schools in England in relation to provision of information.**

<b>Do you support applying the same standards on provision of information for BSOs as for independent schools in England?</b>	<b>Total</b>	<b>Percent</b>
Yes	22	81%
No	1	4%
Not sure	4	15%

The major themes were:

- data protection and security issues
- simplification

The standard on provision of information was widely supported. Key points raised were:

- This would not be hard to achieve, although data protection laws may vary.
- This Part can be difficult for schools to understand. Would the DfE consider going for just a plain and simple list of information which must be on a website and information which must be available on request. Also, some of the language could be clarified; e.g. the ‘particulars of the arrangements for meeting the standard contained in paragraph 7’ could be replaced with ‘the safeguarding policy’.
- In general this standard is acceptable.
- It is important to be aware that for many international schools, public examination results are not the only indicator of quality education, given that often they run alongside local education systems with their own assessment frameworks.

## Government response

It is right that parents who wish to or who do send their children to BSOs have access to up-to-date information about the school. The provision of information standard sets out appropriately the relevant information which should be available and the Government intends to keep the standards as proposed in the consultation.

## Question 9

**We received 27 responses on whether respondents supported applying the same standards for British Schools Overseas as for independent schools in England in relation to handling complaints.**

<b>Do you support applying the same standards for BSOs as for independent schools in England on handling complaints?</b>	<b>Total</b>	<b>Percent</b>
Yes	24	89%
No	0	0%
Not sure	3	11%

The major themes were:

- host country complaints procedures
- cumbersome

There was overwhelming support for this standard, although attention was drawn to the need to have regard to the host country's requirements:

- Many countries will have their own established complaints procedures, which would have to take precedence where the school is subject to local regulations.
- Proper complaints procedures are essential to ensure accountability. The model of ownership and governance of schools overseas might not necessarily match that assumed in the standard and so, provided the process is transparent and rigorous, some flexibility may be required.
- Too much interference and direction and too cumbersome. There should be a clear complaints procedure as stipulated by the school. If someone is not satisfied, then the complaint can be taken to the relevant authority. Under this procedure, potentially, parents could state they are not satisfied on a regular basis (as they did not get the outcome they wanted) and schools would be reluctant to defend themselves if it meant having to go through such a cumbersome procedure.
- There is general support for this standard, but it is felt to be cumbersome. It is hoped that there would be some flexibility so that inspectors judge that the intent is met (in practice and theory) rather than every single detail. The judgment could be based on the degree to which factors are applied, such as: ease of parental access to the policy; clear procedures, including the possibility of early informal resolution; fairness; access to the Board of Governors for complaints that have reached that level; transparency; ability to be accompanied in the event of a hearing with the Board; recording of matters.

## Government response

Parents should have recourse to a complaints procedure which is fair and transparent. Implementing this standard should achieve this in BSOs as it does in independent schools in England, and so the Government intends to keep the standard as proposed in the consultation.

## Question 10

**We received 27 responses on whether respondents supported applying the same standards for British Schools Overseas as for independent schools in England in relation to leadership and management.**

Do you support applying the same standards of leadership and management for BSOs as for independent schools in England?.	Total	Percent
Yes	19	70%
No	5	19%
Not sure	3	11%

The major themes were:

- local law and practice
- definition and expectations
- non-compliance due to other failings

There was general support for this standard but with the following concerns being expressed:

- We would be concerned if material failures under any of the other standards resulted in non-compliance under this standard. As has been indicated already, so much of what schools overseas do may be influenced by local laws, culture and practice, that pedantic interpretation of the other standards may very easily give rise to a failing on leadership and management.
- If the school is judged to have a 'material failure' by not having found a way to vet to UK standards an illiterate gardener from a location, then the ISSR Part 8 Leadership and Management would result in fail. Failure to report Child Protection cases to Local Authority might result in non-compliance, when the reality in our country is that few would see this route for reporting/support as safe. Other measures are in place which are self-organised by British and some international schools.
- We support preserving the value of the BSO brand by applying equivalent standards to independent schools in England, in leadership as in other areas. However, we believe that this could be achieved without losing the benefit of the plain English approach of the current standards.

## Government response

The leadership and management standard is the same as for independent schools in England and we consider it fit for purpose. Leaders and managers are responsible for

how a school operates and provides for its pupils, and are responsible for meeting the other standards. We believe this standard makes this clear and so the Government intends to keep the standard as proposed in the consultation.

## Question 11

**We received 19 responses on whether respondents supported applying the same standards for British Schools Overseas as for independent schools in England in relation to boarding.**

Do you support applying the same boarding standards for BSOs as for independent schools in England?	Total	Percent
Yes	14	74%
No	1	5%
Not sure	4	21%

The major themes were:

- boarding standards are too prescriptive
- local context

The minimum standards for boarding schools were largely supported. The need to have regard to the local context was the key issue raised.

- Local country and cultural expectations should be contextualised.
- In principle, the spirit of the standards should be applied. However, there may be difficulty in the detail, e.g. the availability of local helplines or contextual understanding of Gillick competent, local building regulations and unavailable technology (e.g. Key pad technology).
- This is an area in which being too prescriptive may mean that some schools fail despite being adequate. This is true for low cost schools that may be fit for purpose but not luxurious or to the standard expected in the UK. It would be helpful to express clearly a minimum standard.
- As with day schools, boarding sections would also be subject to local health and safety regulations. Inspectors should check that these are suitably authorised by the host country, to avoid the danger of approving something which does not comply with local laws and hence risking the credibility of BSO accreditation in the host country.

## Government response

These standards replicate those for boarding schools in England and are in place to protect the needs of the boarders. BSOs should be able to meet these standards and also address any additional requirements or challenges of the host country and so the Government intends to keep the standard as proposed in the consultation.

### Question 12

**We received 22 responses on whether there were any standards which were not clear and for which inspectors would find it difficult to find evidence for.**

Are there any standards which are not clear and which inspectors would find it difficult to find evidence for?	Total	Percent
Yes	10	45%
No	10	45%
Not sure	2	9%

The major theme was local context.

There were a variety of issues raised. The need to have regard to the local context, and the challenges for inspectors in understanding the local requirements were key.

- Some standards need local contextual regulation/law to be taken into account.
- Where standards refer to the local context I think this might require inspectors to work closely with schools and with the British Council in the host country if possible to clarify local legislation and requirements. Inspectors may potentially find it difficult to unpick the necessary evidence for any of the standards within the local context. The requirements of standards 2, 3, 4, 5 and 9 would be most tricky, particularly given the level of detail they contain.
- The standards cannot necessarily be applied in the same way as UK but how can there be consistency across all schools overseas when the local context is vastly different.
- Para. 3.5 – The reference to Gillick competence will not be understood, and in fact can give rise to discussion in England due to confusion as to how it is intended to relate to the Fraser guidelines.
- Para. 7.1 – This again references UK legislation with which British Schools Overseas may not be familiar and which they may find linguistically inaccessible.



## Government response

Having considered all comments, we believe that the BSO standards are clear and that inspectors should be able to inspect against them.

### Question 13

**We received 23 responses on whether there were any standards which would be difficult to meet because of the local context of the country in which the school operates and how might they be overcome.**

<b>Are there any standards which would be difficult to meet because of the local context of the country in which the school operates and how might they be overcome?</b>	<b>Total</b>	<b>Percent</b>
Yes	13	57%
No	4	17%
Not sure	6	26%

The major themes were:

- spiritual, moral, social and cultural development of pupils
- local context

There were mixed views on this issue:

- Although we agree to most of the standards, it has to be remembered that British Schools are operating in many jurisdictions and under different ownerships. To apply the BSO standards to a wide a range of schools overseas, the standards have to move away from the assumption we are running a British School as opposed to a British values/ethos school with the curriculum and structure similar to those in the UK. It is not actually possible to run a British School, per se, as it would be in England, as we all come under a unique set of circumstances. The standards should not be too prescriptive but take into consideration the unique set of circumstances faced by each individual school. The standards should be an overall mark of a quality education without getting lost in the 'small print'.
- If there are references to outside agencies such as the police or social services, this would be difficult to meet, as social services do exist but are a very different entity to that which exists in UK. One would not, in matters such as child protection, initially involve the police as this would not be appropriate. References to various laws and acts of parliament in the UK are useful in that they give guidance.

- Of all the standards, standard 2 (SMSC) would be the most problematic. The ISSRs act as a useful benchmark and guidance. However, for the BSO standards to be practical, they need either to be worded more generally (with reference to the ISSRs as appropriate) or have built in to them the flexibility to take into account local jurisdiction, culture and context.
- The local regulations will always have to be adhered to where a conflict arises and inspectors would need to recognise and respect this.
- There is a fundamental and real need for the BSO standards and inspection system to take more account of the range of contexts in which schools operate. Pragmatically in most cases there only needs to be a preceding phrase about what is appropriate and legal in the local context and host country.
- We have inspected and provided other support work in a large number of countries representing a very diverse range of cultural and religious norms. This experience indicates that whilst many schools will be able to meet the standards as proposed this is not the case for all, especially where their location is non-European and with no notable European familiarity. Whilst the schools currently inspected under BSO may respond to this consultation the proposed formulation of them may present difficulties both of formulation and understanding in countries where the establishment of British education schools is at the very early stage.

## Government response

We understand the challenges which these new standards present for many schools, but it is important to maintain the integrity of the BSO 'brand' and for parents worldwide to understand what it represents. To amend the standards for different countries would be to weaken them and bring increasing inconsistencies.

## Question 14

**We received 24 responses on comments about the BSO logo and its use.**

Do you have any comment on the log or its use?	Total	Percent
Yes	11	46%
No	12	50%
Not sure	1	4%

The comments related to the quality of the logo:

- We were very disappointed in the quality of the logo when it was produced last year and feel it lacks gravitas and has no official UK recognition. We do not use the logo on our website as we do not think that it adds anything.
- The logo is deemed to be highly important – indeed essential. There is, however, a wish to improve and develop the design.
- Members find the BSO logo unimpressive and uninspiring. The design of the BSO logo is totally ineffective. The feeling is that it does not represent the DfE in any way, or the purpose of BSO - neither the ‘British’ nor ‘Overseas’ nor ‘Education’ element. In short it does nothing to convey a premium kite mark of global quality. Many schools commented that they have chosen not to publish the logo on their website and marketing collateral due to its amateur design. A design to reflect a government crest would have added much needed gravitas and would have been welcomed by many

## Government response

We understand the views about the design of the BSO logo. On reflection the Government confirms that it does not have any current plans to take forward the development of a revised BSO logo.

## Question 15

**We received 21 responses on whether the arrangements for the inspection of BSOs are satisfactory. We also asked respondents to provide comments based on their experience of being inspected as a BSO which would help improve the inspection regime.**

<b>Are the arrangements for the inspection of BSOs satisfactory? Do you have any comments based on your experience of being inspected as a BSO which would help improve the inspection regime?</b>	<b>Total</b>	<b>Percent</b>
Yes	12	57%
No	6	29%
Not sure	3	14%

The major themes were:

- understanding the local context
- consistency across inspectorates

- cost, length and size of inspections

While there was general satisfaction with the inspection regime, inconsistencies were pointed out:

- BSO inspection services vary enormously in quality and approach and I would prefer for all inspections to be carried out by a single body. If there were a single inspectorate, standardised terminology, guidance documents and rubrics could be available which would help schools to prepare for inspection and also help them to implement improvements after the inspection team has gone. In organisations where there are no rubrics or grade descriptors, or where there is insufficient guidance, the process of inspection can be much more stressful for the school and the report can be much more subjective in its judgements and interpretation.
- With all inspection frameworks, consistency is key. Understanding the local circumstances of a school is essential so that any judgements can be made with a sound understanding of the context.
- There is general satisfaction with the service provided by the recognized inspectorates, but there are comments about consistency of reporting styles and overall assessment. There is a need to ensure that the varying styles of reports do, in fact, all cover the common requirements of a BSO inspection. Guidance to inspectorates would be welcome from DfE / Ofsted on the format of reports and on best practice in writing inspection reports.
- There is some desire for an overall standard to be accorded a school following a BSO inspection. This is important in general, but also for those schools that wish to provide the NQT induction period for one or more teachers: these schools have to be “good” or better. This indicates the need for a common terminology for inspectorates to use when reporting a school’s overall rating.
- We are concerned that there are already unacceptable differences in standards and interpretation across the inspectorates. There needs to be greater precision in the application of standards. There must be greater consistency across all inspectorates in terms of report format and the evidence that must be provided.
- The standards are defined in relation specifically to independent schools in England. In order to do this effectively inspectors will therefore need to have current experience and expertise in inspecting independent schools in England in order to make reliable comparative judgements. This was recognised by DfE in the approval criteria for BSO inspectorates. Schools and inspectors report that the approach and rigour of inspections differs widely between inspectorates with the effect that schools seeking BSO accreditation are attracted to inspectorates offering a ‘light touch’ and therefore cheaper approach. It will be important in future

for the approved inspectorate standards to be enforced or reformed if the BSO brand is to maintain its credibility.

- Arrangements have worked well so far in this country. In addition, there has been very good collaboration between the local inspection system for British schools and the BSO inspection providers.

## Government response

It is important that there is consistency in the rigour of inspections to maintain confidence in the brand. We will undertake a review of the inspectorates to ensure all inspectorates meet the required criteria for approval as inspectors of BSOs. This will ensure that there is an internationally respected standard of high quality and repute. However, it is up to each inspectorate to set out its service and costs so that each prospective BSO can decide which inspectorate to engage.

## Question 16

**We received 28 responses about whether the frequency of inspections for BSO purposes should be set at 3, 4 or 5 years.**

<b>Do you think that the inspection frequency for BSO recognition purposes should be (a) 3 years; (b) 4 years; or (c) 5 years?</b>	<b>Total</b>	<b>Percent</b>
3 years	8	29%
4 years	5	18%
5 years	15	54%

The major themes were:

- greater frequency of inspections for non-compliance
- cost and other inspections
- intervals the same as in UK

There were varying views on this with a majority favouring a 5 or a 6 year inspection period.

- The inspection frequency should be the same as the UK (currently 6 years). This is particularly important if the standards to be applied are the same. If a school is non-compliant at inspection, then, as in the UK, you could have higher frequency inspections. However, given that the BSO standards are not compulsory, any

school who wishes to achieve the standards, and has failed to meet them, will probably arrange for a repeat inspection sooner anyway. The crucial factor is whether schools can continue to maintain their choice about subscribing to an inspection regime, or whether, by delivering a British based education overseas, the UK government wishes to impose compulsory inspection, as it does in the UK. I assume, though, that this is not possible.

- The period of inspections should be the same as the UK. The current 3 year cycle forces schools either to allow their BSO accreditation to lapse or to rush into very frequent (and costly) inspections. The cost of inspections is significant, especially for schools where travel expenses for inspectors are very high.
- I would recommend a 5 year term of inspection as schools will often have local inspections/accreditations to do as well.
- In general, we are currently inspecting schools in the UK on a three-yearly basis. I think that the inspection interval should not be too long for BSOs, as schools can go up and down and we would not want to be giving false and out of date information, but I think that DfE should consider the cost burden on BSOs. It is inevitably more costly to get an inspection team out from the UK, and smaller schools would need to plan for this charge.
- We would suggest an initial cycle of 3 years between the first two inspections and a 5 year cycle thereafter.
- The general response favours a five year inspection frequency. An interesting modification / compromise is that the frequency could depend upon the previous rating accorded the school, e.g. • Satisfactory rating: next inspection by the end of the third academic year from the previous inspection • Good rating - next inspection by the end of the fourth academic year from the previous inspection • Outstanding rating: next inspection by the end of the fifth academic year from the previous inspection.
- For schools that have already met the standards successfully a five-year cycle is all that is needed - perhaps with an interim 'compliance' visit.
- If schools in England are to be inspected within every three year period, this should be the starting point for discussions about the future of inspection of British Schools Overseas.
- If schools meet standards “comfortably” and in particular if they have robust self-evaluation procedures in place, we see no reason for requiring a higher frequency of inspections than every 5 years. BSO inspection procedures could allow for accreditation for shorter periods of time in “borderline” cases, where schools are

accredited but there are significant recommendations for development and improvement.

## **Government response**

As the BSO scheme is voluntary, the inspection regime is and cannot be compulsory; it only applies where a school seeks to gain, or keep, BSO accreditation. We appreciate the high costs of inspections for BSOs but believe there is a balance to be had between burdens on schools and the need to be assured that schools are maintaining the BSO standards. We do not intend to change the inspection frequency at this stage. Of course, schools that fail an inspection may choose to ask to be re-inspected as soon as they wish. A school which does not have a current positive inspection would lose its BSO status.

## Conclusion

We are grateful to all those who took the time to respond to the consultation and share their views. We believe that the revised standards for BSOs will ensure the consistently high quality of the brand is maintained and that parents can be assured that pupils attending BSOs will receive a high quality education and be well safeguarded.

We are publishing the revised standards alongside the outcome of this consultation. We will bring them into effect from September 2017.



## Annex A: List of organisations that responded to the consultation<sup>1</sup>

Association of British Schools Overseas (AOBSO) /British Schools in the Middle East (BSME)

Association of Teachers and Lecturers (ATL)

Braeburn Mombasa International School

British Accreditation Council (BAC)

British Council

British School, Alexandria,

British School of Milan

British School of Ulaanbaatar, Mongolia

Byron College

Cambridge Education

Council of British International Schools (COBIS)/ Federation of British Schools in Asia (FOBISIA)

Education Development Trust (EDT)

English School, Kuwait

Grange School

Independent Association of Preparatory Schools (IAPS)

Independent Schools Inspectorate (ISI)

International Task Force on Child Protection

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<sup>1</sup> This list does not include confidential responses or those from private individuals, but their views were included in the analysis. We also had some respondents who did not answer the specific questions in the consultation or responded after the consultation closed, but their views were included in the analysis where possible.

Kenton College Preparatory School

King's College Murcia

Latin American Heads Conference (LAHC)

National Association of British Schools in Spain (NABSS)

Park House English School

Penta International

Peponi House School

School Inspection Service (SIS)

South Sheffield Evangelical Church

St Mary's School, Cambridge

St Paul's, the British School, São Paulo

Stonewall

Tribal Education



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