



Department
for Education

UNCRC assessment – Independent school Standards Guidance (post-consultation version, April 2019)

1. What likely impact will the policy/measure have on children and young people or their families/carers?

The guidance is principally intended to make it easier for independent schools to meet the independent school standards (ISS) – by providing a fuller explanation of what is expected of them under these standards. In the main that should result in improved compliance with the standards and therefore, furthering the purposes which underpin them – e.g. ensuring a minimum quality of education, promoting the spiritual, moral, social and cultural development, and protecting the welfare, health and safety, of the pupils in those schools. On the other hand, by setting clear expectations about what the ISS require, it becomes more difficult to avoid complying with them – for example, because the guidance may reinforce part of a case for taking enforcement action. Some of the ISS contain requirements which parents/carers or pupils would not necessarily agree with (for example, by making it clear that to meet a certain standard the school must teach pupils about certain things). Greater compliance may conflict with a person’s religion or beliefs.

However, in the above respects, the impact of the guidance here is likely to be indirect or not appreciable since it is a restatement of what the law already requires proprietors of independent schools to do.

2. What children’s rights are likely to be affected by the policy/measure?

The most significant articles engaged are:

- Article 3 (best interests of the child)
- Article 4 (protection of rights)
- Article 6 (life, survival and development)
- Article 17 (access to information from the media)

Article 19 (protection from all forms of violence)

Article 28 (Right to education)

Article 29 (Goals of education)

Article 30 (Children of minority/indigenous groups)

Article 31 (leisure, play and culture)

Article 34 (sexual exploitation)

In all cases the effect of the guidance, through promotion of school compliance with the independent school standards, should (albeit to a limited extent) be to help meet the requirements of these articles. This is for two reasons. A number of specific standards have a purpose which is directly related to one of the rights or protections listed above here – for example, ISS relating to the welfare, health and safety of pupils are intended, amongst, other things to protect children from violence and sexual abuse. Similarly, the standards in Parts 2 and 3 of the ISS are intended to ensure that children properly develop. Secondly and more generally, the interests of children is at the core of the ISS – which are intended to guarantee that children in independent education receive, for example, at least a minimal standard of education and are properly protected and safeguarded whilst at school. The guidance is intended to complement the ISS.

The proposal also has the potential to engage

Article 5 (parental guidance)

Article 12 (respect for the views of the child)

Article 13 (freedom of expression)

Article 14 (Freedom of thought, conscience and religion)

because of the fact that the obligations placed on the school under the ISS may not accord with the views of the parent and/or child.

It is to be noted, however, that even though the standards require schools to promote certain things (e.g. Fundamental British values), they do not require that pupils or parents agree with those things. In addition, the standards allow schools with a particular ethos, whether faith-based or otherwise, to teach children using an approach based on that ethos.

In any event, in the government's view the standards are there in the wider interests of children attending schools even if parents or children do not agree with them in all respects. The standards are intended to ensure, amongst other things, that children get a quality of education that is assured to a minimum standard, that they become capable of integrating themselves into society and they are equipped for adult life. These are legitimate aims to underpin compulsory school standards – which a State may impose. Parents also retain the right to home educate their children to the appropriate standard.

3. Are some children and young people more likely to be affected than others?

All independent schools in England are required to meet the independent school standards. Some schools, however, find it harder to do meet the standards than others, and to a limited extent, the pupils in those schools may be more affected than others because the guidance may mean the changes are made at the school to ensure compliance with the ISS.

4. Do you need to engage with children and young people and/or their advocates and other stakeholders to seek their views?

No. The guidance is directed at the proprietors of independent schools. However, the consultation will be public and anyone may respond.

5. How does the policy/measure promote or impede the implementation of the UNCRC?

By seeking to improve the provision made in independent schools, it promotes implementation or at worst does not obstruct it.

6. Is a full Child Rights Impact Assessment required?

No. The effect on children is indirect; and the number of children involved is at most 0.5m.

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