



Department
for Education

Registration of independent schools

**Departmental guidance for proprietors and
prospective proprietors of independent
schools in England**

September 2026

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Summary

This is guidance from the Department for Education (DfE). It is non-statutory and has been produced to help proprietors and prospective proprietors understand the requirements for the registration of independent schools in England.

Expiry or review date

This guidance will be kept under review and updated as required.

This version updates the August 2019 version. A table of substantive changes is available at Annex 1.

Who is this publication for?

This guidance is for:

- Proprietors and prospective proprietors of independent schools in England that are not academies or free schools.

It may also be useful for:

- Governors, head teachers, and parents of pupils, at independent schools.
- Local authorities

Main points

Every child should receive an education that is safe and lets them achieve their full potential. Chapter 1 of Part 4 of the Education and Skills Act 2008 (“the 2008 Act”) provides for independent schools in England to be registered with the Secretary of State for Education before they begin to operate.

It is an offence to conduct an unregistered independent school. Therefore, an application to register an independent school must be submitted and approved before such a school begins to operate.

Regulations made under section 94 of the 2008 Act set out the standards that all independent schools in England must satisfy as a condition of registration as an independent school – [“The Education \(Independent School Standards\) Regulations”](#) –

[known as the independent school standards \(“the ISS”\)](#). The ISS are set out in the Schedule to the Education (Independent School Standards) Regulations 2014 (as amended)¹.

The ISS do not apply in relation to early years provision for children who have not reached the age of 3. However, where an independent school makes early years provision for children who have reached the age of 2, then it must also comply with the requirements of the Early Years Foundation Stage (“EYFS”)², so far as applicable.

The scheme of regulation under Chapter 1 of Part 4 of the 2008 Act requires compliance with the “independent educational institution standards”. These are defined as not only including the ISS but also, when applicable, the EYFS³.

The Secretary of State must be satisfied that an institution is likely to meet all the relevant ISS if it is to be registered. [Get Information About Schools](#) (“GIAS”), contains the register of independent schools maintained by the Secretary of State.

Where the institution is to provide accommodation to pupils, likely compliance with either the [National Minimum Standards \(“NMS”\) for Boarding Schools](#) or the [NMS for Residential Special Schools](#) is also considered. This is because certain standards related to boarding in the ISS require compliance with standards from (whichever is the applicable of) these NMS or that regard is had to them.

In addition, likely compliance with the following statutory guidance will also be considered in determining an application. This is because, in effect, paragraph 7 of the ISS requires that arrangements are put in place to safeguard and promote the welfare of pupils which have regard to this guidance:

- [Keeping children safe in education - GOV.UK \(www.gov.uk\)](#)
- [Working Together to Safeguard Children](#)
- [Working together to improve school attendance](#)

¹ A reference in this guidance to a paragraph of these standards, or a Part of these standards, is a reference to a paragraph or Part in the Schedule to these 2014 Regulations.

² The EYFS is to be found in “[The Statutory Framework for the Early Years Foundation Stage](#)”

³ From this point on, unless the context otherwise requires, references in this guidance to the ISS includes reference to the EYFS.

What a proprietor should do and know before they apply

A proprietor, in relation to a school, means the person or body of persons responsible for the management of the school. Proprietors should ensure a school continues to meet all the ISS once a school is registered, at all times.

It is important for proprietors to read and gain a thorough understanding of the ISS and the above statutory guidance (and if boarding is to be provided, the relevant NMS) before they apply for registration. This is because as part of the registration process Ofsted will inspect a proposed school against the ISS and make a report to the Secretary of State on the extent to which they are likely to be met following registration.

If the Secretary of State decides the ISS are likely to be met, the school must be registered. However, if the Secretary of State is not satisfied that the ISS are likely to be met, the application will be rejected. We have published [guidance](#) to help proprietors and others understand their obligations under the ISS. This guidance can be found at [Regulating independent schools - GOV.UK](#).

All newly registered independent schools will have a standard inspection carried out by Ofsted (see - [Non-association independent schools handbook - GOV.UK \(www.gov.uk\)](#) within the first year of operation to assess the extent to which they are meeting the ISS. Thereafter they will be inspected on a regular cycle either by Ofsted or by the Independent Schools Inspectorate (“ISI”) See - [Independent School Inspections Handbook](#). ISI is approved by the Secretary of State to inspect schools belonging to associations affiliated to the Independent Schools Council (“the ISC”). A registered school, belonging to one of these associations, can choose to be inspected by ISI **only** if, following its first Ofsted inspection, all of the ISS are met.

This guidance is intended to help those proposing to apply for independent school registration to submit the appropriate documentation and offers guidance on those points most commonly raised. It is also intended to help those operating an independent school to understand their obligations in connection to being a registered school. It does not attempt to offer an authoritative statement on all matters relating to the regulation of independent schools and given the diversity of the sector, schools may wish to seek independent advice.

SEND Reform

Anyone wishing to register a new independent school may wish to be aware that the DfE has published proposals for a substantial, system-wide reform programme that would introduce a new regulatory framework, in the coming years, for independent special school registration and ongoing regulation.

These proposals have been subject to public consultation, and details of the outcome of that consultation will be published in due course. Whilst the consultation is closed, full details of

the proposed reforms can be found here - [SEND reform: putting children and young people first - Department for Education - Citizen Space](#).

Part 1. Scope of arrangements

What is an independent school?

- 1.1. Under the Education Act 1996, an “independent school” is defined as a school which is not a school maintained by a local authority or a non-maintained special school, at which full-time education (see page 8 about the meaning of “full-time”) is provided for:
 - i. five or more pupils of compulsory school age; or
 - ii. one or more such pupils with an EHC plan⁴ (or the Welsh equivalent) or who is “looked after” by a local authority. A child is “looked after by a local authority” if he or she is in its care or is provided with accommodation for a continuous period of more than 24 hours by the authority under certain of its social services functions (see section 22 of the Children Act 1989 and section 74 of the Social Services and Well-being (Wales) Act 2014).
- 1.2. **Any setting that meets this definition must be registered with the Secretary of State for Education before it begins to operate. It is an offence, under section 96 of the 2008 Act, to conduct an unregistered independent school, and anyone who does so is liable on summary conviction to an unlimited fine and/or imprisonment for up to six months.**
- 1.3. If your establishment falls outside the definition of an independent school given above, it cannot be registered with the DfE as an independent school.
- 1.4. A setting will meet the definition of an independent school as set out above irrespective of whether it can comply with the requirements of the ISS. Compliance with the ISS is irrelevant for these purposes, for example, a setting that operates across multiple locations may not be able to meet the requirements in Part 5 of the ISS which relate to premises and accommodation, but it may still be an independent school and therefore, an offence committed if it is opened without being registered.
- 1.5. If a proprietor has any uncertainty around whether their setting meets the definition of an independent school, they should seek their own legal advice to ensure that they do not breach section 96 of the 2008 Act.

⁴ An EHC plan is an education, health and care plan – see section 37(2) of the Children and Families Act 2014

- 1.6.** Section 7 of the Education Act 1996 sets out that it is the parent who is responsible for ensuring that their child of compulsory school age receives a suitable full-time education. However, there are circumstances where local authorities will need to be satisfied that children of compulsory school age who are attending an independent school are receiving full-time education suitable to their age, ability, aptitude and any special educational needs they may have, for example where provision is being made in conjunction with that in the independent school. Therefore, we encourage independent schools to cooperate with local authorities making enquiries about the education pupils are receiving.

Full-time education

What is “full time” education?

- 1.7.** There is no statutory definition of what constitutes “full-time” education for the purposes of deciding whether a setting is an independent school. However, we would consider an institution to be providing full-time education if it is intended to provide, or does provide, all, or substantially all, of a child’s education. Generally, we would consider any institution that is operating during the day, for 18 hours or more per week, to be providing full-time education. This is because the education being provided is taking up the substantial part of the week in which it can be reasonably expected a child can be educated, and therefore indicates that the education provided is the main source of education for that child. However, it is important to note that even if an institution is operating for less than 18 hours per week, that does not automatically mean it is not providing “full-time” education. It is a question of fact whether full-time education is being provided to be decided by reference to a number of factors, including those set out below.
- 1.8.** Relevant factors in determining whether education is full-time include:
- a) whether the education provision in practice precludes the possibility that full-time education could be provided elsewhere;
 - b) the number of hours per week that is provided - including breaks, and independent study time;
 - c) the time of day it is provided;
 - d) the number of weeks in the academic term/year the education is provided.
- 1.9.** Inspectors from Ofsted may inspect any premises if they have reasonable cause to believe that an unregistered independent school is being conducted there. At such inspections, inspectors will assess whether the setting meets the definition of an independent school, which will include assessing whether or not the setting is

intending to provide, or is providing, all or substantially all of a child's education. Please see the DfE's Policy statement:- [prosecuting unregistered independent schools](#) which, amongst other things, sets out steps that might be taken if Ofsted suspect that an unregistered independent school is operating.

- 1.10. The DfE is unable to provide advice beyond that set out in this guidance. If there is any uncertainty about whether a setting is required to register or not, a proprietor should consider obtaining independent legal advice.**

Compulsory school age

What is the compulsory school age?

- 1.11.** A child must start full-time education once they reach compulsory school age. This is on 31 December, 31 March or 31 August following their fifth birthday - whichever comes first. If a child's fifth birthday is on one of those dates, then they reach compulsory school age on that date.
- 1.12.** For example, if a child reaches compulsory school age on 31 March, they must start full-time education at the beginning of the next term (summer term that year).

When does compulsory school age end?

- 1.13.** A child ceases to be of compulsory school age on the school leaving date for any calendar year if he or she attains the age of 16 on (or will do so by) that date or will do so after that date but before the beginning of the next school year, or (if that does not apply) on the school leaving date next following their 16th birthday. The school leaving date is currently set as the last Friday in June.
- 1.14.** Raising the participation age (as provided for in Chapter 1 of Part 1 of the 2008 Act) does not affect what constitutes compulsory school age. However, its effect is that a young person who has ceased to be of compulsory school age but has not yet reached the age of 18 (and has not attained a level 3 qualification), is under a duty to participate in education or training.

Early years

What if I intend to provide education for children under 5 years of age?

- 1.15.** Establishments that cater for children under the age of 5 will only be required to register as an independent school if they meet the definition of an independent

school because, for example, they also have the necessary number of pupils of compulsory school age. They will also be required to comply with the EYFS.

- 1.16.** Independent schools may be granted an exemption from the learning and development requirements of the EYFS for children aged 3 and over, provided they meet the relevant conditions and follow the relevant processes. More information on the circumstances that must be met and processes that must be followed in order for exemptions to be granted is available in the EYFS [guidance on exemptions](#). All exempted independent schools are required to continue to meet the statutory EYFS safeguarding and welfare requirements.
- 1.17.** There are some settings which cater to both children of compulsory school age and those of less than compulsory school age. Settings which provide for children of less than compulsory school age may under certain circumstances be required to register on the Early Years register. Further information can be found at [Childminders and childcare providers: register with Ofsted guidance](#) and [Registering school-based provision with Ofsted \(publishing.service.gov.uk\)](#).

Education for 16-19 year olds

What if I intend to provide education for students over 16 years of age?

- 1.18.** An establishment that provides **solely** for students over compulsory school age cannot register with the DfE as an independent school. In addition, certain institutions, which are within the further, or higher education sectors are not “schools” (see section 4 of the Education Act 1996), and therefore cannot be registered as independent schools – even if they have pupils of compulsory school age.
- 1.19.** However, establishments that cater for pupils over the age of 16, as well as those of compulsory school age, and which meet the definition of an independent school, are required to register as an independent school.
- 1.20.** The DfE would not ordinarily expect an independent school to cater for individuals aged 19 or older. Independent schools are generally established to provide primary and/or secondary education, and the ISS are principally directed towards the education, welfare, and safety of pupils aged 3 to 18.

- 1.21.** The DfE recognises, however, that in exceptional circumstances a school may wish to register an age range covering pupils⁵ who are aged 19 or older. However, to approve an application for an age range extending to such pupils, the department will need to be satisfied that the application is for the purposes of covering individuals starting a particular course of secondary education begun before reaching the age of 18 and continuing to attend that course.⁶
- 1.22.** Examples of circumstances in which the department may approve an extension beyond the age of 18 include:
- a pupil with complex special educational needs and disabilities (SEND) who requires additional time to complete an existing secondary course of study;
 - a pupil whose education has been significantly disrupted and who requires additional time to complete an existing course of secondary education;
 - a cohort of pupils affected by exceptional circumstances that have delayed completion of a specific course of secondary education.
- 1.23.** Applications to more generally cover individuals aged 19 or over being admitted to a school will not be accepted.

Special Educational Needs

- 1.24.** There are independent schools that cater wholly or mainly for children with special educational needs (SEN) and where they do there are differences in the provision they make. The application form includes a section requiring information about whether a school will be specially organised to make special educational provision for pupils with special educational needs and/or disability and if it will be, the types of SEN it will be specially organised for. Schools that are specially organised to make special educational provision for pupils with SEN will be recorded as independent special schools on GIAS.
- 1.25. NOTE important update on SEND reform at page 6.**

⁵ See section 3(1) of the [Education Act 1996](#) for the meaning of 'pupil' ("the 1996 Act").

⁶ The effect of the 1996 Act is that individuals who have attained the age of 19 are not to be treated as 'pupils' unless they have begun a particular course of secondary education before attaining the age of 18 and continue to attend that course. See section 3(1)(a) and section 2(5) of the 1996 Act.

Part 2. How to apply for Registration

- 2.1. Independent schools must be registered before they start to operate. It is an offence to conduct an independent school that is not registered and anybody who does so is liable to prosecution. The offence will be committed even if the school in question is in the process of registering.
- 2.2. The simplest way to apply for independent school registration is to complete the online application form which can be found at:
<https://www.gov.uk/government/publications/register-an-independent-school-application-form>⁸.
- 2.3. Upon receipt of an application, the DfE will write to you in due course to advise which further documents are **required** by legislation. **This information must be provided for the application to be considered complete**⁹. The proprietor is responsible for ensuring that all the required information is submitted by the deadline provided. DfE will only start to progress an application when all the required information has been provided.
- 2.4. Some of the information required to support your application is listed below and much of it relates to documents that need to be produced for the purposes of meeting the ISS:
- a statement that the proposed school will be an independent school;
 - a plan showing the layout of the school premises and any accommodation provided;
 - a written policy on the curriculum as well as curriculum plans and schemes of work (see paragraph 2 of the ISS). These need to take into account the ages and aptitudes of pupils and therefore should cover all year groups at the school (we have provided additional guidance in relation to curriculum plans and schemes of work in Annex 2);
 - a written framework for the evaluation of pupil performance (see paragraph 4 of the

⁷ If you are unable to complete the online application form, please email Independentschool.applications@education.gov.uk for further information.

⁸ If you are unable to complete the online application form, please email Independentschool.applications@education.gov.uk for further information.

⁹ The information required for an application is currently set out in regulation 4 and Part 2 of the Schedule to The Independent Educational Provision in England (Provision of Information) and Non-Maintained Special Schools (England) and Independent School Standards (Amendment) Regulations 2018.

ISS);

- a written policy on behaviour setting out, amongst other matters, the sanctions to be adopted in the event of pupil misbehaviour (see paragraph 9 of the ISS);
- particulars of the school's arrangements to safeguard and promote the welfare of pupils at the school, (which will need to have regard to guidance¹⁰ issued by the Secretary of State (see paragraph 7 of the ISS) and the National Minimum Standards for Boarding Schools or for Residential Special Schools if there is boarding (see paragraph 8 of the ISS);
- particulars of the school's arrangements to ensure that relevant health and safety laws are complied with (see paragraph 11 of the ISS);
- the school's anti-bullying strategy (see paragraph 10 of the ISS);
- the school's procedure for the handling of complaints from parents of pupils (see Part 7 of the ISS); and
- proprietor information form requiring information about the proprietor of the school, or the Chair and members of the body if the proprietor is a body of persons corporate or incorporate.

2.5. Please note, you are strongly advised to supply all documents in English to facilitate consideration of an application.

Incomplete applications

2.6. Applications which do not include all of the information required by the legislation¹¹, do not constitute valid applications under section 98 of the Education Act 2008 and will not be progressed.

School name

2.7. If the name you are proposing for your school may be construed as implying a Royal connection, e.g. Queen's, King's, Prince's etc. the adoption of that name

¹⁰ [Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/keeping-children-safe-in-education)
[Working Together to Safeguard Children](#)
[Working together to improve school attendance](#)

¹¹ See footnote 4 above for the current legislation.

requires prior approval from the Cabinet Office. For the necessary approval, you should write to:

The Constitutional Policy Team
Cabinet Office
70 Whitehall,
London
SW1A 2AS
Email: royalnames@cabinetoffice.gov.uk

- 2.8. Similarly, approval is needed for use of the word “University” in a school title or business title. Applications should be made to the Higher Education Governance team by email: university.inacompanyname@education.gov.uk
- 2.9. **In the absence of the necessary approval from the Cabinet Office or DfE, schools will not be added to the register of independent schools using such titles.**

Registration process

- 2.10. The Secretary of State must decide whether the ISS are likely to be met before a school can be registered. Once a complete application for registration has been received, the Secretary of State must notify Ofsted and Ofsted must then inspect the institution and make a report to the Secretary of State on the extent to which the school is likely to meet the ISS upon registration. The inspector(s) carrying out a pre-registration inspection will have copies of the documents, which accompanied the application, and will examine these as well as, amongst other things, look at the proposed premises and discuss with the school’s proposers their plans for operating the school.
- 2.11. The Secretary of State will consider the report from Ofsted and any other relevant evidence which is available in coming to a decision. This additional evidence may include, but is not limited to, evidence related to any ongoing regulatory or enforcement action at a proprietor’s other registered independent school(s). **The decision on whether to register the school lies with the Secretary of State.** If the Secretary of State decides that the ISS are likely to be met once the institution becomes registered as an independent school, then it must be registered. If the Secretary of State decides that the ISS are not likely to be met the application will be rejected.

How long will my application take?

- 2.12. We recommend allowing **at least** six months from the receipt of your **complete** application for it to be processed. An application is considered to be complete once the application form and all the required supporting documents have been received. However, please be aware that applications may take longer, and we are unable to provide applicants with an estimate of when an application is likely to be determined.

What happens once a complete application is received?

- 2.13. Upon receipt of a complete application, the DfE will carry out a number of checks on individuals who are named on the proprietor details form. These checks will include due diligence checks along with any other checks that the DfE considers appropriate to enable it to decide whether all the ISS are likely to be met, such as those in Part 4 of the ISS, which imposes requirements regarding the suitability of staff, supply staff and proprietors. The information, which is required to be provided on an application relating to proprietors, facilitates these checks.
- 2.14. As set out above, Ofsted will be notified of an application in order for a pre-registration inspection to take place. Ofsted will contact you directly to arrange the pre-registration inspection. DfE is not responsible for the scheduling of these inspections, this responsibility lies with Ofsted.

Key registration points

- 2.15. Proprietors are advised to make their application to register well in advance of the proposed admission of pupils. Applications ordinarily take around six months from receipt of a complete application to determine, however, some may take longer. In addition, the DfE expects that, having made an application, the proposed school will be ready (or nearly ready) to undergo a pre-registration inspection. In other words, as a matter of practicalities, a school should be able to demonstrate at its pre-registration inspection that it is likely to be compliant with the ISS because if that is not the case, then the application will in all likelihood be rejected. Premises, therefore, need to be in a state which allows the pre-registration inspection to reach a conclusion on whether the ISS are likely to be met.
- 2.16. Prior to the inspection taking place, we will write to you to seek confirmation that the proposed school is ready to undergo the pre-registration inspection and to check your availability. Proprietors should **notify the DfE as soon as possible** if anything occurs prior to the inspection that will impact Ofsted's ability to carry out the inspection. For example, unavailability of proprietor(s) and/or leadership team or incomplete building works.

- 2.17.** Requests for pre-registration inspections to be deferred are only likely to be granted in **exceptional circumstances**, for example, in cases of bereavement or sudden illness, and would need to be agreed by DfE. **Please note, a school stating that it is simply not ready, for example, due to incomplete building works, is not an adequate reason for delay and inspections are unlikely to be deferred for this reason alone.**
- 2.18.** Applicants should contact the DfE to request a deferral. If you make a request for a deferral and it is not granted, you will have the option to continue with the pre-registration inspection or withdraw your application and re-apply at a later date. Once an inspection has started it cannot be deferred. However, in exceptional circumstances it may be [paused](#). That decision will be made by Ofsted.
- 2.19.** We expect an individual proprietor (or chair of the proprietor body) and the person(s) who will be responsible for the day-to-day operation of the school to be present during the pre-registration inspection or at the very least, make themselves available to speak to the inspectors on the day of the inspection, to answer any questions they may have. Ofsted inspectors will report back to the DfE and only where they have sufficient evidence, will they be able to conclude whether all of the relevant ISS are likely to be met. The report is an integral part of the evidence for the DfE's consideration of the application, which will only be approved if we can conclude that all of the relevant ISS are likely to be met.
- 2.20.** It should be noted that in assessing the requirements of the ISS relating to the quality of leadership in and management of independent schools, (see Part 8 of the ISS) at the pre-registration inspection, Ofsted will evaluate the plans proprietors have in place to meet the ISS consistently. For example, Ofsted inspectors may gather evidence to consider whether a school has plans in place to manage unexpected changes to the leadership and management team at the school.

What happens after the pre-registration inspection?

- 2.21.** Once the pre-registration inspection has been undertaken, Ofsted will write a report about the extent to which the ISS are likely to be met at the school. A draft copy of the pre-registration report will be sent to the proprietor to check for factual accuracy with a timescale for comments. Typically, a proprietor will receive a copy of the finalised inspection report within 30 working days after the end of the inspection. Ofsted may publish the report at any time after the finalised report has been sent to the proprietor. Ofsted will notify the proprietor of the proposed publication date when it sends the final report for comment. The final version of the report will also be sent to the DfE, and a decision on registration will not be taken until this has been received.

- 2.22.** If your application is successful, a letter will be sent to you by the DfE confirming that your school has been entered on the register of independent schools and informing you of your school's registration number. An independent school **must not** operate, providing full-time education to pupils of compulsory school age, before it is registered.

Are there any costs involved in registering an independent school?

- 2.23.** Whilst no fee is payable to the DfE for the registration of an independent school, a fixed fee will be payable to Ofsted for any pre-registration inspection it carries out. This fee is charged regardless of whether the application for registration is successful or not.
- 2.24.** Schools have the option of withdrawing their application at any time **before** an inspection commences if they consider they need more time to demonstrate compliance with the ISS. However, should an application be withdrawn after a pre-registration inspection, the fee will still be payable and the report will be published. Schools should therefore ensure that they are ready for a pre-registration inspection when, or very soon after, they make an application for registration, to avoid more than one inspection and the associated fee(s) that this would incur, and the need to resubmit a new application. Further information on inspection fees can be found in Part 4 of this guidance.

Unsuccessful applications

- 2.25.** If your application is unsuccessful, the DfE will write to you setting out the reasons for rejecting your application. It is open to you to resubmit your application, but you are advised you should only do that once you are in a position to show that the school is likely to meet the ISS.
- 2.26.** It is possible to appeal to the First-tier Tribunal against a decision by the Secretary of State that the ISS are not likely to be met upon registration. However, it should be noted that the Tribunal cannot grant registration. It can either confirm the Secretary of State's decision that the ISS are not likely to be met, or refer an application back to the Secretary of State for reconsideration (though taking into account the Tribunal's findings). You would therefore want to consider carefully whether to appeal or re-apply; it may be simpler and more expedient to re-apply when you are ready.
- 2.27.** In any case, a school should not begin to operate before registration is granted. It is an offence to conduct an independent school, which is not registered, and anyone

who does so is liable on summary conviction to an unlimited fine and/or imprisonment of up to six months.

Deemed Consent

- 2.28.** Applications to register independent schools are exempted from certain requirements of [The Provision of Services Regulations 2009](#). These regulations normally require all registration authorities to set out timescales within which applications for business licences and registrations must be processed. Where an authority fails to meet a published timescale, regulation 19 requires the licence or registration to be deemed to be granted. Different arrangements are permitted where these are justified by an overriding reason relating to the public interest. It is our view that an exemption is appropriate, as it is not in the public interest for the registration of an independent school to be deemed granted in this way as this may lead to a risk to the welfare, health and safety of children.

Part 3: The independent school standards

- 3.1. The ISS are set out in the Schedule to the [Education \(Independent School Standards\) Regulations 2014](#) as amended by subsequent sets of regulations. The DfE has published [guidance](#) on the ISS, which is intended to help schools meet them consistently.

Boarding Schools and Residential Special Schools

- 3.2. Boarding schools are those that provide accommodation for pupils. Accommodation is provided by a school either where it is provided by the school on its premises or where the school arranges for pupils to be accommodated elsewhere (other than in connection with a residential trip away from the school), e.g. with a host family. Therefore, unless accommodation arrangements with a third party are made by the child's parent(s) (or someone else), the school is responsible for the child's welfare, and inspections will include such arrangements in their scope.
- 3.3. Boarding provision at independent boarding schools is inspected by Ofsted or by ISI in relation to those schools which it is approved to inspect. Ofsted or ISI inspect the boarding provision against the National Minimum Standards for Boarding Schools.
- 3.4. Residential independent schools (independent schools which provide accommodation) are those that are specially organised to make special educational provision for pupils with special educational needs and/or disabilities.
- 3.5. Any school that provides accommodation and which meets either of the requirements in section 1(6) of the Care Standards Act 2000 ("the CSA 2000") must also be **separately** registered with Ofsted as a children's home, and meet the Children's Homes (England) Regulations 2015 which include the Children's Homes Quality Standards. Under section 1(6) of the CSA 2000, a school is a children's home at any time if:
- a) accommodation has been provided for children for more than 295 days at the school or under arrangements made by the school **in each year** over a two-year period; or
 - b) it is **intended** that the school will provide accommodation for children for more than 295 days in any year either at the school or under arrangements made by the school.

Fire Precautions

- 3.6.** One of the requirements of the ISS is compliance with the Regulatory Reform (Fire Safety) Order 2005 (“the 2005 Order”). You should therefore contact the local Fire and Rescue Service (FRS) to advise the FRS of your proposed school and request that it inspects the relevant premises. Based on its assessment of risk, it may advise you that this is either unnecessary or will be done at a later date. The Ofsted pre-registration inspection in considering the school’s compliance with the 2005 Order will, amongst other things, look to see whether there has been a completed fire risk assessment, what evidence there is related to a request to the FRS for an inspection, and whether the school has basic fire precautions in place. However, an Ofsted pre-registration inspection is not a substitute for an inspection by the FRS if that is judged appropriate by the FRS.
- 3.7.** The Regulatory Reform (Fire Safety) Order 2005 came into force on 1 October 2006. The order places responsibility on a ‘responsible person’, which in the case of an independent school will ordinarily be the proprietor, to (among other things):
- carry out a suitable and sufficient fire risk assessment (that is formally recorded with all the findings and is regularly reviewed so as to keep it up to date);
 - produce a fire risk policy which includes the elimination or reduction of fire from occurring and take steps to mitigate fire spread including risks from dangerous substances;
 - take such general fire precautions as will ensure, so far as is reasonably practicable, to ensure that the premises are safe.
 - develop fire procedures and provide adequate staff training (repeated periodically where appropriate);
 - ensure the safety of staff or anyone else legally on the school premises as well as persons in the immediate vicinity who would be at risk from fire on the premises;
 - carry out fire drills and arrange contact with and make relevant information available to 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 firefighting 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 particularly on what to do in the event of a fire.

3.8. Additionally, the 2005 Order places duties on staff, including to take 'reasonable care' in carrying out their duties.

3.9. The fire risk assessment should be reviewed regularly and revised in light of any changes that occur at the school. The local Fire and Rescue Service (FRS) will inspect independent schools periodically in the same way as any other business i.e. on a risk assessment basis. This is likely to mean more frequent FRS inspections, for instance, for boarding schools or those dealing with pupils who have special needs. The government has published guidance on how to complete a fire risk assessment for educational premises here: [Fire safety risk assessment: educational premises - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/fire-safety-risk-assessment-educational-premises).

Admission and attendance registers

3.10. Independent school proprietors are required to keep an admission register and an attendance register and proprietors should acquaint themselves with the [School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#) ("the 2024 Regulations") which govern this.

3.11. 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 by Ofsted, the DfE and the local authority in which the school is located. Proprietors are also required, under the 2024 Regulations, to make four types of returns to the local authority: new pupil returns (where a new name is added to the admission register, subject to exceptions), deletion returns (where a name is deleted from the admission register, subject to exceptions), attendance returns (where certain criteria regarding a pupil's attendance are satisfied), and sickness returns (where certain criteria related to a pupil's absence because of sickness are satisfied).¹² Boarding schools without day-pupils are not required to keep an attendance register. Schools with a mixture of day-pupils and boarders must keep an attendance register for the day-pupils. However, it may be good practice for all

¹² There are exceptions to these requirements as set out in [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024 \(legislation.gov.uk\)](#)

proprietors to keep attendance registers - see school attendance guidance for further advice.

Part 4: Arrangements for inspection of registered independent schools, including the fees payable

- 4.1. All pre-registration inspections will be carried out by Ofsted, and all newly registered independent schools should have an Ofsted inspection (a standard inspection looking at compliance across the ISS) within their first year of operation. Providing all the ISS are met at that later inspection, schools will thereafter be inspected on a regular cycle by either Ofsted or the ISI¹³.
- 4.2. ISI is an independent inspectorate which has been approved by the Secretary of State (under section 106 of the 2008 Act) for the purposes of inspecting certain registered independent schools. It operates an inspection framework, which is approved by the DfE.
- 4.3. The DfE has the right to require Ofsted to inspect any independent school at any time even if it is normally inspected by ISI. Inspections by Ofsted and/or ISI may be more frequent where the DfE has cause for concern.
- 4.4. Residential independent schools will be inspected annually by Ofsted against the National Minimum Standards for Residential Special Schools although may take place more frequently where appropriate. These schools also have social care inspections annually, which are carried out by Ofsted. Inspections of boarding facilities will normally be aligned with education inspections where the timescales make this sensible.
- 4.5. Early years settings will also be inspected against the Early Years Foundation Stage by Ofsted (or by ISI if the school is ordinarily inspected by that inspectorate).

Inspection fees

- 4.6. Fees for inspections carried out by Ofsted are invoiced by and paid directly to Ofsted. The fees which are charged to schools are set out in regulations¹⁴ and are subject to change.

¹³ The Independent Schools Inspectorate (ISI) is the only approved independent inspectorate as of March 2023. Other independent inspectorates may be approved under section 106 of the 2008 Act.

¹⁴ [The Independent Educational Provision in England \(Inspection Fees and Savings Provisions\) Regulations 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2019/1234567890000001.pdf)

- 4.7.** There is a fee for the pre-registration inspection. A pre-registration inspection is carried out by Ofsted and is necessary before any new independent school can be registered.
- 4.8.** After registration, fees will become payable for standard inspections. The first standard inspection is held within a school's first year of operation and is always carried out by Ofsted. Thereafter, standard inspections are normally carried out once every three years¹⁵.
- 4.9.** Fees for standard inspections by Ofsted are charged by reference to a sliding scale relating to the size of the school (i.e. number of pupils), and fees are collected in instalments on an annual basis. Schools will be able to plan for and build inspection costs into their budget process.
- 4.10.** Progress monitoring inspections are inspections that are carried out to check a registered independent school's progress in meeting the ISS where failings have previously been identified (these will focus, though not necessarily exclusively, on standards in the ISS that have been failed). Ofsted fees for progress monitoring inspections must be paid by the proprietor no later than 28 days after the Chief Inspector gives the proprietor notice requesting payment of the fee.
- 4.11.** Fees for second or subsequent progress monitoring inspections are charged at a higher rate, if such an inspection is commissioned. Reports of all the inspections referenced above are published on Ofsted's website.
- 4.12.** The DfE can also commission emergency inspections of any school. When such an inspection is carried out by Ofsted, no fee is payable by the school.
- 4.13.** If the proprietor fails to pay any inspection fee to Ofsted, recovery action may be initiated by Ofsted; the DfE can also remove the school from the register for non-payment of fees to Ofsted.
- 4.14.** Schools inspected by ISI will be invoiced by ISI. ISI fee rates are a matter for ISI - they are not set by regulations made by the Secretary of State. If the DfE requires Ofsted to inspect a school normally inspected by ISI, then Ofsted inspection fees would apply and be payable.

¹⁵ Although it should be noted Secretary of State can direct the standard cycle to be changed.

Part 5: Making changes to a registered school

5.1. Section 162 of the Education Act 2002 effectively requires schools to gain approval from the Secretary of State before making certain specified changes. These are known as “material changes.”

What is a material change?

5.2. A material change¹⁶ is:

- a change of proprietor
- a change of school address
- a change to the age range of pupils;
- a change to the maximum number of pupils (registered capacity);
- a change to whether the institution is for male or female pupil only or both;
- starting or ceasing to provide accommodation for pupils (boarding);
- starting or ceasing to admit pupils with special educational needs .

5.3. An application for approval for any material change must be made by the proprietor or in the case of a change of proprietor, by the proposed new proprietor. Applications should be made via email¹⁷, attaching relevant documentation and sending to registration.enquiries@education.gov.uk.

5.4. Proprietors will want to be aware that, other than in the case of a change of proprietor, the DfE expects a school to have undergone its first standard inspection before an application for a material change is made. The first standard inspection is an important milestone in establishing how a school is operating in practice following registration and provides the Secretary of State with assurance about the school's overall operation and compliance before any change to its registered details is approved.

¹⁶ As defined in section 162 (and section 160) of the Education Act 2002

¹⁷ If you need to post your application and supporting documents, please send them to:

The Independent Education Unit, Department for Education, Bishopsgate House, Feethams, Darlington, DL1 5QE

- 5.5. Schools should not attempt to make a change to their GIAS record themselves, to affect a material change. If this is done, the DfE will contact the school and seek further information about the intended change.
- 5.6. More detailed guidance about making material changes can be found [Independent schools: making a material change - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/independent-schools-making-a-material-change)
- 5.7. Where a material change is made without seeking approval, the Secretary of State **may remove** the school from the register of independent schools.

School closures

- 5.8. The closure of a registered school is not a material change and, therefore, does not require approval. However, proprietors are asked to notify the department via email to registration.enquiries@education.gov.uk as soon as a decision has been taken to close a school.
- 5.9. The notification should include:
- The name of the school;
 - The schools unique reference number (URN);
 - The proposed date of closure;
 - The reason for closure;
 - Confirmation that the proprietor is content for the school to be removed from the register of independent schools following closure;
 - Contact details for the proprietor in case further information is required.
- 5.10. Proprietors should also ensure that appropriate arrangements are made for affected pupils. This will normally include engaging with the relevant local authorities, parents, carers, and any other appropriate agencies to support pupils in securing alternative education where necessary.
- 5.11. Following notification and confirmation from the proprietor that the school should be removed from the register, the department will take the necessary steps to remove it. In the event that a school has closed or ceased operating but has not agreed to be removed from the register, the DfE may consider the use of its powers under section 100 of the Education and Skills Act 2008 to remove the school from the register. This includes circumstances where the school has ceased to be a school, for example by

no longer providing full-time education to pupils of compulsory school age.

Part 6: Failure by an independent school to meet the required standards

What happens if I do not meet the independent school standards?

- 6.1. Proprietors should ensure a school continues to meet all the ISS once a school is registered, at all times. If an independent school fails to meet the ISS, then regulatory or enforcement action is likely to be taken.
- 6.2. The department's overall policy aim is that in order to safeguard the education and well-being of children, schools that do not meet the ISS must improve rapidly or face enforcement action, which may result in closure.
- 6.3. To achieve this, DfE can require schools not meeting the ISS to produce an action plan; if the school does not submit an action plan, or if a plan is submitted but is rejected, or if a plan is approved but not adequately implemented, DfE can take what is termed 'enforcement action' (provided this is done within a certain timeframe). This means either imposing a 'relevant restriction' on the proprietor of a school or removing the school from the register of independent schools.
- 6.4. The DfE has published a policy statement relating to how it takes such action in the "[Independent Schools: Regulatory and Enforcement Action Policy Statement](#)". The statement also provides information about the powers available to the DfE to address non-compliance.

Part 7: Other information

Equality Act 2010

- 7.1. The DfE has produced advice to help schools to understand how the Equality Act 2010 affects them and how to fulfil their duties under the Act, which can be found at [Equality Act 2010: advice for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk/equality-act-2010-advice-for-schools).

Prohibition from the management of an independent school

- 7.2. Persons involved in the management of independent schools are expected to maintain high standards of conduct and ensure that the institution is run in accordance with the relevant legal requirements. However, there are some cases where proprietors, staff and trustees fall short of these standards. Where such an individual's conduct is considered unsuitable, it may be appropriate for the Secretary of State to prevent that person from being engaged in a management role at the school or at another school in the future. There may also be instances where, due to the seriousness of the conduct, a person should be prevented from being engaged in the management of a school even though the person is not currently in a role at a school (or has never had such a role). The DfE has produced guidance about prohibiting individuals from the management of an independent school, which can be found at [Prohibiting unsuitable individuals from managing independent schools \(publishing.service.gov.uk\)](http://publishing.service.gov.uk/prohibiting-unsuitable-individuals-from-managing-independent-schools).
- 7.3. Section 128 of the 2008 Act gives the Secretary of State the power to direct that a person may not take part in the management of an independent school in England (which also includes academies and free schools), either at all, or may only do so in specified circumstances or subject to specified conditions. The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014, which are principally made under s.128 and 129 of the 2008 Act, set out the grounds on which a decision to give such a direction may be based, and the procedure for giving a direction, and also the basis on which appeals to the First-tier Tribunal, or applications to the Secretary of State for revocation or variation of a direction, may be made.
- 7.4. Additionally, obligations under Part 4 of the ISS require proprietors to ensure that persons appointed as members of staff or supply staff do not carry out work, or intend to carry out work, at their school in contravention of, amongst other things, a prohibition order (see section 141B(4) of the Education Act 2002), an interim prohibition order (see section 141C(7) of that Act), or any direction made under

section 128 of the 2008 Act. Proprietors who fail to carry out checks to ascertain whether staff are subject to these types of restrictions, risk failing the ISS here.

Schools with a religious ethos

- 7.5.** The application form for registration will ask whether or not the school has a religious ethos, and details of any religious ethos declared will be recorded on GIAS. Independent schools registered as having a religious ethos are able to admit pupils and provide, to pupils, education and access to other aspects of school life on religious grounds. Such discrimination is generally prohibited by the Equality Act 2010, but a specific exemption exists for independent schools registered as having a religious ethos.

Schools designated by order as having a religious character

- 7.6.** The Secretary of State may make an order designating an independent school as having a religious character where requirements set out in the Religious Character of Schools (Designation Procedure) (Independent Schools)(England) Regulations 2003 have been met.
- 7.7.** The application must –
- State the religion or religious denomination of the school;
 - Include the grounds on which the application is based and any supporting evidence of those grounds; and
 - include any representations made by a religious body in support of the application.
- 7.8.** On receipt of an application for an order in accordance with these Regulations, the Secretary of State may consult any religious body regarding the school's application, which he considers appropriate.
- 7.9.** Under the Equality Act 2010 independent schools designated as having a religious character can :
- discriminate on the basis of religion in admitting pupils and provide pupils, education and access to other aspects of school life on religious grounds;
 - give preference in connection with the appointment, promotion and remuneration of teachers on religious grounds;

- take into account conduct incompatible with the precepts or tenets of the religion in appointing or terminating the employment of teachers.
- 7.10.** The Equality Act 2010 is not breached by doing anything listed above as permitted as a result of religious *designation*. However, these freedoms which are granted in relation to schools which have a religious designation (and the ones listed above for independent schools registered as having a religious ethos) do not permit other forms of discrimination. In addition, they only relate to discrimination on religious grounds and, therefore, they do not permit schools to discriminate (in doing the things in question) on grounds of gender, race, sexuality, etc.
- 7.11.** The proprietor of a registered independent school, or a proprietor planning to open an independent school, can apply for that school to be designated as having a religious character. Full details and an application form will be sent on request or at the time of registration. A school can also seek designation at any time after opening.

Exam results

- 7.12.** The Education (School Performance Information) (England) Regulations 2007, as amended, provide for the supply of information which the Secretary of State can publish to assist parents in choosing schools for their children and increase public awareness of the quality of education provided by schools. Information may be required from independent schools on examination results as well as general information about the school. The information will be published alongside comparable information about maintained schools.

Other legislation

- 7.13.** It should be noted that relevant provisions of the Health and Safety at Work Act 1974 apply in relation to independent schools, as well as relevant provisions of business/charity and employment law. The Data Protection Act 2018 applies in relation to such schools, but (unless they are academies) they are not bound by the Freedom of Information Act 2000.
- 7.14.** Information on how to register as a Charity can be found at: [Set up a charity: Register your charity - GOV.UK \(www.gov.uk\)](https://www.gov.uk/set-up-a-charity).

Teachers' Pension Scheme

- 7.15.** Once an independent school has achieved registration, it may apply to participate in the Teachers' Pension Scheme, which is currently administered on behalf of the DfE by Capita.
- 7.16.** From 1 November 2026, the scheme will be administered by Tata Consultancy Services (TCS).
- 7.17.** Enquiries should be made to: <https://www.teacherspensions.co.uk/public/contact-us.aspx>.

Contact information

For further information on any points raised in this document, please contact the Independent Education Unit:

Email: registration.enquiries@education.gov.uk

Annex 1

Table of changes: Registration of independent schools

Part 1: Scope of arrangements	
Added references to other guidance proprietors will be required to have regard to.	Page 5
Emphasised the need for proprietors to fully understand the ISS and statutory guidance before applying.	Page 5
Included reference to SEND reform.	Page 6
Clarified that for multi-site settings, ISS compliance is not relevant when determining if an institution is an independent school.	Page 7
Clarified that operating below the more than 18-hour threshold does not automatically mean a setting is not an independent school; all factors must be considered.	Page 7
Confirmed that DfE cannot provide bespoke advice beyond published guidance.	Page 8
Added guidance around schools registering 16-19 year olds.	Page 10
Part 2: How to apply for Registration	
Clarified the purpose of the pre-registration inspection and the requirement for premises to be inspection ready.	Page 16
Added requirement for proprietors to notify DfE of any issues that may prevent an inspection proceeding.	Page 16
Clarified the process for requesting and approving inspection deferrals.	Page 16
Encouraged proprietors to have contingency plans in place for unexpected leadership and management changes.	Page 16
Clarified application withdrawal arrangements and associated fees.	Page 17
Updated deemed consent provisions – removal of references to EU regulations.	Page 18
Part 3: The independent school standards	
Clarified the requirements relating to schools providing accommodation.	Page 19
Updated fire precaution requirements.	Page 20
Updated admission and attendance register requirements, including links to the 2024 attendance regulations.	Page 21
Updated inspection fee information.	Page 22
Part 5: Making changes to a registered school	
Added guidance on steps to take relating to school closures.	Page 26

Annex 2

Proprietors will be required to supply a curriculum policy, curriculum plans and schemes of work with their application to register an independent school. These documents will be requested once your application has been submitted and should collectively cover every subject and year group to be taught.

NB. The documents need to take into account the ages, needs, aptitudes of all pupils (including those with an EHCP) and must not undermine the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and belief.

Advice on the documents required

The DfE considers the three categories of documents to be as follows:

Curriculum Policy - a general statement setting out the school's approach to what pupils are taught. It should describe the overall content of the curriculum including a list of the subject areas and how they vary across year groups, but is not required to contain detailed information on individual subjects – though it could cover areas such as religious education, PSHE and other topics which bear on the school's aims and ethos. The document might also say how the school's curriculum relates, if at all, to the National Curriculum.

Curriculum Plans - a document which sets out a description of the content of the curriculum for each subject, in each year group taught at the school, so that it is possible to see the scope of the expectations for each year group.

Detailed schemes of work – a detailed document which should contain details of tasks set for pupils, teaching methodology and assessment opportunities for each subject. It should include how progression will be evidenced through the term/year for pupils gaining new knowledge, acquiring skills and deepening their understanding of the various subjects.

For some schools which take children with SEN, we know it may not be possible to provide high level detail as the needs/abilities of the pupils will not be known until they are referred to the school. The school should provide detailed plans for assessment of pupils on entry and detailed basic literacy and numeracy plans, to ensure that there is a programme that the pupils can slot into, with some flexibility in the remaining schemes of works for curriculum areas according to pupils' ages and stages of development, ability and interest.

Key Points

Independent schools are not required to follow the National Curriculum. However, the school should give experience in the following areas:

- Linguistic education: developing pupils' communication skills and increasing their command of language through listening, speaking, reading and writing - pupils must acquire speaking, listening and literacy skills.

- Mathematical education: for example, making calculations, understanding and appreciating relationships and patterns in number and space and developing pupils capacity to think logically and express themselves clearly. Their knowledge and understanding of mathematics should be developed in a variety of ways, including practical activity, exploration and discussion.
- Scientific education: for example, increasing pupils' knowledge and understanding of nature, materials and forces and developing the skills associated with science as a process of enquiry: for example, observing, forming hypotheses, conducting experiments and recording their findings.
- Technological education: Technological education can include the use of ICT; developing, planning and communicating ideas; working with tools, equipment, materials and components to produce good quality products; and evaluating processes and products. If a school does not allow the use of IT systems, it should still make pupils aware of their existence and of the impact these can have in their lives.
- Human and social education: for example, people and their environment, and how human action, now and in the past, has influenced events and conditions. In most schools, the subjects of history and geography make a strong contribution to this area.
- Physical education: for example, develop pupils' physical control and co-ordination as well as tactical skills and imaginative responses, and to help them to evaluate and improve their performance. Pupils should also acquire knowledge and understanding of the basic principles of fitness and health.
- Aesthetic and creative education: for example, processes of making, composing and inventing. There are aesthetic and creative aspects of all subjects, but some make a particularly strong contribution including art, music, dance, drama and the study of literature because they call for personal, imaginative, and often practical, responses.

Plans and schemes of work must illustrate how each area is to be woven into the school curriculum. It is not necessary for subjects to be treated as separate subjects, but the overall curriculum must cover the range set out above.

Guidance on completion of the template

The template should be completed by-

- listing each year group to be taught; and
- entering each subject to be taught in the top row.

All curriculum policy documents and schemes of work should be referenced and the reference number entered into the appropriate box on the template.

Example

	Subject Linguistics	Subject Mathematical	Subject Scientific	Subject Technological	Subject Human and social	Subject Physical	Subject Aesthetic and creative	Subject PSHE
Year Group 7	Doc 1	Doc 2	Doc 3	Doc 4	Doc 5	Doc 6	Doc 7	Doc 8

Curriculum Policy Check

[illegible]



Department
for Education

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