
STATUTORY INSTRUMENTS

2010 No. 1997

The Education (Independent School Standards) (England) Regulations 2010

Interpretation

2.—(1) In these Regulations—

“the 2002 Act” means the Education Act 2002;

“boarder” means a pupil for whom a school provides accommodation, whether or not the pupil is a pupil at that school;

“employment business” has the meaning given in section 13(3) of the Employment Agencies Act 1973(1);

“enhanced criminal record certificate” means an enhanced criminal record certificate as defined in section 113B of the Police Act 1997(2) which includes suitability information relating to children as defined in section 113BA(2)(3) of that Act;

“maintained school” means a community, foundation or voluntary school or a community or foundation special school(4);

“the National Minimum Standards for Boarding Schools” means the statement of national minimum standards published under that title in July 2010 by the Secretary of State for Education under section 87C(1) of the Children Act 1989(5);

“the National Minimum Standards for Residential Special Schools” means the standards published under that title in March 2002 by the Secretary of State for Health under section 87C of the Children Act 1989;

“school” means an independent school(6);

“the School Premises Regulations” means the Education (School Premises) Regulations 1999(7);

“staff” means any person working at the school whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer;

“statement” (except in paragraphs 24(2)(d) and 25(k) of Schedule 1) means a statement of special educational needs made under section 324 of the Education Act 1996(8);

(1) 1973 c.35.

(2) 1997 c.50; section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c.15).

(3) Section 113BA was inserted by paragraph 14(4) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c.47) and amended by section 170(2) of the Education and Inspections Act 2006 (c.40), paragraph 12 of Schedule 1 to the Education and Skills Act 2008 and section 81 of the Policing and Crime Act 2009 (c.26).

(4) See section 20 of the School Standards and Framework Act 1998 (c.31) as to the categories of maintained school.

(5) 1989 c.41; section 87 was amended by section 105 of the Care Standards Act 2000 (c. 41) and section 87C was inserted by section 107 of that Act.

(6) “Independent school” is defined in section 463 of the Education Act 1996 (c.56), which was substituted by section 172 of the Education Act 2002 (c. 32).

(7) S.I. 1999/2.

(8) 1996 c.56.

“supply staff” means any person working at the school supplied by an employment business.

- (2) For the purposes of these Regulations an “enhanced criminal record check” is made if—
- (a) an application for an enhanced criminal record certificate is made under Part 5 of the Police Act 1997; and
 - (b) the application is countersigned by a registered person (as defined in section 120 of that Act) or the application is countersigned on behalf of that person and (in either case) the application is submitted in accordance with Part 5 of that Act.
- (3) In these Regulations, where an element of a standard is information or a document being “made available”, that element of the standard is met—
- (a) in a case where the school has an internet website, if—
 - (i) the information or a copy of the document is—
 - (aa) available on the website in a form accessible to parents of pupils and parents of prospective pupils; and
 - (bb) available for inspection on the school’s premises during the school day; and
 - (ii) the proprietor takes reasonable steps to ensure that parents of pupils and parents of prospective pupils are aware that the information or a copy of the document is available and the form in which it is available; and
 - (b) in a case where the school has an internet website but the information or a copy of the document is not available on the website, or where the school does not have an internet website, if—
 - (i) the proprietor takes reasonable steps to ensure that parents of pupils and parents of prospective pupils are made aware that they may request the information or a copy of the document; and
 - (ii) the information or a copy of the document is sent or given to such parents free of charge, in response to a request.