
STATUTORY INSTRUMENTS

2020 No. 542

**The Education (Independent School Standards)
(Coronavirus) (Amendment) Regulations 2020**

Amendments to the Education (Independent School Standards) Regulations 2014

2.—(1) The Education (Independent School Standards) Regulations 2014(1) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), after the definition of “pupil” insert—

““registered person” has the meaning given in section 120(1) of the 1997 Act;”;

(b) for paragraph (2)(a) substitute—

“(a) an application for an enhanced criminal record certificate is made under section 113B(1) of the 1997 Act; or”;

(c) in paragraph (5), for “20(3)(b)(i), 20(5)(b)(i)” substitute “20(3)(c), 20(5)(c)”.

(3) In paragraph 20 of Part 4 of the Schedule (suitability of staff, supply staff, and proprietors)—

(a) in sub-paragraph (3)—

(i) at the end of paragraph (a)(ii) omit “and”;

(ii) omit paragraph (b)(i);

(iii) at the end of paragraph (b)(iii) insert “and”;

(iv) omit the full out text which follows paragraph (b)(iii); and

(v) after paragraph (b) insert—

“(c) before the school is entered in the register or, in the case of a registered school, before or as soon as practicable after the individual takes over as proprietor, the Secretary of State receives confirmation that, where relevant to the individual, an enhanced criminal record check has been made relating to the individual—

(i) which is countersigned by the Secretary of State or by or on behalf of another registered person who is asked to arrange countersignature of the application by the Secretary of State; or

(ii) which is transmitted by or on behalf of a registered person who is asked to arrange transmission of the application by the Secretary of State;

and, where an enhanced criminal record check is made, the Secretary of State either obtains an enhanced criminal record certificate relating to the individual or confirms to the individual that no certificate is required to be provided to the Secretary of State.”;

(b) in sub-paragraph (5)—

- (i) at the end of paragraph (a)(ii) omit “and”;
- (ii) omit paragraph (b)(i);
- (iii) at the end of paragraph (b)(iii) insert “and”;
- (iv) omit the full out text which follows paragraph (b)(iii); and
- (v) after paragraph (b) insert—

- “(c) subject to sub-paragraphs (7) to (8), the Secretary of State receives confirmation that, where relevant to the individual, an enhanced criminal record check has been made relating to the individual—

- (i) which is countersigned by the Secretary of State or by or on behalf of another registered person who is asked to arrange countersignature of the application by the Secretary of State; or
 - (ii) which is transmitted by or on behalf of a registered person who is asked to arrange transmission of the application by the Secretary of State;

and, where an enhanced criminal record check is made, the Secretary of State either obtains an enhanced criminal record certificate relating to the individual or confirms to the individual that no certificate is required to be provided to the Secretary of State.”;

- (c) in paragraph 20(6)(c) omit “countersigned by the Secretary of State”;
- (d) in paragraph 20(7), after “sub-paragraph (5)(b)” in each place in which it appears insert “, (5)(c)”;
- (e) for paragraph 20(8)(a) substitute—
 - “(a) sub-paragraphs (5)(b) and (c) are met where the checks referred to in those sub-paragraphs are completed before or as soon as practicable after the Chair of the school starts acting as such;”.