
STATUTORY INSTRUMENTS

2008 No. 3253

EDUCATION, ENGLAND

The Education (Independent School Standards)
(England) (Amendment) Regulations 2008

Made - - - - 17th December 2008
Laid before Parliament 29th December 2008
Coming into force - - 9th February 2009

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 157(1) and 210(7) of the Education Act 2002⁽¹⁾:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Independent School Standards) (England) (Amendment) Regulations 2008 and come into force on 9th February 2009.

(2) These Regulations apply only in relation to England.

Amendment of the Education (Independent School Standards) (England) Regulations 2003

2. The Education (Independent School Standards) (England) Regulations 2003⁽²⁾ are amended in accordance with the following regulations.

3. For regulation 3 (application) substitute—

“3. These Regulations apply to any independent school, except that—

(a) paragraphs 1 and 6(3)(b), (c), (e) and (g) and (8) of the Schedule do not apply to an Academy; and

(b) paragraphs 1, 3(9) and 6(3)(b), (c), (e) and (g), (6) and (8) do not apply to a city technology college or a city college for the technology of the arts.”.

4. In regulation 4 (interpretation), after paragraph (3) insert—

“(4) In these Regulations, where a school is required to “make available” information or a document, the requirement is satisfied where—

(1) 2002 c. 32; section 157 has been amended by section 47 of the Childcare Act 2006 (c. 21). See section 212(1) for the definition of “regulations”.

(2) S.I. 2003/1910; amended by S.I. 2004/3374 and 2007/1087.

- (a) the information or a copy of the document is published on the school’s internet website, where such a website exists;
 - (b) the information or a copy of the document is available for inspection on the school’s premises during the school day; and
 - (c) the school ensures that parents of pupils, and parents of prospective pupils who request it, are made aware that the information or document is published or available and the form in which it is published or available.”
5. In paragraph 1 of the Schedule (the independent school standards)—
- (a) in sub-paragraph (2)(h) omit the words “or below”; and
 - (b) in sub-paragraph (3)(h) for the words “encourage pupils to behave responsibly” substitute “utilise effective strategies for managing behaviour and encouraging pupils to act responsibly”.
6. In paragraph 3 of the Schedule—
- (a) in sub-paragraph (2)(a) for the words “DfES Guidance “Bullying: don’t suffer in silence”” substitute “DCSF Guidance “Safe to Learn: Embedding anti-bullying work in schools”(3)”;
 - (b) in sub-paragraph (2)(b) for the words “DfES Guidance “Safeguarding Children in Education” [DfES publication number 0027/2004]” substitute “Safeguarding Children and Safer Recruitment in Education(4)”;
 - (c) for sub-paragraph (5) substitute—
 - “(5) The school shall comply with the Regulatory Reform (Fire Safety) Order 2005(5).”; and
 - (d) in sub-paragraph (9) for the words “the Education (Pupil Registration) Regulations 1995” substitute “the Education (Pupil Registration) (England) Regulations 2006(6)”.
7. For paragraph 6 of the Schedule substitute—
- “6.—(1) The provision of information by the school meets the standard if the requirements in sub-paragraphs (2) to (9) are met.
- (2) The school must provide to parents of pupils and of prospective pupils and on request to the Chief Inspector, the Secretary of State or a body approved for the purposes of section 162A(1) of the 2002 Act—
- (a) the school’s address and telephone number, and the name of the head teacher;
 - (b) either—
 - (i) where the proprietor is an individual, the proprietor’s full name, address for correspondence during both term-time and holidays and a telephone number or numbers on which the proprietor may be contacted at all times, or
 - (ii) where the proprietor is a corporation, a Scottish firm or a body of persons, the address and telephone number of its registered or principal office;
 - (c) where there is a governing body, the name and address for correspondence of its Chair; and
 - (d) a statement of the school’s ethos (including any religious ethos) and aims.

(3) ISBN 978-1-84775-027-3.

(4) ISBN 978-1-84478-854-5.

(5) S.I. 2005/1541.

(6) S.I. 2006/1751; amended by S.I. 2007/603.

(3) The school must make available to parents of pupils and of prospective pupils and provide, on request, to the Chief Inspector, the Secretary of State or a body approved for the purposes of section 162A(1) of the 2002 Act—

- (a) particulars of the school’s policy on and arrangements for admissions, discipline and exclusions;
- (b) particulars of educational and welfare provision for pupils with statements and pupils for whom English is an additional language;
- (c) particulars of the policy prepared under paragraph 1(2);
- (d) such parts of the policy prepared under paragraph 3(2) as are drawn up for the purposes of paragraph 3(2)(a), (c) and (d);
- (e) particulars of the school’s academic performance during the preceding school year, including the results of any public examinations;
- (f) details of the complaints procedure set out in accordance with paragraph 7, and the number of complaints registered under the formal procedure during the preceding school year; and
- (g) the number of staff at the school, including temporary staff, and a summary of their qualifications.

(4) The school must publish on its internet website or, where no such website exists, the school must send to parents of pupils and of prospective pupils on request, a copy of so much of the policy prepared under paragraph 3(2) as has been drawn up for the purposes of paragraph 3(2)(b).

(5) Following an inspection under section 162A(1) of the 2002 Act, the school must send to the parents of every registered pupil, by a date to be specified by the body who conducted the inspection, a copy of the report of the inspection.

(6) The school must send to the parents of each registered pupil an annual written report of the pupil’s progress and attainment in the main subject areas taught, except that no report need be sent to a parent who has agreed otherwise with the school.

(7) The school must provide any body conducting an inspection under section 162A(1) of the 2002 Act with—

- (a) any information reasonably requested in connection with it that is necessary for the purposes of the inspection; and
- (b) access to the school’s admission and attendance registers.

(8) Where a pupil wholly or partly funded by a local authority is registered at the school, an annual account of income received and expenditure incurred by the school in respect of that pupil must be submitted to the local authority and on request to the Secretary of State.

(9) Where a pupil with a statement is registered at the school, the school must supply such information to the responsible local education authority as may reasonably be required for the purpose of the annual review of the statement.”.

8. In paragraph 7 of the Schedule—

- (a) for the words “has a complaints procedure” substitute “draws up and implements effectively a complaints procedure”;
- (b) in sub-paragraph (b) for the words “is available on request” substitute “the school makes available”; and
- (c) for sub-paragraph (i) substitute the following—
 - “(i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—

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- (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
- (ii) available for inspection on the school premises by the proprietor and the head teacher;”.

17th December 2008

Jim Knight
Minister of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Independent School Standards) (England) Regulations 2003 (“the principal Regulations”). The principal Regulations contain the standards which independent schools are required to meet.

The changes made by these Regulations—

- (a) substitute regulation 3 of the principal Regulations to update the references to paragraph 6 of the Schedule, which is substituted by these Regulations. Regulation 3 of the principal Regulations is amended to require Academies to draw up and implement effectively a written policy to promote good behaviour amongst pupils and set out the sanctions to be adopted in the event of pupil misbehaviour (regulation 3);
- (b) introduce a new definition of “make available” in relation to a document or other information (regulation 4). Where the principal Regulations require a school to make available information or a document the requirement is satisfied by placing a copy on the school’s website (if a website exists), placing a copy in the school for examination and informing parents of the availability of the information or document and informing parents that the information or document is available in a particular form;
- (c) remove the reference to pupils below compulsory school age in paragraph 1 of the Schedule (regulation 5(a)). Separate provision is made for early years provision in the Childcare Act 2006;
- (d) alter the requirement on teachers with regard to their role in pupils behaving responsibly (regulation 5(b));
- (e) update references to guidance and regulations in paragraph 3 of the Schedule to the principal Regulations (regulation 6);
- (f) make changes to the way in which information referred to in paragraph 6 of the Schedule of the principal Regulations is to be provided to parents of pupils and prospective pupils. It does this by substituting a new paragraph 6, in which some of the previous requirements to provide information are omitted. In relation to the information contained in subparagraph (3) as substituted, schools are required to make available that information to parents in the ways described in regulation 4 of the principal Regulations. Schools are required to publish a copy of the child protection policy on the school’s website or, where no website exists, to send a copy to parents on request (regulation 7);
- (g) require schools to implement effectively their complaints procedure, to make it available to parents and to send copies, electronically or otherwise, of any findings and recommendations to parents (and where relevant the person complained about) and allow for the inspection of those findings and recommendations by the proprietor and the head teacher (regulation 8).

A copy of the DCSF Guidance “Safe to Learn: Embedding anti-bullying work in schools” can be found at this weblink:

<http://www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/safetolearn/>

A copy of the DfES Guidance “Safeguarding Children and Safer Recruitment in Education” can be found at this weblink:

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00175/>

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A full impact assessment of the effect that this instrument will have on the business and voluntary sector is available from Margaret Pattinson, Department for Children, Schools and Families, Mowden Hall, Staindrop Road, Darlington, DL3 9BG and is annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website.