

## SCHEDULE

Regulation 3(1)

### PART 1

#### Quality of education provided

1. The standards about the quality of education provided at the school are those contained in this Part.

2.—(1) The standard in this paragraph is met if—

- (a) the proprietor ensures that a written policy on the curriculum, supported by appropriate plans and schemes of work, which provides for the matters specified in sub-paragraph (2) is drawn up and implemented effectively; and
- (b) the written policy, plans and schemes of work—
  - (i) take into account the ages, aptitudes and needs of all pupils, including those pupils with an EHC plan; and
  - (ii) do 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 beliefs.

(2) For the purposes of paragraph (2)(1)(a), the matters are—

- (a) full-time supervised education for pupils of compulsory school age (construed in accordance with section 8 of the Education Act 1996), which gives pupils experience in linguistic, mathematical, scientific, technological, human and social, physical and aesthetic and creative education;
- (b) that pupils acquire speaking, listening, literacy and numeracy skills;
- (c) where the principal language of instruction is a language other than English, lessons in written and spoken English, except that this matter does not apply in respect of a school which provides education for pupils who are all temporarily resident in England and which follows the curriculum of another country;
- (d) personal, social, health and economic education which—
  - (i) reflects the school's aim and ethos; and
  - (ii) encourages respect for other people, paying particular regard to the protected characteristics set out in the 2010 Act<sup>M1</sup>;
- (e) for pupils receiving secondary education, access to accurate, up-to-date careers guidance that—
  - (i) is presented in an impartial manner;
  - (ii) enables them to make informed choices about a broad range of career options; and
  - (iii) helps to encourage them to fulfil their potential;
- (f) where the school has pupils below compulsory school age, a programme of activities which is appropriate to their educational needs in relation to personal, social, emotional and physical development and communication and language skills;
- (g) where the school has pupils above compulsory school age, a programme of activities which is appropriate to their needs;
- (h) that all pupils have the opportunity to learn and make progress; and
- (i) effective preparation of pupils for the opportunities, responsibilities and experiences of life in British society.

### Marginal Citations

**M1** The protected characteristics are set out in Chapter 1 of Part 2 of the Equality Act 2010.

[<sup>F1</sup>**2A.**—(1) The standard in this paragraph is met if the proprietor—

- (a) ensures that every registered pupil who is provided with primary education at the school is provided with relationships education,
- (b) ensures that every registered pupil who is provided with secondary education at the school is provided with relationships and sex education, except in so far as the pupil is excused as mentioned in sub-paragraph (2),
- (c) in a case where the school is an Academy, ensures that every registered pupil is provided with health education,
- (d) in making arrangements for the purposes of paragraphs (a), (b) or (c), has regard to any guidance under section 80A of the Education Act 2002 that applies in relation to the provision of education by maintained schools,
- (e) makes and keeps up to date a separate written statement of its policy with regard to the provision of education as required by each of paragraphs (a) and (b),
- (f) consults parents of registered pupils at the school before making or revising a statement under sub-paragraph (e), and
- (g) publishes a copy of the statement on a website and provides a copy of the statement free of charge to anyone who asks for one.

(2) Arrangements made by the proprietor for the purposes of sub-paragraph (1)(b) must ensure that where a pupil's parent requests that the pupil is wholly or partly excused from sex education provided as part of relationships and sex education, the pupil is so excused until the request is withdrawn, unless or to the extent that the head teacher considers that the pupil should not be so excused.

(3) Sub-paragraph (1)(a) and (c) do not apply to a pupil who is under compulsory school age.]

**F1** Sch. para. 2A inserted (1.9.2020) by [The Relationships Education, Relationships and Sex Education and Health Education \(England\) Regulations 2019 \(S.I. 2019/924\)](#), reg. 1(2), **Sch. para. 12**

**3.** The standard in this paragraph is met if the proprietor ensures that the teaching at the school—

- (a) enables pupils to acquire new knowledge and make good progress according to their ability so that they increase their understanding and develop their skills in the subjects taught;
- (b) fosters in pupils self-motivation, the application of intellectual, physical and creative effort, interest in their work and the ability to think and learn for themselves;
- (c) involves well planned lessons and effective teaching methods, activities and management of class time;
- (d) shows a good understanding of the aptitudes, needs and prior attainments of the pupils, and ensures that these are taken into account in the planning of lessons;
- (e) demonstrates good knowledge and understanding of the subject matter being taught;
- (f) utilises effectively classroom resources of a good quality, quantity and range;
- (g) demonstrates that a framework is in place to assess pupils' work regularly and thoroughly and use information from that assessment to plan teaching so that pupils can progress;
- (h) utilises effective strategies for managing behaviour and encouraging pupils to act responsibly;

- (i) does 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 beliefs; and
- (j) does not discriminate against pupils contrary to Part 6 of the 2010 Act <sup>M2</sup>.

#### **Marginal Citations**

**M2** Part 6 relates to education and consists of two Chapters. Chapter 1 relates to schools and Chapter 2 to further and higher education.

4. The standard in this paragraph is met where the proprietor ensures that a framework for pupil performance to be evaluated, by reference to the school's own aims as provided to parents or national norms, or to both, is in place.

## **PART 2**

### **Spiritual, moral, social and cultural development of pupils**

5. The standard about the spiritual, moral, social and cultural development of pupils at the school is met if the proprietor—

- (a) actively promotes the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs;
- (b) ensures that principles are actively promoted which—
  - (i) enable pupils to develop their self-knowledge, self-esteem and self-confidence;
  - (ii) enable pupils to distinguish right from wrong and to respect the civil and criminal law of England;
  - (iii) encourage pupils to accept responsibility for their behaviour, show initiative and understand how they can contribute positively to the lives of those living and working in the locality in which the school is situated and to society more widely;
  - (iv) enable pupils to acquire a broad general knowledge of and respect for public institutions and services in England;
  - (v) further tolerance and harmony between different cultural traditions by enabling pupils to acquire an appreciation of and respect for their own and other cultures;
  - (vi) encourage respect for other people, paying particular regard to the protected characteristics set out in the 2010 Act; and
  - (vii) encourage respect for democracy and support for participation in the democratic process, including respect for the basis on which the law is made and applied in England;
- (c) precludes the promotion of partisan political views in the teaching of any subject in the school; and
- (d) takes such steps as are reasonably practicable to ensure that where political issues are brought to the attention of pupils—
  - (i) while they are in attendance at the school,
  - (ii) while they are taking part in extra-curricular activities which are provided or organised by or on behalf of the school, or
  - (iii) in the promotion at the school, including through the distribution of promotional material, of extra-curricular activities taking place at the school or elsewhere,

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they are offered a balanced presentation of opposing views.

## PART 3

### Welfare, health and safety of pupils

6. The standards about the welfare, health and safety of pupils at the school are those contained in this Part.

7. The standard in this paragraph is met if the proprietor ensures that—

- (a) arrangements are made to safeguard and promote the welfare of pupils at the school; and
- (b) such arrangements have regard to any guidance issued by the Secretary of State.

8. Where section 87(1) of the 1989 Act <sup>M3</sup> applies in relation to a school the standard in this paragraph is met if the proprietor ensures that—

- (a) arrangements are made to safeguard and promote the welfare of boarders while they are accommodated at the school; and
- (b) such arrangements have regard to the National Minimum Standards for Boarding Schools or, where applicable, the National Minimum Standards for Residential Special Schools <sup>F2</sup> ...

**F2** Words in Sch. para. 8(b) omitted (1.4.2018) by virtue of [The Independent Educational Provision in England \(Inspection Fees\) and Independent School Standards \(Amendment\) Regulations 2018 \(S.I. 2018/205\)](#), regs. 1(1), **9(3)**

#### Marginal Citations

**M3** Section 87(1) was amended by section 105 of the [Care Standards Act 2000 \(c.41\)](#) and section 1A was inserted by section 43 of the 2011 Act.

9. The standard in this paragraph is met if the proprietor promotes good behaviour amongst pupils by ensuring that—

- (a) a written behaviour policy is drawn up that, amongst other matters, sets out the sanctions to be adopted in the event of pupil misbehaviour;
- (b) the policy is implemented effectively; and
- (c) a record is kept of the sanctions imposed upon pupils for serious misbehaviour.

10. The standard in this paragraph is met if the proprietor ensures that bullying at the school is prevented in so far as reasonably practicable, by the drawing up and implementation of an effective anti-bullying strategy.

11. The standard in this paragraph is met if the proprietor ensures that relevant health and safety laws are complied with by the drawing up and effective implementation of a written health and safety policy.

12. The standard in this paragraph is met if the proprietor ensures compliance with the Regulatory Reform (Fire Safety) Order 2005 <sup>M4</sup>.

#### Marginal Citations

**M4** [S.I. 2005/1541](#), to which there are amendments not relevant to these Regulations.

**13.** The standard in this paragraph is met if the proprietor ensures that first aid is administered in a timely and competent manner by the drawing up and effective implementation of a written first aid policy.

**14.** The standard in this paragraph is met if the proprietor ensures that pupils are properly supervised through the appropriate deployment of school staff.

**15.** The standard in this paragraph is met if the proprietor ensures that an admission and attendance register is maintained in accordance with the Education (Pupil Registration) (England) Regulations 2006<sup>M5</sup>.

**Marginal Citations**

**M5** [S.I. 2006/1751](#), to which there are amendments not relevant to these Regulations.

**16.** The standard in this paragraph is met if the proprietor ensures that—

- (a) the welfare of pupils at the school is safeguarded and promoted by the drawing up and effective implementation of a written risk assessment policy; and
- (b) appropriate action is taken to reduce risks that are identified.

## **PART 4**

### **Suitability of staff, supply staff, and proprietors**

**17.** The standards about the suitability of staff, supply staff, and proprietors are those contained in this Part.

**18.—(1)** The standard in this paragraph relates to the suitability of persons appointed as members of staff at the school, other than the proprietor and supply staff.

(2) The standard in this paragraph is met if—

- (a) no such person is barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that person is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act;
- (b) no such person carries out work, or intends to carry out work, at the school in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act, or any disqualification, prohibition or restriction which takes effect as if contained in either such direction;
- (c) the proprietor carries out appropriate checks to confirm in respect of each such person—
  - (i) the person's identity;
  - (ii) the person's medical fitness;
  - (iii) the person's right to work in the United Kingdom; and
  - (iv) where appropriate, the person's qualifications;
- (d) the proprietor ensures that, where relevant to any such person, an enhanced criminal record check is made in respect of that person and an enhanced criminal record certificate is obtained before or as soon as practicable after that person's appointment;
- (e) in the case of any person for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, such further checks are made as the proprietor considers appropriate, having regard to any guidance issued by the Secretary of State; and

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(f) in the case of staff who care for, train, supervise or are in charge of boarders, in addition to the matters specified in paragraphs (a) to (e), the proprietor checks that [<sup>F3</sup>Standard 19] of the National Minimum Standards for Boarding Schools or, where applicable, [<sup>F4</sup>Standard 24] of the National Minimum Standards for Residential Special Schools, is complied with, and in the light of the information from the checks referred to in paragraphs (c) to (f) the proprietor considers that the person is suitable for the position to which the person is appointed.

(3) The checks referred to in sub-paragraphs (2)(c) and (except where sub-paragraph (4) applies) (2)(e) must be completed before a person's appointment.

(4) The checks specified in sub-paragraphs (2)(d), (e) and (f) do not need to be carried out where the new member of staff ("M") has worked in—

- (a) a school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- (b) a maintained school in England in a position to which M was appointed on or after 12th May 2006 and which did not bring M regularly into contact with children or young persons; or
- (c) an institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

during a period which ended not more than three months before M's appointment.

- F3** Words in [Sch. para. 18\(2\)\(f\)](#) substituted (5.9.2022) by [The Independent School Standards and Non-Maintained Special Schools \(England\) \(Amendment\) Regulations 2022 \(S.I. 2022/905\)](#), regs. 1(1), **2(3)(a)(i)** (with reg. 4)
- F4** Words in [Sch. para. 18\(2\)\(f\)](#) substituted (5.9.2022) by [The Independent School Standards and Non-Maintained Special Schools \(England\) \(Amendment\) Regulations 2022 \(S.I. 2022/905\)](#), regs. 1(1), **2(3)(a)(ii)** (with reg. 4)

**19.—(1)** This paragraph relates to the suitability of supply staff at the school.

(2) The standard in this paragraph is met if—

- (a) a person offered for supply by an employment business to the school only begins to work at the school if the proprietor has received—
  - (i) written notification from the employment business in relation to that person—
    - (aa) that the checks referred to in paragraph 21(3)(a)(i) to (iv), (vii) and (b) have been made to the extent relevant to that person;
    - (bb) that, where relevant to that person, an enhanced criminal record check has been made and that it or another employment business has obtained an enhanced criminal record certificate in response to such a check; <sup>F5</sup>...
    - (cc) if the employment business has obtained such a certificate before the person is due to begin work at the school, whether it disclosed any matter or information; and
    - [<sup>F6</sup>(dd) that, where that person is one for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, it or another employment business has obtained such further checks as appropriate, having regard to any guidance issued by the Secretary of State; and]

- (ii) a copy of any enhanced criminal record certificate obtained by an employment business before the person is due to begin work at the school;
  - (b) a person offered for supply by an employment business only begins work at the school if the proprietor considers that the person is suitable for the work for which the person is supplied;
  - (c) before a person offered for supply by an employment business begins work at the school the person's identity is checked by the proprietor of the school (irrespective of any such check carried out by the employment business before the person was offered for supply);
  - (d) the proprietor, in the contract or other arrangements which the proprietor makes with any employment business, requires the employment business to provide—
    - (i) the notification referred to in paragraph (a)(i); and
    - (ii) a copy of any enhanced criminal record certificate which the employment business obtains,in respect of any person whom the employment business supplies to the school; and
  - (e) except for those persons to whom sub-paragraph (4) applies, in the case of supply staff who care for, train, supervise or are in charge of boarders, the proprietor checks that the relevant parts of [<sup>F7</sup>Standard 19] of the National Minimum Standards for Boarding Schools or where applicable, [<sup>F8</sup>Standard 24] of the National Minimum Standards for Residential Special Schools are complied with.
- (3) Except in the case of a person to whom sub-paragraph (4) applies, the certificate referred to in sub-paragraph (2)(a)(i)(bb) must have been obtained not more than 3 months before the date on which the person is due to begin work at the school.
- (4) This sub-paragraph applies to a person (“P”) who has worked in—
- (a) a school or a maintained school in England in a position which brought P regularly into contact with children or young persons;
  - (b) a maintained school in England in a position to which P was appointed on or after 12th May 2006 and which did not bring P regularly into contact with children or young persons; or
  - (c) an institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought P regularly into contact with children or young persons,
- during a period which ended not more than three months before P is due to begin work at the school.

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| <b>F5</b> | Word in Sch. para. 19(2)(a)(i)(bb) omitted (1.9.2018) by virtue of <a href="#">The Independent Educational Provision in England (Provision of Information) and Non-Maintained Special Schools (England) and Independent School Standards (Amendment) Regulations 2018 (S.I. 2018/901)</a> , regs. 1, <b>11(a)</b> |
| <b>F6</b> | Sch. para. 19(2)(a)(i)(dd) inserted (1.9.2018) by <a href="#">The Independent Educational Provision in England (Provision of Information) and Non-Maintained Special Schools (England) and Independent School Standards (Amendment) Regulations 2018 (S.I. 2018/901)</a> , regs. 1, <b>11(b)</b>                  |
| <b>F7</b> | Words in Sch. para. 19(2)(e) substituted (5.9.2022) by <a href="#">The Independent School Standards and Non-Maintained Special Schools (England) (Amendment) Regulations 2022 (S.I. 2022/905)</a> , regs. 1(1), <b>2(3)(a)(i)</b> (with reg. 4)   |
| <b>F8</b> | Words in Sch. para. 19(2)(e) substituted (5.9.2022) by <a href="#">The Independent School Standards and Non-Maintained Special Schools (England) (Amendment) Regulations 2022 (S.I. 2022/905)</a> , regs. 1(1), <b>2(3)(a)(ii)</b> (with reg. 4)  |

**20.—(1)** The standard in this paragraph relates to the suitability of the proprietor of the school.

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(2) Sub-paragraph (3) relates to the suitability of the proprietor where the proprietor is an individual.

(3) The standard in this paragraph is met if—

(a) the individual—

- (i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act; and
- (ii) does not carry out work, or intend to carry out work, at the school in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction;  
F9 ...

(b) the Secretary of State makes the following checks relating to the individual 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—

F10 (i) .....

F11 (ii) .....

(iii) in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish the individual's suitability to work in a school, such further checks as the Secretary of State considers appropriate; F12 ...

F13 ...

[F14(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.]

[F15(d) 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—

- (i) the Secretary of State makes checks confirming the individual's identity; or
- (ii) the Secretary of State requests the individual or another person that checks are made for the purposes of confirming the individual's identity and following that request—
  - (aa) evidence is provided to the satisfaction of the Secretary of State that the individual is in fact the person with the particular identity that the individual claims to have; and
  - (bb) the Secretary of the State notifies the individual that the Secretary of State is satisfied that the individual's identity has been confirmed;

(e) 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—



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- (i) the Secretary of State makes checks confirming that the individual has the right to work in the United Kingdom; or
- (ii) the Secretary of State requests the individual or another person that checks are made for the purposes of confirming that the individual has the right to work in the United Kingdom and following that request—
  - (aa) evidence is provided to the satisfaction of the Secretary of State that the individual has that right; and
  - (bb) the Secretary of State notifies the individual that the Secretary of State is satisfied that the individual has that right.]

(4) Sub-paragraphs (5) to (8) relate to the suitability of the proprietor where the proprietor is a body of persons corporate or unincorporate.

(5) The standard in this paragraph is met in relation to an individual who is the Chair of the school if—

- (a) the individual—
  - (i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act; and
  - (ii) does not carry out work, or intend to carry out work, at the school in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction;

F16 ...

(b) subject to sub-paragraphs (7) and (8), the Secretary of State makes the following checks relating to the individual—

F17 (i) .....

F18 (ii) .....

(iii) in the case of an individual for whom, by reason of the individual living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish the individual's suitability to work in a school, such further checks as the Secretary of State considers appropriate; F19 ...

F20 ...

[F21(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.]

[F22(d) subject to sub-paragraphs (7) to (8)—

- (i) the Secretary of State makes checks confirming the individual's identity; or

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- (ii) the Secretary of State requests the individual or another person that checks are made for the purposes of confirming the individual's identity and following that request—
    - (aa) evidence is provided to the satisfaction of the Secretary of State that the individual is in fact the person with the particular identity that the individual claims to have; and
    - (bb) the Secretary of State notifies the proprietor of the school that the Secretary of State is satisfied that the individual's identity has been confirmed; and
  - (e) subject to sub-paragraphs (7) to (8)—
    - (i) the Secretary of State makes checks confirming that the individual has the right to work in the United Kingdom; or
    - (ii) the Secretary of State requests the individual or another person that checks are made for the purposes of confirming that the individual has the right to work in the United Kingdom and following that request—
      - (aa) evidence is provided to the satisfaction of the Secretary of State that the individual has that right; and
      - (bb) the Secretary of State notifies the proprietor of the school that the Secretary of State is satisfied that the individual has that right.]
- (6) The standard in this paragraph is met in relation to an individual (“MB”), not being the Chair of the school, who is a member of a body of persons corporate or unincorporate named as the proprietor of the school in the register or in an application to enter the school in the register, if—
- (a) MB—
    - (i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act; and
    - (ii) does not carry out work, or intend to carry out work, at the school in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction;
  - (b) subject to sub-paragraphs (7) to (8), the Chair of the school makes the following checks relating to MB—
    - (i) where relevant to the individual, an enhanced criminal record check;
    - (ii) checks confirming MB's identity and MB's right to work in the United Kingdom; and
    - (iii) where, by reason of MB's living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish MB's suitability to work in a school, such further checks as the Chair of the school considers appropriate, having regard to any guidance issued by the Secretary of State;
 and, where an enhanced criminal record check is made, the Chair obtains an enhanced criminal record certificate relating to the individual; and
  - (c) subject to sub-paragraph (8), where the Secretary of State makes a request for an enhanced criminal record check relating to MB <sup>F23</sup>... to be made, such a check is made.
- (7) In a case where—
- (a) the suitability of the proprietor is being considered in response to an application by the governing body of a maintained school to enter the school on the register, and
  - (b) the local authority maintaining the school has made one or more of the checks referred to in sub-paragraph (5)(b) [<sup>F24</sup>, (5)(c)] [<sup>F25</sup>, (5)(d)(i), (5)(e)(i)] or (6)(b) in relation to the Chair of the school or MB,

sub-paragraph (5)(b) [<sup>F24</sup>, (5)(c)] [<sup>F26</sup>, (5)(d), (5)(e)] or (6)(b) (as the case may be) is treated as complied with so far as relating to that check.

(8) In the case of a registered school—

[<sup>F27</sup>(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;]

[<sup>F28</sup>(aa) sub-paragraph (5)(d) is met where the checks referred to in paragraph (d)(i) are completed, or notification is given by the Secretary of State to the proprietor of the school as referred to in paragraph (d)(ii)(bb), before or as soon as reasonably practicable after the Chair of the school starts acting as such;

(ab) sub-paragraph (5)(e) is met where the checks referred to in paragraph (e)(i) are completed, or notification is given by the Secretary of State to the proprietor of the school as referred to in paragraph (e)(ii)(bb), before or as soon as reasonably practicable after the Chair of the school starts acting as such;]

(b) sub-paragraph (6)(b) is met where the checks referred to in paragraph (b)(i) and (iii) are completed before or as soon as practicable after MB starts acting as a member of the body of persons corporate or unincorporate named in the register as the proprietor of the school; and

(c) sub-paragraph (6)(c) is met where the enhanced criminal record check is made as soon as practicable after the Secretary of State's request.

(9) In this paragraph a reference to the Chair of the school is a reference to an individual who is the Chair of a body of persons corporate or unincorporate named as the proprietor of the school in the register or in an application to enter the school in the register and includes a reference to a similar officer.

- F9** Word in Sch. para. 20(3)(a)(ii) omitted (18.6.2020) by virtue of [The Education \(Independent School Standards\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/542\)](#), regs. 1, **2(3)(a)(i)**
- F10** Sch. para. 20(3)(b)(i) omitted (18.6.2020) by virtue of [The Education \(Independent School Standards\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/542\)](#), regs. 1, **2(3)(a)(ii)**
- F11** Sch. para. 20(3)(b)(ii) omitted (1.11.2021) by virtue of [The Non-Maintained Special Schools \(England\) and Independent School Standards \(Amendment\) Regulations 2021 \(S.I. 2021/1124\)](#), regs. 1(1), **3(2)(a)(i)**
- F12** Word in Sch. para. 20(3)(b)(iii) omitted (1.11.2021) by virtue of [The Non-Maintained Special Schools \(England\) and Independent School Standards \(Amendment\) Regulations 2021 \(S.I. 2021/1124\)](#), regs. 1(1), **3(2)(a)(ii)**
- F13** Words in Sch. para. 20(3)(b) omitted (18.6.2020) by virtue of [The Education \(Independent School Standards\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/542\)](#), regs. 1, **2(3)(a)(iv)**
- F14** Sch. para. 20(3)(c) inserted (18.6.2020) by [The Education \(Independent School Standards\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/542\)](#), regs. 1, **2(3)(a)(v)**
- F15** Sch. paras. 20(3)(d)(e) inserted (1.11.2021) by [The Non-Maintained Special Schools \(England\) and Independent School Standards \(Amendment\) Regulations 2021 \(S.I. 2021/1124\)](#), regs. 1(1), **3(2)(a)(iii)**
- F16** Word in Sch. para. 20(5)(a)(ii) omitted (18.6.2020) by virtue of [The Education \(Independent School Standards\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/542\)](#), regs. 1, **2(3)(b)(i)**
- F17** Sch. para. 20(5)(b)(i) omitted (18.6.2020) by virtue of [The Education \(Independent School Standards\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/542\)](#), regs. 1, **2(3)(b)(ii)**
- F18** Sch. para. 20(5)(b)(ii) omitted (1.11.2021) by virtue of [The Non-Maintained Special Schools \(England\) and Independent School Standards \(Amendment\) Regulations 2021 \(S.I. 2021/1124\)](#), regs. 1(1), **3(2)(b)(i)**

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- F19** Word in Sch. para. 20(5)(b)(iii) omitted (1.11.2021) by virtue of The Non-Maintained Special Schools (England) and Independent School Standards (Amendment) Regulations 2021 (S.I. 2021/1124), regs. 1(1), **3(2)(b)(ii)**
- F20** Words in Sch. para. 20(5)(b) omitted (18.6.2020) by virtue of The Education (Independent School Standards) (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/542), regs. 1, **2(3)(b)(iv)**
- F21** Sch. para. 20(5)(c) inserted (18.6.2020) by The Education (Independent School Standards) (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/542), regs. 1, **2(3)(b)(v)**
- F22** Sch. paras. 20(5)(d)(e) inserted (1.11.2021) by The Non-Maintained Special Schools (England) and Independent School Standards (Amendment) Regulations 2021 (S.I. 2021/1124), regs. 1(1), **3(2)(b)(iii)**
- F23** Words in Sch. para. 20(6)(c) omitted (18.6.2020) by virtue of The Education (Independent School Standards) (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/542), regs. 1, **2(3)(c)**
- F24** Words in Sch. para. 20(7) inserted (18.6.2020) by The Education (Independent School Standards) (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/542), regs. 1, **2(3)(d)**
- F25** Words in Sch. para. 20(7) inserted (1.11.2021) by The Non-Maintained Special Schools (England) and Independent School Standards (Amendment) Regulations 2021 (S.I. 2021/1124), regs. 1(1), **3(2)(c)**
- F26** Words in Sch. para. 20(7) inserted (1.11.2021) by The Non-Maintained Special Schools (England) and Independent School Standards (Amendment) Regulations 2021 (S.I. 2021/1124), regs. 1(1), **3(2)(d)**
- F27** Sch. para. 20(8)(a) substituted (18.6.2020) by The Education (Independent School Standards) (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/542), regs. 1, **2(3)(e)**
- F28** Sch. paras. 20(8)(aa)(ab) inserted (1.11.2021) by The Non-Maintained Special Schools (England) and Independent School Standards (Amendment) Regulations 2021 (S.I. 2021/1124), regs. 1(1), **3(2)(e)**

**21.**—(1) The standard in this paragraph is met if the proprietor keeps a register which shows such of the information referred to in sub-paragraphs (3) to (7) as is applicable to the school in question.

(2) The register referred to in sub-paragraph (1) may be kept in electronic form, provided that the information so recorded is capable of being reproduced in legible form.

(3) The information referred to in this sub-paragraph is—

- (a) in relation to each member of staff (“S”) appointed on or after 1st May 2007, whether—
- (i) S's identity was checked;
  - (ii) a check was made to establish whether S is barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act;
  - (iii) a check was made to establish whether S is subject to any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in such a direction;
  - (iv) checks were made to ensure, where appropriate, that S had the relevant qualifications;
  - (v) an enhanced criminal record certificate was obtained in respect of S;
  - (vi) checks were made pursuant to paragraph 18(2)(d);
  - (vii) a check of S's right to work in the United Kingdom was made; and
  - (viii) checks were made pursuant to paragraph 18(2)(e),

including the date on which each such check was completed or the certificate obtained; and

- (b) in relation to each member of staff (“S”), whether a check was made to establish whether S is subject to a prohibition order or an interim prohibition order, including the date on which such check was completed.

(4) The information referred to in this sub-paragraph is, in relation to each member of staff in post on 1st August 2007 who was appointed at any time before 1st May 2007, whether each check referred to in sub-paragraph (3) was made and whether an enhanced criminal record certificate was obtained, together with the date on which any check was completed or certificate obtained.

- (5) The information referred to in this sub-paragraph is, in relation to supply staff—
- (a) whether written notification has been received from the employment business that—
    - (i) checks corresponding to those referred to in sub-paragraph (3)(a)(i) to (iv), (vi) and (vii) have been made to the extent relevant to any such person; and
    - (ii) an enhanced criminal record check has been made and that it or another employment business has obtained an enhanced criminal record certificate in response to such a check,together with the date the written notification that each such check was made, or certificate obtained, was received;
  - (b) whether a check has been made in accordance with paragraph 19(2)(e) together with the date the check was completed; and
  - (c) where written notification has been received from the employment business in accordance with a contract or other arrangements referred to in paragraph 19(2)(d) that it has obtained an enhanced criminal record certificate, whether the employment business supplied a copy of the certificate to the school.
- (6) The information referred to in this sub-paragraph is, in relation each member (“MB”) of a body of persons named as the proprietor appointed on or after 1st May 2007, whether the checks referred to in paragraph 20(6)(b) were made, the date they were made and the date on which the resulting certificate was obtained.
- (7) The information referred to in this sub-paragraph is, in relation to each member of a body of persons named as the proprietor in post on 1st August 2007 who was appointed at any time before 1st May 2007—
- (a) whether each check referred to in sub-paragraph (6) was made; and
  - (b) whether an enhanced criminal record certificate was obtained, together with the date on which any check was completed or certificate obtained.
- (8) It is immaterial for the purposes of sub-paragraphs (3), (4), (5)(a) and (b), (6) and (7) whether the check was made or certificate obtained pursuant to a legal obligation.

## PART 5

### Premises of and accommodation at schools

**22.** The standards about the premises of and accommodation at the school are those contained in this Part.

**23.—**(1) Subject to sub-paragraph (2), the standard in this paragraph is met if the proprietor ensures that—

- (a) suitable toilet and washing facilities are provided for the sole use of pupils;
- (b) separate toilet facilities for boys and girls aged 8 years or over are provided except where the toilet facility is provided in a room that can be secured from the inside and that is intended for use by one pupil at a time; and
- (c) suitable changing accommodation and showers are provided for pupils aged 11 years or over at the start of the school year who receive physical education.

(2) Where separate facilities are provided under sub-paragraph (1)(a) for pupils who are disabled, they may also be used by other pupils, staff, supply staff, volunteers and visitors, whether or not they are disabled.

**24.—(1)** The standard in this paragraph is met if the proprietor ensures that suitable accommodation is provided in order to cater for the medical and therapy needs of pupils, including—

- (a) accommodation for the medical examination and treatment of pupils;
- (b) accommodation for the short term care of sick and injured pupils, which includes a washing facility and is near to a toilet facility; and
- (c) where a school caters for pupils with complex needs, additional medical accommodation which caters for those needs.

(2) The accommodation provided under sub-paragraphs (1)(a) and (b) may be used for other purposes (apart from teaching) provided it is always readily available to be used for the purposes set out in sub-paragraphs (1)(a) and (b).

(3) For the purposes of sub-paragraph (1)(c), a pupil has “complex needs” if the pupil has profound and multiple learning difficulties in addition to other significant difficulties, such as a physical disability or sensory impairment, which require provision which is additional to or different from that generally required by children of the same age in schools other than special schools or by children with special requirements.

**25.** The standard in this paragraph is met if the proprietor ensures that the school premises and the accommodation and facilities provided therein are maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of pupils are ensured.

**26.** The standard in this paragraph is met if the proprietor ensures that the acoustic conditions and sound insulation of each room or other space are suitable, having regard to the nature of the activities which normally take place therein.

**27.** The standard in this paragraph is met if the proprietor ensures that—

- (a) the lighting in each room or other internal space is suitable, having regard to the nature of the activities which normally take place therein; and
- (b) external lighting is provided in order to ensure that people can safely enter and leave the school premises.

**28.—(1)** The standard in this paragraph is met if the proprietor ensures that—

- (a) suitable drinking water facilities are provided;
  - (b) toilets and urinals have an adequate supply of cold water and washing facilities have an adequate supply of hot and cold water;
  - (c) cold water supplies that are suitable for drinking are clearly marked as such; and
  - (d) the temperature of hot water at the point of use does not pose a scalding risk to users.
- (2) The facilities provided under sub-paragraph (1)(a) will be suitable only if—
- (a) they are readily accessible at all times when the premises are in use; and
  - (b) they are in a separate area from the toilet facilities.

**29.—(1)** The standard in this paragraph is met if the proprietor ensures that suitable outdoor space is provided in order to enable—

- (a) physical education to be provided to pupils in accordance with the school curriculum; and
  - (b) pupils to play outside.
- (2) Sub-paragraph (1) does not apply in relation to an alternative provision Academy.

**30.** The standard in this paragraph is met if the proprietor ensures that, where the school provides accommodation, regard is had to [F29Standard 4] of the National Minimum Standards for Boarding

Schools or, where applicable, [<sup>F30</sup>Standard 9] of the National Minimum Standards for Residential Special Schools.

- F29** Words in Sch. para. 30 substituted (5.9.2022) by [The Independent School Standards and Non-Maintained Special Schools \(England\) \(Amendment\) Regulations 2022 \(S.I. 2022/905\)](#), regs. 1(1), **2(3)(b)(i)** (with reg. 4)
- F30** Words in Sch. para. 30 substituted (5.9.2022) by [The Independent School Standards and Non-Maintained Special Schools \(England\) \(Amendment\) Regulations 2022 \(S.I. 2022/905\)](#), regs. 1(1), **2(3)(b)(ii)** (with reg. 4)

**31.** For the purposes of this Part—

- (a) “physical education” includes the playing of games;
- (b) any requirement that anything provided under this Part must be “suitable” means that it must be suitable for the pupils in respect of whom it is provided, having regard to their ages, numbers and sex and any special requirements they may have; and
- (c) a pupil has “special requirements” if the pupil has any needs arising from physical, medical, sensory, learning, emotional or behavioural difficulties which require provision which is additional to or different from that generally required by children of the same age in schools other than special schools.

## PART 6

### Provision of information

**32.—(1)** The standard about the provision of information by the school is met if the proprietor ensures that—

- (a) the information specified in sub-paragraph (2) is provided to parents of pupils and parents of prospective pupils and, on request, to the Chief Inspector <sup>M6</sup>, the Secretary of State or an independent inspectorate <sup>M7</sup>;
- (b) the information specified in sub-paragraph (3) is made available to parents of pupils and parents of prospective pupils and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate;
- (c) particulars of the arrangements for meeting the standard contained in paragraph 7 are published on the school's internet website or, where no such website exists, are provided to parents on request;
- (d) following an inspection under section 108 or 109 of the 2008 Act, a copy of the report of the inspection (if it has been sent to the proprietor) is published and maintained on the school's internet website, and provided to the parents of each registered pupil, by any date specified by the body who conducted the inspection;
- (e) following an inspection under section 87(1) of the 1989 Act, a copy of the report of the inspection (if it has been sent to the proprietor) is published and maintained on the school's internet website, and provided to the parents of each boarder;
- (f) an annual written report of each registered pupil's progress and attainment in the main subject areas taught is provided to the parents of that registered pupil except that no report need be provided where the parent has agreed otherwise;
- (g) any information reasonably requested in connection with an inspection under section 109 of the 2008 Act which is required for the purposes of the inspection is provided to the

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body conducting the inspection and that body is given access to the school's admission and attendance registers;

- (h) where a pupil wholly or partly funded by a local authority (except where funding is solely for free of charge early years provision in accordance with the duty contained in section 7 of the Childcare Act 2006 <sup>M8</sup>) is registered at the school, an annual account of income received and expenditure incurred by the school in respect of that pupil is provided to the local authority and, on request, to the Secretary of State;
  - (i) where a pupil with an EHC plan wholly or partly funded by a local authority or other body through public funds is registered at the school, such information as may reasonably be required for the purpose of the annual review of the EHC plan is provided to the responsible local authority; <sup>F31</sup> ...
  - (j) particulars of any action specified in sub-paragraph (4) are published and maintained on the school's website or, where no such website exists, are provided to parents [<sup>F32</sup>; and
  - (k) particulars of the arrangements for meeting the requirement to provide remote education in paragraph 2 of the Coronavirus Act 2020 Provision of Remote Education (England) Temporary Continuity Direction given on 30th September 2020 by the Secretary of State for Education are published and maintained on the school's website or, where no such website exists, are provided to parents.]
- (2) The information specified in this sub-paragraph is—
- (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, or
    - (ii) where the proprietor is 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) The information specified in this sub-paragraph is—
- (a) particulars of the school's policy on and arrangements for admissions, misbehaviour and exclusions;
  - (b) particulars of educational and welfare provision for pupils with EHC plans and pupils for whom English is an additional language;
  - (c) particulars of the policy referred to in paragraph 2;
  - (d) particulars of arrangements for meeting the standards contained in paragraphs 9, 10, 11 and 13;
  - (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 referred to in paragraph 33, and the number of complaints registered under the formal procedure during the preceding school year; and
  - (g) a copy of the report of any inspection carried out under sections 108 or 109 of the 2008 Act or section 87(1) of the 1989 Act.
- (4) The action specified in this sub-paragraph is—
- (a) any decision of the Secretary of State to remove the school from the register under sections 100, 105, 112, 116, 119, or 123 of the 2008 Act;



- (b) any decision of the Secretary of State to impose a relevant restriction on the proprietor under section 116 of the 2008 Act; and
  - (c) any order of a justice of the peace under section 120 of the 2008 Act to remove the school from the register.
- (5) For the purposes of sub-paragraph (4)(b), “relevant restriction” has the meaning given in section 117(1) of the 2008 Act.

- F31** Word in Sch. para. 32(1) omitted (12.2.2021) by virtue of [The Education \(Coronavirus, Remote Education Information\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/122\)](#), regs. 1, **4(3)(a)** (with reg. 2)
- F32** Sch. para. 32(1)(k) and word inserted (12.2.2021) by [The Education \(Coronavirus, Remote Education Information\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/122\)](#), regs. 1, **4(3)(b)** (with reg. 2)

#### Marginal Citations

- M6** For the meaning of “Chief Inspector” see section 138(1) of the 2008 Act.
- M7** An independent inspectorate is a body approved by the Secretary of State under section 106 of the 2008 Act.
- M8** [2006 c.21](#). Section 7 was substituted by section 1 of the 2011 Act and section 7A was inserted by section 87 of the [Children and Families Act 2014 \(c.6\)](#).

## PART 7

### Manner in which complaints are handled

- 33.** The standard about the manner in which complaints are handled is met if the proprietor ensures that a complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents of pupils and which—
- (a) is in writing;
  - (b) is made available to parents of pupils;
  - (c) sets out clear time scales for the management of a complaint;
  - (d) allows for a complaint to be made and considered initially on an informal basis;
  - (e) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (d), establishes a formal procedure for the complaint to be made in writing;
  - (f) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
  - (g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
  - (h) allows for a parent to attend and be accompanied at a panel hearing if they wish;
  - (i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—
    - (i) provided 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;

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- (j) provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e) and—
  - (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and
  - (ii) action taken by the school as a result of those complaints (regardless of whether they are upheld); and
- (k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## PART 8

### Quality of leadership in and management of schools

**34.—**(1) The standard about the quality of leadership and management is met if the proprietor ensures that persons with leadership and management responsibilities at the school—

- (a) demonstrate good skills and knowledge appropriate to their role so that the independent school standards are met consistently;
- (b) fulfil their responsibilities effectively so that the independent school standards are met consistently; and
- (c) actively promote the well-being of pupils.

(2) For the purposes of paragraph (1)(c) “well-being” means well-being within the meaning of section 10(2) of the Children Act 2004 <sup>M9</sup>.

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#### Marginal Citations

**M9** 2004 c.31.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Independent School Standards) Regulations 2014, SCHEDULE.