ISI periodically issues further information about regulatory matters through Update bulletins which are available through the ISI online portal. Significant points are then consolidated into the next revision of this Handbook.
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Significant updates made to the text of this document in September 2015 are marked using a double line in the left margin.
Introduction

The purpose of this Handbook

1. This Handbook provides inspectors and schools with a guide to the various legal requirements that are subject to inspection by the Independent Schools Inspectorate. The Handbook has been revised to ensure that information is accessible and clearly presented for inspectors and schools. Where a written document is required, guidance is given about the content and how inspectors will check effective implementation.

2. The Secretary of State for Education requires all independent schools to be inspected against:
   - the Education (Independent School Standards) Regulations 2014, also known as the registration standards or Independent School Standards Regulations (ISSRs),
   - the relevant standards for pupils provided with accommodation, usually the National Minimum Standards for Boarding Schools (NMS), made under section 87 of the Children Act 1989
   - the Statutory Framework for the Early Years Foundation Stage (EYFS)
   - the requirement for disability access plans (Schedule 10 of the Equality Act 2010)
   - the ban on corporal punishment.

3. The regulations are made by the Department for Education (DfE) and represent minimum requirements for continuing registration as an independent school. Failure to meet these minimum requirements could ultimately lead to de-registration of a school at the discretion of the Secretary of State. The Handbook does not impose additional legal requirements but provides explanation in the context of inspection.

4. Schools are subject to further legislation and regulation, as charities, employers, property owners, data controllers and businesses. These are not matters for statutory inspection, with the exception that inspectors check, as non-specialists, that the school has taken appropriate health and safety measures and is suitably vigilant in guarding its pupils from risk.

How to use this Handbook

5. The sections of the Handbook are written in the order of the ISSRs, followed by separate sections about the EYFS and NMS. At the end there is a glossary. Within the document there are hyperlinks to the glossary. When the document is printed, these links will appear as underlined text. To return to the main text from the glossary, you can use the Windows keyboard shortcut

   \[\text{ALT} + \text{LEFT ARROW}\]

6. The wording of the regulation/legislation is presented in a blue box with a single line border. This will be followed by explanatory notes, any specific requirements for written policies are shown in a box with a dotted border and other useful information. Implementation sections are included where it is thought that additional guidance would be helpful to indicate what inspectors are likely to want to check. At the end of each section, there will be paragraph references for additional EYFS and boarding requirements on the topic in question.

Policies, documents and particulars

7. The term ‘policies’ is used throughout this Handbook as it is the form of ‘particulars’ most commonly prepared by schools. The regulations are not specific as to format and it is possible that the necessary information could be contained in booklets, letters or similar. For the purposes of inspection, schools are asked to provide the information in a clearly organised form for inspectors. It is for schools to demonstrate compliance, as part of their duty to cooperate with inspectors.
8. The Pre-inspection Information (Part 1) sets out the items which a school is asked to provide before an inspection is announced, via the ISI portal or by hosting the documents on their website. Wherever possible, they should be clearly labelled as separate files rather than embedded in other documentation. A school’s documentation should be more than ‘off the shelf’ guidance, and be representative of the school’s individual circumstances and actual practices.

**Identifying the school’s proprietor**

9. Compliance with the regulatory requirements is the legal responsibility of the proprietor of the school, although day to day matters are usually delegated to the head and management team. It is important that responsibility for the various areas is not simply delegated to others without effective monitoring and evaluation being carried out.

10. The proprietor is the person or body of persons responsible for the management of the school, and there are many different arrangements found in independent schools including individual proprietors and formally constituted boards of governors, directors or trustees. For the purposes of the standards, the proprietor is the person or body named in the register as such. The DfE will check the suitability of the proprietor or the Chairman of a body of persons at the time of registration and any change of proprietor must be approved.

11. If there is doubt as to the identity of the registered proprietor, the ISI office can provide further information. Schools are required to provide details of the proprietor to parents of pupils and prospective pupils under paragraph 32(2)(b) of the ISSRs. Proprietors must be checked according to paragraph 20 of the ISSRs, and the details of those checks recorded on the single central register under paragraph 21. Another key duty of proprietors is the regular review of the policies and procedures for safeguarding.

12. The following examples are provided to assist schools.

**Example 1**
The registered proprietor is Barbican School Ltd, a company with three directors – Mr Smith, Mrs Jones and Dr Hughes. In this situation, one of the directors must be checked by the DfE, and all directors checked by the school and recorded on the single central register. All of the directors must approve the annual review of child protection.

**Example 2**
The registered proprietor is Smithfield Education, a company with eight directors which owns and runs many schools. The directors have minimal day to day contact with the school but are responsible for all the management and strategic decisions. There is also a local governing body comprising six individuals including parent representatives. In this situation, the local governing body is irrelevant and it is Smithfield Education who is the "proprietor", with regulatory checks to be carried out on the Chairman of the Board and fellow directors. One of the directors must be checked by the DfE, and all of the directors must be checked by the school and recorded on the single central register. All of the directors must approve the annual review of child protection. The local governing body will need to be checked as volunteers by the school if they are in regulated activity; otherwise they are not required to be checked.

**Example 3**
The registered proprietor is the governing body of Farringdon School. For historic reasons, the school is owned by the fellows of Farringdon College, Oxbridge but in practice the fellows have no knowledge of or contact with the school and the committee appointed as the governing body is “responsible for the management of the school” and is registered as the proprietor with the DfE. The Chair of the body is checked by the DfE and all others are checked by the school.

13. Information about the checking of proprietors is provided on page 57. Under section 142 of the Education Act 2002, the Secretary of State has powers to bar people from taking part in the management of an independent school. These powers have been strengthened from September 2014 by a regulation on Prohibition of Participation in Management, under section 128 of the Education and Skills Act 2008 (‘a section 128 direction’). In this context, ‘participation in
management’ covers not only proprietors and governors but all posts of a leadership nature in an independent school, academy or free school. The new section 128 power replaces the existing power under section 142 of the Education Act 2002, which related only to misconduct.

**Inspection of the regulatory requirements**

14. Reporting inspectors have overall responsibility for recording and reporting whether the regulations and other relevant requirements are met. They carry out the checks themselves, starting with the pre-inspection documentation, and continue during the inspection, drawing on evidence from their accompanying inspector(s). They may delegate the gathering of some of the evidence to team members, but they must retain a clear overview of their own. It is the responsibility of the reporting inspector to complete the final version of the regulatory checklist for submission to ISI.

15. In advance of the inspection, the reporting inspector checks as many as possible of the required policies and documents, taking account of any guidance issued by ISI. The remainder of the checks, and scrutiny of policy implementation, are completed on site. These include the admission and attendance registers, appointment files and the single central register, records and handling of complaints, and records and handling of discipline, bullying and first-aid. Aspects of accommodation are also inspected, including washroom provision, medical room/centre, workshops and laboratories, swimming pools and so on. During the oral feedback, the reporting inspector ensures that if a regulation is not met the school is clearly informed about the nature of the failing and the action(s) necessary to remedy the deficiency, though the process is a matter for the school. It must be made clear to the school if failings are in policy, in implementation of policy, or in both policy and its implementation.

16. On the rare occasions where evidence affecting regulatory judgements is unclear; for example, because of late emerging issues, then RIs must make sure the school has a clear judgement of the ‘worst case’ outcome along with any implications for associated quality judgements, such as those for leadership and management, so that the school is left in no doubt of the possible implications. The RI must contact the ISI Office as soon as possible for further advice and guidance. It should be made clear that confirmation of final decisions will be conveyed to the school once all relevant information has been considered through the quality assurance process.

17. The appropriate section of the report must also contain reference to the non-compliance. Care is particularly needed when dealing with a deficiency which has implications for two different sections (for example, welfare, health and safety and leadership and management). If possible, the weakness should be referred to in the more relevant section. If there is a need to mark a deficiency against more than one section, any overlap should be minimised by making a cross-reference. The wording of the report and the ‘Action points’ must make clear if more than one regulatory deficiency stems from the same cause, so as to avoid suggesting more failings than is the case.

18. Reporting inspectors and editors must make sure that every part of the written report is fully consistent with the judgements recorded on the Regulatory Checklist. If a regulation is not met, whether in the arrangements or in their implementation, this must be reflected in the text of the report and in the grades awarded; there will most likely be an impact on the text and the judgements of ‘Governance’ and/or ‘Leadership and Management’. For example it is extremely unlikely that an ‘excellent’ grade could be awarded if there are safeguarding failings, since the safeguarding of pupils is a basic imperative. In the unlikely event that the regulatory findings are such, either in number or in weight, as to give serious concern, this should be made clear in the ‘Main Findings’.
Part 1 - Quality of education provided

Paragraph 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(a);
   (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.

19. The school must set out its curriculum in writing in a manner which makes clear what it
    provides under each part of these regulations. Such documentation does not have to be
    elaborate, provided this condition is satisfied and it is clear that the aptitude and needs of all
    pupils within the school are catered for (including those with an EHC plan). To satisfy each part of
    the regulation the relevant aspect of the curriculum must be both written down and effectively
    implemented. Plans and schemes of work may be those devised by the school itself or from a
    relevant published source. Schools are not required to describe in their documentation how they
    avoid undermining fundamental British values, but inspectors should be alert to counter-indications
    both in the written documentation and in school.

20. There may be shortcomings in meeting any one regulation without a failure to meet the
    whole standard. To make a finding that a regulation is not met, inspectors must judge that the
    provision for pupils or a group of pupils is not adequate or suitable in respect of the regulation in
question. It is not necessary for all the areas of learning to be represented in all years and for compliance purposes inspectors should not have expectations of curriculum breadth beyond those for maintained schools.

21. Indications that the school is undermining fundamental British values, contrary to regulation 2(1)(b)(ii) could amount to a failure to meet the whole standard. Inspectors finding cause for concern should refer to the ISI office for support.

**CURRICULUM POLICY CONTENT:**

22. The school’s curriculum policy must contain information about the school’s provision in the areas detailed in (2)(a) – (i) in the box above, and fulfil the general requirements of (1)(a) and (b).

**FURTHER GUIDANCE:**

*Full-time education*

23. There is no legal definition of “full-time” but the DfE considers an establishment to be providing full-time education if it is providing education which is intended to provide all, or substantially all, of a child’s education. It is unlikely that a school offering fewer than 18 hours per week will be able to meet the standards and be registered as an independent school. The DfE anticipates that schools offering teaching of around 20 hours per week or more will be providing full-time education.

24. Subject to the agreement of the school in question and the terms of the school/parent contract, pupils may attend an independent school part-time if they are receiving ‘education otherwise’. In that situation, the parent(s) would be responsible for ensuring that the education is sufficient and at an appropriate level, and the local authority has a duty to monitor the arrangements. The report should mention that such pupils receive some of their instruction at the school.

25. Legal requirements for school hours do not apply in independent schools. Provided that schools are effective in implementing the regulations for the curriculum and teaching, the time they take to do it is irrelevant. If the school does not have an adequate curriculum or fails to implement it adequately, then inspectors may consider whether lack of time is a causal factor to take into account. In that case, it is worth considering the non-statutory suggestions set out in the previous DfE information (circular 7/90), for a school year of 190 days (38 weeks):

- age 5-7: 21 hours
- age 8-11: 23.5 hours
- age 12-16: 24 hours.

*Supervised education*

26. Normally, this requires a teacher or responsible adult to be available to support pupils as necessary. Older pupils may be left on their own (for example, in the library) if it is clear that a responsible adult can be readily contacted if necessary. See also the guidance under Part 3, paragraph 14 on page 34.

*Areas of experience*

27. The previous DfE advice stated that the regulations are not intended to be prescriptive in the way a school organises its curriculum, and they do not require the school to follow the National Curriculum. However, it is expected that the school will give experience in the following areas.
Linguistic This area is concerned with developing pupils’ communication skills and increasing their command of language through listening, speaking, reading and writing. In all schools, except for foreign national schools whose pupils are all temporarily resident in this country, there must be lessons in written and spoken English. Many schools will also teach other languages and some will use a language other than English as the main medium of instruction.

Mathematical This area helps pupils to make calculations, to understand and appreciate relationships and patterns in number and space and to develop their 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 This area is concerned with increasing pupils’ knowledge and understanding of nature, materials and forces and with developing the skills associated with science as a process of enquiry: for example, observing, forming hypotheses, conducting experiments and recording their findings.

Technological There is no wish to be prescriptive about how schools develop a curriculum to teach technological skills and it is recognised that some schools would not wish to teach some of the aspects below; for example, ICT. Technological skills can include the use of information and communication technology (ICT); developing, planning and communicating ideas; working with tools, equipment, materials and components to produce good quality products; and evaluating processes and products.

Human and social This area is concerned with 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 This area aims to develop the pupils’ physical control and co-ordination as well as their 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 This area is concerned with the 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.

28. There is no specific requirement to provide religious education although, in many schools, religious education is a major way of providing human and social education and promoting spiritual, moral, social and cultural development.

Special educational needs

29. Changes to the arrangements for Special Educational Needs came into force from September 2014 with the implementation of provisions from the Children and Families Act 2014 and the SEN and Disability Code of Practice, 0-25 years 2014 (SEND Code 2015).

30. From 1 September 2014, there are no new statements of SEN (except for those already in the pipeline at that time) and Education, Health and Care Plans (EHC plans) are being rolled out instead. A transition period of three and a half years has been made for local authorities (LAs) to move existing statements of SEN to EHC plans. The two systems will therefore be running side-by-side for several years. For independent schools much remains as before. The definition of SEN remains the same and schools can still request statutory assessment from LAs when this appears necessary.

31. Where a Local Authority (LA) concludes that a child with a statement of special educational needs or EHC plan should be placed into an independent school and names the school in the statement/EHC plan, the LA retains legal and financial responsibility for ensuring that the provision specified in the child’s statement/EHC plan is made. This will include paying the fees charged by the independent school. The day to day practical responsibility of making provision rests with the school. Inspectors should check that schools are playing their part in making the provision set out in the statement/EHC plan.
32. If an LA is satisfied that the provision set out in a statement/EHC plan can be made more economically in the state sector, it may decline to name an independent school in a statement/EHC plan. This does not prevent parents from making their own arrangements to pay for a place at an independent school of their choice, so long as the LA is satisfied that the arrangements are suitable. From September 2014, LAs have discretion to make payments to assist parents to make their chosen independent school suitable. This practice was previously common but not underpinned by law. Again, inspectors will need to check that the pupil is being properly provided for.

33. It is not necessary for a school to obtain the consent of the DfE to accept a pupil with a statement/EHC plan.

34. The statements/EHC plans of all pupils in this category, whether placed by parents or the LA, must be reviewed annually and, if the school is named in the statement/EHC plan, the provision specified in the statement/EHC plan must be made (including the full National Curriculum, if this is specified). It is the responsibility of the LA and not the school to review the statement/EHC plan, but it is good practice for the school to check that the review takes place, and the school must co-operate with the LA in the review process.

35. As a general principle, many of the requirements of the SEND Code 2015 do not have direct application to independent schools other than the requirement to provide suitably for pupils with statements/EHC plans. However, it is good practice for schools to (i) provide, for example, individual education plans (IEPs) or otherwise record the progress of and support for any pupils with significant learning difficulties or disabilities, and (ii) ensure that their admissions, discipline and other procedures (for example, arrangements for school trips or examinations) take account of pupils’ needs. The SEND Code 2015 also contains advice and guidance concerning Equality Act duties, which will be useful to independent schools.

36. The exception to the general principle is that independent early years providers that are funded by an LA and any independent specialist schools which choose to be approved under section 41 of the Children and Families Act 2014 (Section 41 schools) are obliged to have regard to the SEND Code 2015.

   (a) Funded early years providers: providers need only have regard to the SEND Code 2015 in relation to the funded provision. The main part of the school need not follow the code. The relevant provisions of the SEND Code 2015 largely replicate the requirements of the EYFS. To the extent that there are differences, transition arrangements currently allow providers one year to move to the new ways of working.

   (b) Section 41 schools: it is important to note that this does not automatically apply to all specialist providers; it is an approved status for which schools meeting prescribed criteria can apply. However, very few schools within ISI’s remit have opted for Section 41 status. Inspectors will need to check the position when inspecting schools registered with a SEN specialism. The ISI office can assist.

37. It is not for ISI inspectors to report on any failure on the part of the local authority to comply with the requirements of the SEND Code 2015. However, the report should state if the school is failing to make adequate provision for groups of pupils (for example, those with dyslexia) or other specific needs, such as English as an additional language.

38. Inspectors should note that the phrase ‘pupils with special educational needs’ does not only refer to pupils who have a statement/EHC plan.
**Personal, social health and economic education**

39. This need not be provided as a named subject, provided there is a written and effective plan implemented in a broad and appropriate way. From January 2015 the requirements also include economic education, and the regulations specifically require PSHE to encourage respect for other people, with particular regard to the protected characteristics under the Equality Act 2010.

40. The DfE has stated that the new standard does not amount to a requirement to promote other faiths – in particular there is no requirement for a faith school to promote other faiths as well as its own. Likewise, there is no intention to discriminate against Christianity or undermine religious freedoms. The new requirement does not extend schools’ obligations under the Equality Act but is intended to strengthen existing requirements to promote respect and a culture of tolerance and diversity. It does not mean, for example, that schools must promote alternative lifestyles or same sex marriage. Rather, the standard requires schools to encourage pupils to respect other people, even if they choose to follow a lifestyle that one would not choose to follow oneself.

**Careers education**

41. Advice must be provided for pupils receiving secondary education to help pupils choose GCSE and post-16 courses. From January 2015, specific requirements are included in the regulations for the first time. These require impartiality, provision which enables pupils to make informed choices about a broad range of careers options, and advice which generally helps to encourage pupils to fulfil their potential.

42. The requirement relating to careers guidance applies to pupils receiving secondary education. It will therefore be relevant pupils in years 7 and 8, whether they are in a senior school or at a prep school.

43. Careers guidance must be presented in an impartial way. This is defined as showing no bias or favouritism towards a particular education or work option.

44. The guidance must enable pupils to make informed choices about a broad range of options. This will include timely advice to help pupils choose GCSE and post-16 courses.

45. The guidance must help to encourage pupils to fulfil their potential. To this end, good careers education should enable pupils to ‘know themselves’ and how their strengths, weaknesses and interests relate to the world of work; learn about different careers and opportunities; obtain individual guidance; have some work experience; and gain information about training, education and occupations beyond school. Schools should consciously work to prevent all forms of stereotyping in the advice and guidance they provide to ensure that girls and boys from all backgrounds and diversity groups consider the widest possible range of careers, including those which are often portrayed as primarily for one or other of the sexes.

46. The statutory guidance for the state sector which gives a detailed explanation of parallel duties for state schools may be a useful resource for independent schools: Careers guidance and inspiration in schools March 2015.

**Compulsory school age**

47. This starts at the beginning of the term after that in which the child becomes five. For information about the Early Years Foundation Stage, please see the separate section of this guidance. Compulsory school age ends on the last Friday of June in the school year in which the pupil becomes 16. This is separate to the ‘participation age’ where pupils starting year 11 or below in September 2013 will need to continue in education or training until at least their 18th birthday. This does not necessarily mean staying in school; young people have a choice about how they continue in education or training post-16, which could be through full-time study in a school, college or with a training provider, full-time work or volunteering combined with part-time education
or training, or an apprenticeship. The curriculum for pupils above compulsory school age should allow scope for their talents and interests and help to prepare them effectively for the opportunities, responsibilities and experiences of adult life in modern British society.

**Exemptions from the learning and development requirements in the EYFS**

48. Where a school is satisfactorily following the EYFS framework, regulation 2(f) will be met. If an exemption from the learning and development requirements has been taken up, inspectors use professional judgement to assess whether the alternative curriculum in operation meets the educational needs of children below compulsory school age.

**Opportunity to learn and make progress**

49. This regulation is crucial in judging the adequacy of the curriculum. In particular, no school can meet the standard if any significant group of its pupils is not properly provided for. This includes those with special educational needs or learning difficulties, those for whom English is an additional language, and the most able. Additionally, this regulation also encompasses those pupils who have other particular needs such as those who perform a caring role at home as young carers and what additional actions are required to ensure these pupils receive the support they need to achieve educationally while taking into full consideration the impact of their caring responsibilities.

**Preparation for life in British society**

50. From January 2015, preparation for future life should be ‘effective’ rather than ‘adequate’ and has the additional focus of ‘British society’. This is explained in *Careers guidance and inspiration in schools*, March 2015 as “…developing in every young person the values, skills and behaviours they need to get on in life. All children should receive a rich provision of classroom and extra-curricular activities that develop a range of character attributes, such as resilience and grit, which underpin success in education and employment.”

**IMPLEMENTATION:**

51. During the inspection the effective implementation of the curriculum will be checked through direct observation of lessons, responses of parents and pupils to questionnaires, interviews with pupils and staff and scrutiny of work, records and documentation. Analysis of data, including comparison with national norms, will be undertaken where possible. Inspectors will also be alert to counter-indications in accordance with the new requirements not to undermine fundamental British values through the curriculum and to promote respect for others through the PSHE curriculum.
Paragraph 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;
(j) does not discriminate against pupils contrary to Part 6 of the Equality Act 2010.

Paragraph 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.

52. From January 2015, pupils must make ‘good’ progress according to their ability. ISI’s data analysis will indicate if this is not the case in public examinations and inspectors should seek advice from the ISI Office if there are any concerns about progress judgements during the inspection. Teaching is now required to include ‘good’ understanding of pupils’ needs, ‘good’ subject knowledge and using resources of ‘good’ quality. ‘Good’ in the regulations is not a direct reference to a judgement grade. It is therefore not directly linked to the inspection grade descriptor, but is a professional judgement for the inspection team who should use the updated grade descriptors as a guide. Where an overall judgement of ‘sound’ is likely for the teaching aspect but the team’s view is that the regulations are individually met, advice should be taken from the ISI Office as to how this should be reported.

53. The regulations for teaching stress the effectiveness of teaching rather than any preferred methods. Thus, in judging Part 1, paragraphs 3(g) and 4, inspectors should not hunt for elaborate written ‘frameworks’.

54. It needs to be clear from what is observed (including documentation, but mostly from classroom practice) that the teaching does systematically assess pupils and uses that assessment to plan and modify provision for them. Inspectors must not interpret Part 1, paragraphs 3(g) and 4 in a way that makes nationally standardised testing or National Curriculum assessment a virtual requirement. The issue is whether the school's approach to assessment is effective in supporting pupils to make progress.

55. In general, teachers and other staff in independent schools do not have to hold specified teaching qualifications but they are expected at least to have relevant expertise or experience. Schools should also employ adequate quantity and quality of ancillary and childcare staff in residential schools. Further guidance on legal requirements applying in the EYFS and for boarding are outlined in the relevant sections of this document.
56. Additionally, teaching must not undermine fundamental British values or discriminate against pupils contrary to the Equality Act, that is, on the basis of the protected characteristics. The latter does not create new equality duties but has been introduced to enable regulatory action to be taken under the registration standards if a school were to be in breach of equality requirements. Advice about how to avoid discriminating unlawfully is available from the website of the Equality and Human Rights Commission.

57. A court or tribunal finding that the teaching in a school has discriminated against a pupil or pupils in a particular instance would put a school in breach of paragraph 3(j). Such a ruling would form part of the evidence available to inspectors. However, it would not necessarily be conclusive evidence of on-going discriminatory practice at the time of inspection. Compliance with the standards is to be judged at the time of inspection. In respect of a ruling against a school concerning discrimination related to teaching, inspectors should consider whether the terms of any order have been complied with, and all the facts “on the ground” at the time of the inspection. Support can be sought from the ISI office as to how this issue should be reported.
Part 2 - Spiritual, moral, social and cultural development of pupils

Paragraph 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;

58. There is no requirement to have a separate SMSC policy. Although the title of the standard includes reference to “spiritual” development, faith and religion are not specified here and the requirements of the standard, as described in paragraphs (a) – (d), do not deal with (or require schools to deal with) each of “spiritual, moral, social and cultural” as separate educational areas. The focus of the standard is upon the values and principles which are to be inculcated in pupils by the ethos and education throughout the school.

59. The idea of “fundamental British values” was coined by the Prevent strategy in 2011 and first introduced into the ISSR in 1 January 2013. This was built on by amendments to the standards from 29 September 2014. Two non-statutory DfE advice documents support the requirements.

Active promotion of values and principles

60. From September 2014, schools are required to “actively promote” both

- the fundamental British values identified in Part 2, paragraph 5(a) and
- the principles in Part 2, paragraph 5(b).

61. Explaining the nature of the changes, the government has stated that this will necessitate little or no change in many high performing schools. “A good school that properly promotes British values will by definition already promote such values actively” and “many good schools are already actively promoting fundamental British values by virtue of their approach...”. “The changes are aimed at those schools that barely meet that standard, without taking positive steps to embed those values throughout the ethos of their school. The new requirement to actively promote principles that encourage respect for other people will have no impact on the vast majority of schools, where it is normal practice to encourage pupils to respect other people.”
62. The DfE advice emphasises that SMSC can be ‘infused’ within the day-to-day operation of a school and that expectations must be adjusted for the age and ability of pupils including those with special needs. The changes mean that rather than encouraging ‘respect’ for fundamental British values, schools must now ‘actively promote’ these.

63. By judging the quality of the outcomes of the school’s PSHE provision, the inspection of ‘The spiritual, moral, social and cultural (SMSC) development of the pupils’ should contribute to the evaluation of compliance with Part 1, paragraph 2(2)(d) of ‘Quality of education provided (curriculum)’.

64. ‘Active promotion’ of fundamental British values suggests that schools should have a strategy to achieve this and should be able to provide evidence of implementation. Examples of such evidence include PSHE programmes, plans for assemblies, schemes of work in relevant curriculum subjects, work of a school council, and pupil handbooks. Discriminatory or extremist opinions or behaviours should be challenged as a matter of routine.

65. Paragraph 5(b)(ii) was amended to specify respect for the civil and criminal law of England, and the DfE advice suggests that any teaching about religious law makes clear the difference between state law and religious law. Paragraph 5(b)(iv) includes a new requirement for pupils to acquire a respect for public institutions and services. Paragraphs 5(b)(v) and (vi) focus on respect for others cultural traditions and non-discrimination against protected characteristics. These requirements do not require schools to promote lifestyles contrary to their ethos but do require respect for other people. Paragraph 5(b)(vii) is a new part of the standard and schools are to encourage pupils to understand the value of democracy and their participation in the democratic process.

66. The DfE non-statutory guidance of November 2014 advises as follows.

<table>
<thead>
<tr>
<th>The list below describes the understanding and knowledge expected of pupils as a result of schools meeting [paragraph 5(a)] of the standard.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• An understanding of how citizens can influence decision-making through the democratic process;</td>
</tr>
<tr>
<td>• An appreciation that living under the rule of law protects individual citizens and is essential for their well-being and safety;</td>
</tr>
<tr>
<td>• An understanding that there is a separation of power between the executive and the judiciary, and that while some public bodies such as the police and the army can be held to account through Parliament, others such as the courts maintain independence;</td>
</tr>
<tr>
<td>• An understanding that the freedom to hold other faiths and beliefs is protected in law;</td>
</tr>
<tr>
<td>• An acceptance that people having different faiths or beliefs to oneself (or having none) should be accepted and tolerated, and should not be the cause of prejudicial or discriminatory behaviour;</td>
</tr>
<tr>
<td>• An understanding of the importance of identifying and combatting discrimination.</td>
</tr>
</tbody>
</table>
IMPLEMENTATION:

67. There is no prescribed list of requirements at present which could be produced as a “compliance checklist” to support the duty actively to promote fundamental British values. This means that schools have discretion as to how they approach meeting this standard. During the inspection, personal development of pupils will be assessed through a wide range of inspection evidence including observation of interactions in the school, responses of parents and pupils to questionnaires, interviews with pupils and staff and scrutiny of records and documentation.

*Paragraph 5 continued*

…the proprietor…

(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, they are offered a balanced presentation of opposing views.

**Prohibition of political indoctrination**

68. The purpose of Part 2, paragraphs 5(c) and (d) are to prevent the political indoctrination of pupils through the curriculum. The DfE non-statutory advice of November 2013 explains:

The aim of this new part of the standard is to prevent the political indoctrination of pupils through the curriculum. The wording is based on section 406(1)(b) of the Education Act 1996, which applies to maintained schools. As explained below, the aim is not to prevent pupils from being exposed to political views or from discussing political issues in school. Pupils should not, however, be actively encouraged by teachers or others to support particular political viewpoints. This part of the standard should be read in conjunction with 5(1)(c).

The following are definitions of the key terms used in this part of the standard.

Partisan - in a case relating to the alleged promotion of partisan political views in maintained schools\(^1\) the judge considered that the best synonym for "partisan" was "onesided".

Political views – views expressed for a political purpose. A political purpose is either directly or indirectly:

• to further the interests of a particular political party; or

• to procure changes to the laws of this or another country; or

• to procure the reversal of government policy or of particular decisions of governmental authorities in this or another country.
69. Schools are not required to document how they prevent political indoctrination, but should be ready to explain to inspectors their guidelines on teaching of political issues. The following guidance in relation to the Marriage (Same Sex Couples) Act 2013 is useful in highlighting the principles that are equally applicable to other issues.

It is recognised that schools with a religious ethos will want to reflect that ethos in the teaching they provide and the current framework allows that. There is no curriculum requirement on independent schools to teach about marriage but when they do so they must ensure that what they teach accords with the Independent School Standards, including on pupils' Spiritual, Moral, Social and Cultural development. A balanced curriculum is one that, amongst other things, reflects the nature of the world we live in. If marriage were to be discussed in lessons, we would expect teachers to reflect the fact that marriage for same sex couples is part of the law of this country, but there is no requirement on them to endorse it. There is nothing in the Equal Marriage Act that inhibits the rights of teachers or schools to express religious or philosophical views about marriage in lessons. Article 9 of the European Convention on Human Rights guarantees freedom of thought, conscience and religion, and religion or belief is a protected characteristic under the Equality Act 2010. However, teachers and schools must ensure their conduct recognises their responsibilities under those duties to others. Teachers are expected to respect the rights of others and to respect those with different beliefs; expressing a view in an unprofessional way that involved singling out pupils on grounds of sexuality, or presenting extreme views without balance on a topic such as marriage for same sex couples, would be considered inappropriate.

IMPLEMENTATION:

70. Inspectors will consider programmes of study and extra-curricular events to assess whether reasonable steps have been taken to ensure a balanced presentation of views. Schools are not required to take a mechanistic approach to balance; it is enough to show that balance is achieved over a period of time.
Part 3 - Welfare, health and safety of pupils

Paragraph 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.

71. The DfE guidance to which schools must have regard is:
   - *Keeping Children Safe in Education* (July 2015) (KCSIE)
     - KCSIE incorporates the additional statutory guidance, *Disqualification under the Childcare Act 2006* (February 2015)
     - KCSIE also refers to the non-statutory advice for practitioners: *What to do if you’re worried a child is being abused* (March 2015)
   - *Working Together to Safeguard Children* (March 2015) (WT)
     - WT refers to the non-statutory advice: *Information sharing* (March 2015)
   - *Prevent Duty Guidance: for England and Wales* (March 2015) (Prevent). Prevent is supplemented by non-statutory advice and a briefing note:
     - The Prevent duty: Departmental advice for schools and childminders (June 2015)
     - The use of social media for on-line radicalisation (July 2015)

72. Paragraph 34 of KCSIE requires governing bodies and proprietors to ensure there is an effective safeguarding/child protection policy in place. The arrangements described in the policy must be implemented fully in practice.

73. This regulation also covers broader safeguarding duties such as making reports to the Disclosure and Barring Service (DBS) and pre-appointment checks on volunteers, staff of contractors, and other individuals that are not school staff or supply staff which must be completed according to the requirements set out in KCSIE.
SAFEGUARDING POLICY CONTENT:

74. A school’s policy must cover the following areas.

- The school’s policy and procedures for dealing with concerns about a child, in accordance with locally agreed inter-agency procedures.
- The school’s arrangements for handling allegations of abuse against members of staff, volunteers and the head.
- The school’s staff code of conduct/behaviour policy, or reference to the separate policy.
- Whistleblowing procedures, or reference to a separate policy
- The school’s recruitment procedures, or reference to the separate policy.
- Management of safeguarding including the appointment of the designated person.
- The training of the designated person, staff, volunteers and the head.
- Arrangements for reviewing the school’s child protection policies and procedures annually.
- The school’s arrangements to fulfil other safeguarding and welfare responsibilities.
Part 3 - Welfare, health and safety of pupils

FURTHER GUIDANCE:

75. The paragraphs below provide further guidance about the points which must be included in the safeguarding policy. The guidance in this section is necessarily generic, and it is important that schools tailor policies to fit local requirements and the context of the school. Where this has not occurred, and the issues are significant in the context of a school being inspected, they will be considered when reaching judgements about compliance.

Concerns about a child

76. The school’s policy must clearly identify the Local Safeguarding Children Board (LSCB) which sets the local procedures. It must set out guidance for staff and others on what to do if they are concerned, and the main points of local procedures (including naming the LA(s) to which referrals are to be made). It should be clear that normal referral processes are also available when there are concerns about children who may be at risk of being drawn into terrorism. It is acceptable to identify where the full local procedures are available (e.g. the LSCB website link or location in the school of printed copies) but the policy itself must be sufficiently detailed for staff and parents to use when needed. Contact details for agency involvement, should also be displayed prominently, including those for support and advice about extremism, for example, the LA Prevent lead in Prevent priority areas, the local police force, 101 (the non-emergency police number) and the DfE dedicated telephone helpline and mailbox for non-emergency advice for staff and governors: 020 7340 7264 and counter-extremism@education.gsi.gov.uk.

77. Whilst the guidance places the responsibility of making decisions about referrals with the school’s designated safeguarding lead, care must be taken not to impose high thresholds for such referrals either in policies or in practice and it must be clear in the policy that anyone can make a referral, if necessary. The guidance notes the importance of children receiving the right help at the right time to address risks and prevent issues escalating, the importance of acting on and referring the early signs of abuse and neglect, radicalisation, keeping clear records, listening to views of the child, reassessing concerns when situations do not improve, sharing information quickly and challenging inaction.

78. Definitions of safeguarding and abuse, and the signs and forms of abuse should be included in the policy and reflect those included in the guidance documents. Specific reference should be made and procedures described, as appropriate to the pupil body of the school, to concerns such as children who run away or go missing, Female Genital Mutilation (FGM), Child Sexual Exploitation radicalisation, so that staff and others know how to identify children in need or at risk and how to respond. Specific attention should be given to safeguarding arrangements where children are engaged in close one-to-one teaching, particularly in specialist performing arts and sports provision.

79. The policy should differentiate between safeguarding children who have suffered or are likely to suffer significant harm and those who are in need of additional support from one or more agencies. Subject to local procedures which can vary, the former should be reported to Children’s Social Care immediately; the latter should lead to inter-agency assessment using local processes, including use of the “Common Assessment Framework (CAF)” and “Team around the Child” (TAC) approaches.

80. In the case of pupils identified as being at risk of radicalisation, institutions will need to consider the level of risk to identify the most appropriate referral, which could include Channel or Children’s Social Care, for example.

81. In the case of FGM, from October 2015, it will be mandatory for teachers to report to the police cases where they discover that an act of FGM appears to have been carried out. Unless the teacher has good reason not to, they should still consider and discuss such a case with the school’s DSL and involve children’s social care as appropriate.
82. The risks associated with going missing from education are now given more prominence in KCSIE 2015. Schools should have procedures in place to identify and respond to children who go missing, particularly on repeat occasions. This issue is dealt with in more detail from paragraph 171 below which relate to admission and attendance registers. Failure to report children missing education, when this is a requirement, would be non-compliance with the duty to have regard to KCSIE.

83. Although decisions to seek support for a child in need, or about whom there are concerns relating to radicalisation, would normally be taken in consultation with parents and pupils, there should be no suggestion in the school policy that their consent is required for a referral when there are reasonable grounds to believe that a child is at risk of significant harm.

84. WT stresses the importance of creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role, and KCSIE makes clear that any member of staff may make a referral to external agencies. Guidance should be included in the policy on the actions that staff members should take when receiving a disclosure including avoiding asking leading questions and explaining that confidentiality cannot be promised.

85. The policy should include procedures for dealing with abuse by one or more pupils against another pupil when there is ‘reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm’, including that any such abuse will be referred to local agencies. It would be an expectation that in the event of disclosures about pupil on pupil abuse that all children involved, whether perpetrator or victim, are treated as being “at risk”.

Arrangements for dealing with allegations of abuse against teachers and other staff

86. Part 4 of KCSIE replaced Dealing with allegations of abuse against teachers and other staff and thus provides the most recent guidance on this issue. WT requires local authorities to designate an officer or team of officers to deal the management and oversight of allegations against people that work with children. The acronym “LADO” has been removed from KCSIE and WT from April 2015 in favour of “designated officer, or team of officers”, to indicate that LAs now have some discretion over their approach. This does not prevent LAs, schools and others continuing to use it as appropriate. ISI continues to use the acronym “LADO” for brevity. The nomenclature which schools use in their policies is not a compliance issue per se; the compliance issue is whether safeguarding arrangements are effective. Policies should reflect LCSB arrangements and, therefore, should be updated in-line with local changes.

87. If an allegation is made against anyone working with children in a school all unnecessary delays should be eradicated. Schools must not undertake their own investigations of allegations without prior consultation with the local authority designated officer or team of officers (LADO(s)), or in the most serious cases, the police, so as not to jeopardise statutory investigations. In borderline cases, discussions with the LADO(s) can be held informally and without naming the school or individual.

88. The procedures must make it clear that all allegations are to be reported straight away, normally to the head but if the designated person is identified to receive referrals in the policy, this includes keeping the head informed. The procedures must also identify the person, usually the chair of governors, to whom reports should be made in the absence of the head; or in cases where the head is the subject of the allegation or concern. Procedures should also include prominent contact details for the LADO(s). Where the head is also the proprietor, the policy should include the procedure for contacting the LADO(s) in order that the individual receiving any concern about the head can make a referral directly. The LADO(s) should be informed within one working day of all allegations that come to an employer’s attention or that are made directly to the police.

89. Immediate contact should be made with the LADO(s) to discuss the allegation, consider the nature, content and context of the allegation and agree a course of action including any involvement of the police. Discussions should be recorded in writing, and any communication with both the individual and the parents of the child/children agreed. Schools must consider carefully
whether the circumstances of the case warrant suspension or whether alternative arrangements should be put in place. Schools should give due weight to the views of the LADO and to the policy when making a decision about suspension.

90. From 1 October 2012, there are restrictions on the reporting or publishing of allegations against teachers and so schools must make every effort to maintain confidentially and guard against unwanted publicity. These restrictions apply up to the point where the accused person is charged with an offence, or the DfE/NCTL publish information about an investigation or decision in a disciplinary case.

91. The policy should also contain the school’s commitment to promptly report to the DBS any person (whether employed, contracted, a volunteer or student) whose services are no longer used for regulated activity and the DBS referral criteria are met, that is, they have caused harm or posed a risk of harm to a child.

92. Ceasing to use a person’s services includes: dismissal; non-renewal of a fixed-term contract; no longer engaging/refusing to engage a supply teacher provided by an employment agency; terminating the placement of a student teacher or other trainee; no longer using staff employed by contractors; no longer using volunteers; resignation; and voluntary withdrawal from supply teaching, contract working, a course of initial teacher training, or volunteering. It is important that reports include as much evidence about the circumstances of the case as possible. Failure to make a report constitutes an offence. ‘Compromise agreements’ cannot be used to prevent a referral being made to the DBS when it is legally required nor can an individual’s refusal to cooperate with an investigation. Proprietors of independent schools have a legal duty to respond to requests from the DBS for information they hold already, but they do not have to find it from other sources. Schools will be asked, as part of routine inspection, to confirm that they have disclosed to inspectors all instances of action in relation to safeguarding concerns.

93. Independent schools are also under a duty to consider making a referral to the National College for Teaching and Leadership (NCTL) where a teacher has been dismissed (or would have been dismissed had he/she not resigned) and a prohibition order may be appropriate, and should make reference to this in their policies. The reasons such an order would be considered are: “unacceptable professional conduct”, “conduct that may bring the profession into disrepute” or a “conviction, at any time, for a relevant offence”. Advice about whether an allegation against a teacher is sufficiently serious to refer to the NCTL can be found in *Teacher misconduct: the prohibition of teachers* (July 2014). Further guidance is published on the NCTL website.

Staff behaviour policy

94. The school should have a staff behaviour policy/code of conduct either in the safeguarding policy or a separate document signposted from the safeguarding policy. KCSIE 2015 now requires that such a document should amongst other things include staff/pupil relationships and communications including the use of social media. When drafting the staff behaviour policy schools should bear in mind that it is an offence for a person aged 18 or over, such as a teacher, to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if, in the case of those over 16, the relationship is consensual. The aim of the staff behaviour policy is to provide clear guidance about behaviour and actions so as not to place pupils or staff at risk of harm or of allegations of harm to a pupil. The guidance should be tailored to the school, for example including access to accommodation in a boarding school, and changing arrangements in a nursery class. Other possible points for inclusion are in one-to-one tuition, music, performing arts or sports coaching, conveying a pupil by car, engaging in inappropriate electronic communication with a pupil, and so on.

Whistleblowing procedures

95. WT 2015 requires schools to have clear whistleblowing procedures suitably referenced in staff training and codes of conduct. The key principles, adapted for schools, can be summarised as follows: A school should have a culture of safety and of raising concerns. It should have a culture
of valuing staff and of reflective practice. There should be procedures for reporting and handling concerns, including about poor or unsafe practice and potential failures in the school’s safeguarding regime, provision for mediation and dispute resolution where necessary. Training and support should be provided for staff. There should be transparency and accountability in relation to how concerns are received and handled.

96. Schools are likely already to be meeting much of this new requirement as a result of having regard to KCSIE; KCSIE already requires that clear processes for the reporting of allegations be recorded in the safeguarding policy and disseminated through training. Schools are not required to create new, stand-alone whistleblowing policies where their safeguarding policy, or other existing policy documents cover the recommended ground (although they may do so). Indeed proliferation of policies can sometimes cause confusion and lead to less effective practice. However, whistleblowing procedures should be referred to in the staff code of conduct.

Safer recruitment

97. The policy should either include details of the school’s recruitment and selection policy and procedures or refer to them. The policy should set out the school's process from beginning to end, including details of the required checks. The section in this document about Part 4 of the regulations gives further details.

98. Prevent requires schools to set out clear protocols for ensuring that any visiting speakers, whether invited by staff or by the pupils themselves, are suitable and appropriately supervised. No specific policy or document is prescribed by the Prevent guidance for this. The Safer Recruitment policy would be a suitable place. This does not rule out using other documentation instead.

99. The state sector requirement that one person on every recruitment panel should have received "Safer recruitment" training, is not a legal requirement for independent schools. However, it is recommended that schools ensure that sufficient relevant staff are trained in safer recruitment processes.

Management of safeguarding

100. The school is required to name at least one individual from the leadership team to take responsibility for child protection matters. The senior responsibility is to maintain an overview of safeguarding within the school, to open channels of communication with local statutory agencies and to monitor the effectiveness of policies and procedures in practice. The senior role can be exercised in conjunction with other nominated safeguarding staff within the school. Safeguarding procedures should also identify an alternative person to whom reports should be made in the absence of the designated person in order that there is the required cover for the role at all times. Schools that have separate sites or separate management lines, may wish to consider having a designated person for each section.

101. The job description of the designated safeguarding lead should include the key activities of the role. The school should make arrangements to ensure that designated safeguarding lead has sufficient time, funding, supervision and support to fulfil his or her child welfare and safeguarding responsibilities effectively. All professionals working with children should have regular reviews of their own practice and opportunities to discuss any concerns they may have about welfare and safeguarding matters. This should include the personal and professional duty to report welfare and safeguarding concerns to the designated safeguarding lead, or in the absence of action, directly to local children’s services.

102. WT recommends that a senior “board level lead” is designated to take a lead in relation to responsibility for the safeguarding arrangements. Schools should appoint a member of the proprietorial body to take this role, but should bear in mind that the safeguarding duties remain the responsibility of the proprietor group as a whole, including for the annual review of safeguarding.

Training
103.  The policy must set out the school’s arrangements for the training required as below.

- All staff must read at least Part One of KCSIE. This applies not only to new staff but also to those already in post in April 2014 when KCSIE was first introduced. Each time Part One of KCSIE is updated by the DfE, existing staff must be updated. This is particularly important when new duties are introduced, as with the introduction of Prevent in July 2015. The methodology for ensuring existing staff read Part One of KCSIE is not prescribed. All effective means are acceptable (such as, electronic or hard copy distribution and acknowledgement). For staff who cannot read English, or at all, schools should take steps to ensure that they understand key information.

- The designated person to receive updated child protection training at least every two years. This will include local inter-agency working protocols and training in the LSCB’s approach to Prevent duties.

- All staff must be trained in child protection regularly, in line with advice from the LSCB. Prevent awareness training will be part of this.

- All new staff, including temporary staff and volunteers, must be provided with induction training that includes:
  1. the school’s child protection policy;
  2. the staff code of conduct/behaviour policy including the whistleblowing procedure;
  3. the identity of the designated person
  4. a copy of Part 1 of KCSIE.

104.  The required training content for the designated person is set out in Annex B of KCSIE and covers inter-agency working, participation in child protection case conferences, supporting children in need, identifying children at risk of radicalisation, record keeping and promoting a culture of listening to children.

105.  As the lead safeguarding professional in school, it is envisaged that as LAs develop their services to support the Prevent strategy, the DSL will have higher level training in the LSCB’s Prevent strategy to be able to assess the risk of children being drawn into terrorism, including being drawn into support for the extremist ideas that are part of terrorist ideology. This will be based on an understanding shared with local partners of the potential risk in the local area. If there is difficulty accessing local training in the short term, while local partners are building capacity to deliver training, schools can demonstrate their commitment to the Prevent strategy by ensuring as a minimum that the DSL has accessed Prevent awareness training, such as the on-line general awareness training module on Channel promoted in the non-statutory advice, and is able to provide advice and support to other members of staff on protecting children from radicalisation.

106.  There is now not a set frequency for staff refresher training. Schools will need to demonstrate that they consult with their LSCB to determine the most appropriate schedule, level and focus for training. There are also no national standards for staff training and so inspectors will use their judgement, based on evidence from records and interviews to assess whether the training provided by the school has been sufficient and frequent enough to equip staff to follow the school’s procedures and to raise concerns appropriately. The Prevent strategy requires that schools ensure that all staff have training that gives them knowledge and confidence to identify children at risk of being drawn into terrorism, to challenge extremist ideas and to know how to refer children and young people for further help. Again the Channel on-line general awareness training, above, is suitable and will be helpful for schools which have difficulty accessing local training. Additionally, while online safety and radicalisation will be relevant in safeguarding measures to all schools, the context of schools within their communities will also be a factor in determining the level and focus for training and responsiveness to factors such as child sexual exploitation, female genital mutilation, cyberbullying, and mental health.
Part 3 - Welfare, health and safety of pupils

Arrangements for reviewing policies and procedures

107. A review of the school’s child protection policies must take place at least annually, including an update and review of the effectiveness of procedures and their implementation. KCSIE indicates that the DSL should work with the proprietors on this. Proprietors should also ensure that the school contributes to interagency working in line with WT through effective communication and good cooperation with local agencies. The implementation of these policy provisions will be checked through discussion with proprietors and DSL, and by scrutiny of the relevant board minutes and available evidence underpinning the review (e.g. any written report or information presented to governors to support the review, training records, referral information in respect of requests for help and support for individual children, issues and themes which may have emerged in the school and how these have been handled, contribution the school is making to multi-agency working in individual cases or local discussions on safeguarding matters). Minutes should therefore be sufficiently detailed to demonstrate both breadth and depth of the review.

108. If there has been a substantiated allegation against a member of staff, the school should work with the LADO to determine whether there are any improvements to be made to the school’s procedures or practice to help prevent similar events in the future.

The school’s arrangements to fulfil other safeguarding responsibilities

109. Information on the points below may be included in the relevant section of the policy or be included separately.

Teaching children how to keep safe

110. Proprietors should consider how children may be taught about safeguarding, including online, through the curriculum and PSHE. Particular attention should be paid to school practices to help children to adjust their behaviours in order to reduce risks and build resilience, including to radicalisation, with particular attention to the safe use of electronic equipment and the internet. Where possible, these practices should be age appropriate and delivered through a planned component of the curriculum. Children should understand the risks posed by adults or young people, who use the internet and social media to bully, groom, abuse or radicalise other people, especially children, young people and vulnerable adults. Internet safety will usually be integral to the school’s ICT curriculum and can also be embedded in PSHE and SRE .The latest resources promoted by DfE can be found at:

The use of social media for on-line radicalisation

The UK Safer Internet Centre (www.saferinternet.org.uk)

CEOP’s Thinkuknow website (www.thinkuknow.co.uk)

Looked after children

111. Proprietors should also ensure that staff have the skills, knowledge and understanding necessary to keep safe children who are looked after by a local authority, if they have such children on roll. This would include ensuring that a designated member of staff has responsibility for their welfare and progress and has up to date assessment information from the relevant local authority, the most recent care plan and contact arrangements with parents, and delegated authority to carers.

112. Schools with looked after children on roll will want to be aware of the statutory guidance to local authorities about how they are to support schools with the care and education of these pupils: Promoting the education of looked after children.
Specialist settings

113. Specialist settings such as performing arts or music specialist schools should also include details of the additional measures taken to safeguard pupils, for example in one-to-one or off-site tuition and performances away from the school.

Childcare

114. Schools providing early and later years childcare should consider including a section in their safeguarding policy about disqualification from working in childcare, including disqualification by association. While covering the issue in the safeguarding policy is optional, it will be important to cover it in the recruitment procedure where relevant. See below paragraph 119 for more information.

IMPLEMENTATION

115. When considering their provision for children in need of additional support, schools, may wish to be aware of the most recent DfE advice and information which dovetails with WT and the SEND Code 2015. These are non-statutory documents meaning that schools are not required to have regard to them:

- Mental health and behaviour in schools (March 2015)
- Counselling in schools: a blue print for the future (March 2015)

116. During the inspection, effective implementation of the safeguarding policy will be checked through responses of parents and pupils to questionnaires, interviews with pupils and staff and scrutiny of records and documentation. Inspectors will have been provided with any relevant information available to ISI in advance of the inspection, including anonymised DBS/NCTL referrals and DfE staff census information. Any concerns raised in relation to safeguarding, whatever the source, must be followed up by inspectors. Particular attention should be given by inspectors to the arrangements within the school to “listen” to children including the use of counsellors/listeners, use of helplines and other systems to gain views and insight. Schools being inspected will be asked to ensure pupils know they may contact inspectors directly.

In relation to Prevent, for compliance purposes, inspectors should consider whether schools can “demonstrate activity”, as required by the statutory guidance, in the following key areas: risk assessment, working in partnership, staff training and IT policies. RIs should check that schools have arrangements to respond to pupils who may be targeted or influenced to participate in radicalism or extremism. Inspectors will therefore also consider IT arrangements and policies in the context of safeguarding. The Prevent guidance expects schools to ensure that children are safe from terrorist and extremist material when accessing the internet through school systems and to establish appropriate levels of filtering. No further technical guidance is prescribed by the DfE concerning the levels of filtering which are to be considered appropriate. This means that schools have discretion as to how they approach this aspect of the Prevent duty. Inspectors will assess and challenge on the basis of whether what is in place appears effective in practice to ensure that children are safe from terrorist and extremist material when accessing the internet in school.

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Paragraph 8:
Where section 87(1) of the Children Act 1989 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 or the National Minimum Standards for Accommodation of Children under Eighteen by Further Education Colleges.

117. The NMS refers to the same guidance as that which applies to day schools, but there are now additional issues for boarding schools to consider.

118. Although paragraph 8(b) references the National Minimum Standards for Accommodation of Students under Eighteen by Further Education Colleges, these are not applicable to schools. Schools which provide accommodation, including those where all boarders are 16 and over, are inspected under the NMS for boarding schools.

Boarding ➔ B490

Early years and later years (under-8’s) childcare - Disqualification under the Childcare Act 2006 (March 2015)

119. KCSIE now incorporates the above new statutory guidance, making the latter another document to which schools must have regard. It concerns how people can be disqualified under the Childcare Act 2006, including by association with others, and explains the effect of the Childcare (Disqualification) Regulations 2009.

120. The key requirement on schools is that they must not knowingly employ people to work in childcare or allow them to be directly concerned in its management, if they or others who live or work in their households are “disqualified”.

121. Early years childcare means education, care (excepting health care) and any supervised activity for a child from birth until the 1 September following their fifth birthday. It applies to all early years provision during and outside school hours, including in school nursery and reception classes.

122. Later years childcare means childcare for children under the age of 8. To the extent that this overlaps with those in the early years, that category is dealt with above. For children who are older than “early years” but under the age of 8, the normal school day, after-school co-curricular educational clubs and health care are not within scope of the regulations. For this age group, therefore, only provision which would be considered “childcare” (rather than education) is within the scope of the regulations. This essentially means creche-like facilities before and after school.

123. Although the word “employ” is used in the regulations, the guidance does not only apply to employees. Others such as volunteers, supply/agency staff, self-employed people, staff of other organisations contracted to provide childcare, governors who volunteer with the relevant groups or are directly concerned with their day to day management, are also potentially within the scope of the guidance. By contrast, those who are not involved in childcare are not within the remit of these regulations, for example, cleaners and kitchen staff.

124. In brief, where people are within the scope of the guidance, schools must either check themselves whether they are disqualified from childcare or ensure that others have done so.
125. The grounds for disqualification include, in summary:.

- being on the DBS Children’s Barred List;
- being cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad;
- being the subject of certain other orders relating to the care of children;
- refusal or cancellation of registration relating to childcare or children’s homes or being prohibited from private fostering;
- living in the same household where another person who is disqualified lives or works.

126. Disqualification occurs as soon as the above criteria are met, for example, as soon as a caution or conviction occurs, even before the person is formally included on the children’s barred list.

IMPLEMENTATION

127. In summary, in order to fulfil their duty to have regard to the guidance, schools must take three steps:

- inform relevant people of the legislation, including that they may be disqualified by association;
- take steps to gather sufficient and accurate information about whether any member of staff in a relevant childcare setting is disqualified, including by association;
- keep records, either on the Single Central Register (optional) or elsewhere, of staff employed to work in or manage relevant childcare and including the date disqualification checks were completed.

128. In taking steps to gather information, staff can be expected to disclose all their convictions and cautions including those which are spent but cannot be required to disclose spent convictions and cautions of those who live and work in their households.

129. By definition, a person who is disqualified cannot lawfully do the work from which they are disqualified. If a person is found to be disqualified, including by association, or if there is doubt over that issue, then pending resolution they must be removed from the work from which they are or may be disqualified. There is no requirement automatically to suspend or dismiss all individuals found to be disqualified; there is scope in principle to redeploy them with other age groups or in other work from which they are not disqualified, subject to assessing the risks and taking advice from the LADO when appropriate.

130. Schools must inform Ofsted (not ISI, although ISI can be copied in) where they are satisfied that a person working in a relevant setting falls within one of the disqualification criteria. Staff who are disqualified, including by association, may apply to Ofsted for a waiver of disqualification, unless they are barred from working with children.

131. The precise steps which schools must take to disseminate and gather the required information are not prescribed. Schools are free to decide how they do so and inspectors have discretion to recognise any methods which are effective in reaching all relevant staff. Schools could vary their approach for existing staff and incoming staff, dealing with this issue for in-coming staff through pre-employment checks.

132. In deciding what measures to take, schools should bear in mind that the measures must result in a recordable date or dates when disqualification checks were completed for individuals. This could include dates of meetings, contracts, emails, individual letters etc. On inspection the
onust will be on schools to demonstrate that the information they disseminated reached all relevant staff.

133. Schools should remind staff regularly of their duties to disclose the relevant information. The DfE has written that they do not prescribe the approach to reminders “but an annual check would seem a sensible measure”.

134. Considerable further technical detail is contained in the guidance. Support is available from the ISI office for those who need it.

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Paragraph 9:
The standard in this paragraph is met if the proprietor promotes good behavior 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 pupils misbehavior;

(b) the policy is implemented effectively; and

(c) a record is kept of the sanctions imposed upon pupils for serious misbehavior.

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135. This regulation does not require schools to have regard to any particular guidance document and schools are able to develop their own policies so long as the policy content meets the regulatory requirements (see below).

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BEHAVIOUR AND SANCTIONS POLICY CONTENT:

136. The written policy must include details of:

- How the school promotes good behaviour amongst pupils.
- The sanctions to be adopted in the event of pupil misbehaviour.

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FURTHER GUIDANCE:

137. Non-statutory advice Behaviour and Discipline in schools (2014) may be useful to schools when developing their policy. Schools cannot be found to be non-compliant if the policy does not follow this advice in all respects. In addition to setting out rewards and sanctions, behaviour strategy and the teaching of good behaviour, the following points could also be included:

(a) duties under the Equality Act 2010, including issues related to pupils with special educational needs/disabilities and how reasonable adjustments are made for these pupils;
(b) support systems for pupils;
(c) liaison with parents and other agencies;
(d) managing pupils’ transition;
(e) disciplinary action against pupils who are found to have made malicious accusations against staff.

138. Schools must have a register of sanctions imposed for serious misbehaviour, even if it has no entries. The nature of the record is not prescribed, but schools should be encouraged (i) to include as the basic entry the pupil's name and year group, the nature and date of the offence, and the sanction imposed and (ii) to centralise the record, so that patterns can be identified by the school and also by inspectors.
139. The school may make its own definition of ‘serious misbehaviour’, and they might, for example, include exclusions, major detentions and disciplinary meetings involving parents.

IMPLEMENTATION

140. During the inspection the effective implementation of the policy will be checked through direct observation of behaviour in the school, responses of parents and pupils to questionnaires, interviews with pupils and staff, and scrutiny of records and documentation to confirm adherence to policy and correspondence with any known events already reported. Inspectors will consider classroom management, staff development and support, and leadership oversight of behaviour issues.

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Paragraph 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.

141. This standard has been reworded for 2015 to focus attention on practical implementation as well as schools having the correct policies in place. Inspectors will seek evidence from schools that demonstrates effective policy implementation.

142. This regulation does not require regard to any particular guidance document, and schools are able to develop their own policies. Any policy should be short, succinct and written in accessible language.

FURTHER GUIDANCE:

143. Non-statutory DfE advice Preventing and Tackling Bullying (October 2014) may be useful to schools when developing their policy. Supplementary advice documents for parents, for teachers who find themselves attracting online bullying, and a fact sheet (March 2014) concerning supporting children who are bullied are also available. The main points in that advice are listed below although it is not a requirement for information about all of these to be included within the policy:

a) a definition of bullying, stating that it is repeated over time and intentionally hurts another pupil or group physically or emotionally and is often motivated by prejudice against particular groups, for example, on grounds of race, religion, culture, sex, gender, homophobia, special educational needs and disability, or because a child is adopted or is a carer - it may occur directly or through cyber-technology (social websites, mobile ‘phones, text messages, photographs and email);

b) the seriousness of bullying, both physical and emotional (which may cause psychological damage);

c) procedures to follow – so that it is easy to report bullying, including cyber-bullying and bullying outside school, the threshold for reporting a bullying issue to external agencies (such as police/children’s social care) is known, and records are kept to evaluate the effectiveness of the approach adopted or to enable patterns to be identified; Note, a bullying incident should be treated as a child protection concern
when there is reasonable cause to believe that a child is suffering or likely to suffer significant harm;

d) raising awareness of staff through training, so that the principles of the school policy are understood, legal responsibilities are known, action is defined to resolve and prevent problems, and sources of support are available; where appropriate, schools can invest in specialised skills to understand the needs of their pupils, including those with special educational needs or disabilities, and lesbian, gay, bisexual and transgender (LGBT) pupils.

e) using educational elements such as personal, social, health and economic education (PSHE), assemblies, projects, drama, stories, literature, with discussion of differences between people and the importance of avoiding prejudice-based language;

f) implementing disciplinary sanctions which reflect the seriousness of an incident and convey a deterrent effect (strong sanctions such as exclusion may be necessary in cases of severe and persistent bullying);

g) having clear policies communicated to parents, pupils and staff, and creating an environment of good behaviour and respect, with helpful examples set by staff and older pupils and celebration of success;

h) involving parents and making sure pupils are clear about the part they can play to prevent bullying, including when they find themselves as bystanders.

144. It is not a requirement to have a separate cyber-bullying policy, but with increasing availability to children of electronic devices that give unrestricted access to the internet, schools should consider online safety as part of both safeguarding and anti-bullying arrangements. Active management of hardware, software and connectivity and the vigilance of teachers and parents have a part to play in the safeguarding and protection of pupils.

145. Pupils will often have access to technologies that have both positive and negative potential. Consideration should be given to the use of technology within the school setting and beyond, with a policy that is clear, understood and respected by staff, students and the wider school community. Whilst each school's perspective and practice will vary, the policy should ensure the school's expectations and safeguarding obligations are communicated and effective. A policy should include guidance on:

(a) Clearly defined roles and responsibilities for online safety as part of the school's wider safeguarding strategy and how this links with other safeguarding policy;
(b) Clear guidance on the use of technology in the classroom and beyond for all users, including staff, students/pupils and visitors that references permissions/restrictions and agreed sanctions;
(c) Detail the school's technical provision/infrastructure and the safeguards in place to filter and monitor inappropriate content and alert the school to safeguarding issues;
(d) Detail how the school builds resilience in its students to protect themselves and their peers through education and information;
(e) Detail on staff safeguarding professional development that includes online safety;
(f) Reporting mechanisms available for all users to report issues and concerns to the school and how they are managed and/or escalated;
(g) How the school informs, communicates with and educates parents/carers in online safety;
(h) The management of personal data in line with statutory requirements.

IMPLEMENTATION:

146. During the inspection the effective implementation of the policy, including in relation to cyber-bullying and mobile phones, will be checked through direct observation around the school,
responses of parents and pupils to questionnaires, interviews with pupils and staff, and scrutiny of records and documentation. It is not uncommon to find that routine interviews with staff and pupils do not provide evidence that corroborates negative views previously expressed in parents' and/or pupils' confidential questionnaires or other sources of evidence and so interviews alone cannot be relied upon but instead form only one element of considered evidence. Records of bullying may be usefully centralised but they may be also be dispersed, for example, among different houses. **A school cannot be considered to meet its duty of care towards its pupils if it does not readily have a clear picture of bullying incidents throughout the school, whatever system has been chosen to record concerns.** It is also important to consider how well the school is ensuring that the impact of bullying on individual children is being monitored to ensure that a holistic picture is maintained between different aspects of school provision such as teaching, boarding and health care.

Boarding ➔ B494

**Paragraph 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.

147. This standard has been rephrased from January 2015 to focus on the outcome that relevant health and safety laws are complied with, in addition to having the right policies in place. Non-statutory advice [Health and Safety Advice on Legal Duties and Powers for Local Authorities, Head Teachers, Staff and Governing Bodies (2013)](http://www.hse.gov.uk/services/education/sensible-leadership/index.htm) is available on the DfE website. The regulation requires a written policy, but does not specify regard to be had to any particular advice document. However, the DfE advice does summarise the ‘relevant health and safety laws’ referred to in the regulations. From January 2015, a written risk assessment policy is also required. Further details are provided on page 39.

**FURTHER GUIDANCE:**

148. The main legislation covering this area is the Health and Safety at Work etc Act 1974 and regulations made under that Act. The employer (the proprietor) is responsible for health and safety, though tasks may be delegated to staff. Employees also have a duty to look after their own and others’ health and safety. Employers, school staff and others also have a duty under the common law to take care of pupils in the same way that a prudent parent would do so. The Health and Safety Executive also provides useful advice on striking the right balance in schools on health and safety matters, [http://www.hse.gov.uk/services/education/sensible-leadership/index.htm](http://www.hse.gov.uk/services/education/sensible-leadership/index.htm)

149. The DfE advice suggests that a policy covers the following areas:

- a general statement of policy;
- who is responsible to do what (delegation of tasks);
- arrangements to monitor, establish and review measures needed to meet satisfactory health and safety standards.

150. Inspectors must exercise professional judgement in assessing the adequacy of the school’s documentation and provide advice as necessary to help schools in being vigilant about the welfare of pupils. In addition, the advice states that schools may wish to include any of the following in their health and safety policy and associated risk assessment.

(a) Training of staff in health and safety, including risk assessment

(b) Consultation arrangements with employees
(c) Recording and reporting accidents to staff, pupils and visitors – including those reportable under **RIDDOR**
(d) Policy and procedures for off-site visits, including residential visits and any school-led adventure activities
(e) Dealing with health and safety emergencies – procedures and contacts
(f) First aid and supporting medical needs (may refer to first aid policy)
(g) Occupational health services and managing work-related stress
(h) Workplace safety for teachers, pupils and visitors
(i) School security
(j) Violence to staff (may cross-refer to behaviour policy)
(k) Manual handling
(l) Slips and trips
(m) On-site vehicle movements
(n) Management of asbestos
(o) Control of hazardous substances
(p) Selecting and managing contractors
(q) Maintenance (and, where necessary examination and testing) of plant and equipment (such as electrical equipment, local exhaust ventilation, pressure systems, gas appliances, lifting equipment and glazing safety)
(r) Fire safety, including testing of alarms and evacuation procedures (may refer to fire documentation).

151. Educational visits are no longer treated separately from other aspects of health and safety. The DfE advice seeks to make it easier for schools to take pupils on trips, removing paperwork and taking steps to reduce teachers’ fears of legal action and stating that it is rare for teachers to be prosecuted under criminal law with regard to accidents involving children. There is no requirement to have an Educational Visits Coordinator (EVC). Schools should remain mindful of any requirements set by their insurers when planning educational visits.

152. A written risk assessment is not required for every visit and schools should make the decision about when to carry out a risk assessment. However, where a risk assessment is carried out, the employer must record the significant findings of the assessment. A risk assessment is not needed every time a school takes pupils to a local venue such as a swimming pool, a park or a museum. Circumstances when a risk assessment is appropriate would include activities away from school; for example, mountaineering, canoeing, and sailing. Trips abroad also need careful attention to duties under health and safety.

153. Written consent from parents is not required for pupils to take part in the majority of off-site activities organised by the school as most of these activities take place during school hours and are a normal part of the child’s education at the school. However, parents should be told where their child will be when not on school premises and of any extra safety measures required. This can be via a specific communication, or a more general termly calendar or similar. Written consent is usually only requested for activities that need a higher level of risk management or those that take place outside school hours. A ‘one-off’ consent form may be used for parents to sign when their child enrols at the school but it is for the school to decide on how parental consent is to be sought.

154. When planning an activity involving caving, climbing, trekking, skiing or watersports, schools must currently check that the provider holds a licence as required by the Adventure Activities Licensing Regulations 2004 (for England, Scotland and Wales). Two additional pieces of guidance have been published about health and safety issues. DfE have provided guidance on the requirements for driving **minibuses**, replacing the section previously located within the general
health and safety guidance. The requirements in relation to Work experience guidance have also been clarified.
IMPLEMENTATION:

155. During the inspection the effective implementation of the policy will be checked through direct observation around the school (with vigilance in relation to portable appliance testing (PAT), access and safety in workshops and labs, storage of chemicals, ponds and swimming pools, electrical safety and hygiene), parent and pupil questionnaires, interviews with pupils and staff, and scrutiny of records and documentation.

156. If inspectors think they may have found hazardous conditions in the school's accommodation or other shortcomings in the school's provision for the welfare, health or safety of the pupils, they must make a collective decision whether the matter (a) is serious and must be entered in the report because one or more of the regulations have not been met, (b) has been fully remedied during the inspection and is not likely to occur again, but must still feature in the report because of its impact on overall quality judgements for welfare, health and safety or governance/leadership and management or (c) is an isolated incident that has been easily and quickly remedied and so need not be included in the written report. If inspectors identify conditions that are of immediate risk to children then they must contact the ISI office for advice without delay.

OTHER INFORMATION:

157. While PAT should have been carried out by a qualified person, the frequency of inspection is not prescribed by statute. HSE have provided advice about planning a testing schedule.

158. Workshops should be obviously safe: for example, with adequate ventilation and dust extraction, a clearly labelled main switch lockable in the ‘off’ position, a general emergency switching system with push buttons (preferably red on yellow) and a well-positioned emergency cut-out for each fixed machine (could be the normal ‘off’ switch, but foot operation is sometimes recommended). Helpful advice on safety in design and technology is contained in British Standard 4163: 2007, available from the British Standards Institute

159. Except in relation to the Early Years Foundation Stage requirements, it is not the duty of ISI inspectors to check on the national smoking ban from 1st July 2007 or to include it within health and safety requirements.

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Paragraph 12:
The standard in this paragraph is met if the proprietor ensures compliance with the Regulatory Reform (Fire Safety) Order 2005.

FIRE POLICY CONTENT:

a) The regulations require a fire risk assessment (formally recorded and regularly reviewed so as to keep it up to date) and place on the proprietor or governing body additional duties to:

b) produce a fire risk (prevention) policy which includes the elimination or reduction of risks from dangerous substances;

c) develop fire procedures and provide staff training (repeated periodically where appropriate);

d) ensure the safety of staff or anyone else legally on the school premises;

e) carry out fire drills and contact emergency services when necessary;

f) appoint one or more competent persons (with sufficient training, experience and knowledge) to assist in taking preventive and protective measures (including fire fighting and evacuation);

g) 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);

h) provide staff and any others working on the school site with fire safety information.

IMPLEMENTATION:

160. Inspections will include reference to the documentation listed below in addition to on-site viewing of fire safety arrangements and interviews with staff and pupils.

161. In order to prove that the duties are properly discharged, the school’s ‘responsible person’ should keep records of the following:

(a) the fire risk assessment and its review;

(b) the fire risk (prevention) policy;

(c) fire procedures and arrangements;

(d) training records;

(e) fire practice drills;

(f) certificates for the installation and maintenance of fire-fighting systems and equipment.

OTHER INFORMATION:

162. The DfE has a ‘memorandum of understanding’ with the fire authorities. Under this, no new independent school may open until a satisfactory Fire and Rescue Service (FRS) report has been received by DfE and the school. The FRS will be involved in building regulations approval, where these apply to new building or alterations. The FRS will take a risk-based approach to additional school premises. For established independent schools, risk is considered high for boarding and special schools, and the FRS will carry out a full safety audit for these schools. For premises posing medium to very low risk, a minimum of three schools a year will be inspected by the FRS in each fire authority.
163. Inspectors should not be narrowly prescriptive in their interpretation of the fire risk (prevention) policy, but a written statement of the requirements as in the ‘Fire safety’ paragraph above would denote good practice.

Boarding ➔ B467

Paragraph 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.

164. From January 2015, the wording of the paragraph has been updated to include the timely and competent administration of first aid and the effective implementation of the first aid policy.

165. The regulation does not require schools to have regard to any particular guidance and so the policy can be developed as appropriate for the school.

FURTHER GUIDANCE:

166. DfE Guidance on First Aid for schools is available to assist schools in preparing their policies. The main points in that guidance are listed below although it is not a requirement for information about all of these to be included within the policy, and schools cannot be found to be non-compliant on that basis alone:

- practical arrangements at the point of need;
- the names of those qualified in first aid and the requirement for updated training every three years;
- having at least one qualified person on each school site when children are present;
- showing how accidents are to be recorded and parents informed;
- access to first aid kits;
- arrangements for pupils with particular medical conditions (for example, asthma, epilepsy, diabetes);
- hygiene procedures for dealing with the spillage of body fluids;
- guidance on when to call an ambulance;
- reference to RIDDOR.

IMPLEMENTATION:

167. During the inspection the implementation of the policy will be checked through direct observation around the school, responses of parents and pupils to questionnaires, interviews with pupils and staff and scrutiny of records and documentation.

Boarding ➔ B437
Paragraph 14:
The standard in this paragraph is met if the proprietor ensures that pupils are properly supervised through appropriate deployment of school staff.

168. The standard does not require a written policy about the supervision of pupils. Inspectors will take a professional judgement in view of the age of the pupils and the activities in which they are engaged. Records such as staff rota and guidance provided to staff about supervisory duties will be considered by inspectors on-site.

169. When a member of staff is supervising in a remote location, a mobile phone may be advisable. Where senior pupils (usually prefects or the equivalent) have supervisory responsibilities for younger pupils, there must always be a member of staff readily available and in overall charge.

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Paragraph 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.

170. The DfE publication Advice on School Attendance (2014) provides a summary of the legal requirements in relation to registers. Many schools now have fully electronic systems in place to record admissions and attendance. Inspectors should utilise the electronic systems to evaluate the registers and should not expect schools to print registers in hard copy for inspection purposes.

ADMISSION REGISTER

171. For each pupil, the admission register must contain:

   (i) name in full;
   (ii) sex;
   (iii) name and address of every person known to the proprietor to be a parent of the pupil (and an indication of the parent with whom the pupil normally resides and which parents hold parental responsibility as defined by Section 3 Children Act 1989). NB Parents holding parental responsibility, even if not actually caring for the child, have a right to receive relevant information from the school in respect of any pertinent matter affecting the child, unless a court order indicates otherwise.
   (iv) at least one telephone number at which the parent can be contacted in an emergency;
   (v) day, month and year of birth;
   (vi) day, month and year of admission or re-admission to the school;
   (vii) name and address of the school last attended, if any;
   (viii) an indication of boarding or day attendance (in schools which include boarders).

172. The name of a pupil must be included in the register from the beginning of the first day on which the school has agreed, or has been notified, that the pupil will attend the school. For most pupils the expected first day of attendance is the first day of the school year.
173. Where a pupil is registered at more than one school, his/her name may only be deleted from the admission register of a school which he/she has ceased to attend where the proprietor of any or every other school at which the pupil is registered gives his/her consent, (except where the pupil has died, been permanently excluded or is of no fixed abode).

174. Before deleting a pupil’s name from the admission register on the ground that he/she has not returned from a leave of absence exceeding 10 days, both the proprietor and the local education authority must have failed, after reasonable enquiry, to ascertain where the pupil is.

175. The period after which a pupil’s name may be deleted from the admission register on the ground that the pupil has been continuously absent without authorisation has been changed to 20 school days and additionally the proprietor must not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or unavoidable cause.

176. The name of a pupil who is detained in pursuance of a final court order or order of recall may now only be deleted from the register where that order is for a period of not less than four months and where the proprietor does not have reasonable grounds to believe that the pupil will return to school at the end of that period.

ATTENDANCE REGISTER

177. For all day pupils of compulsory school age, the attendance register must be completed at the start of each morning session and once during each afternoon session. It must show whether the pupil is:

(i) present;
(ii) absent;
(iii) attending an approved educational activity outside school (approved by the ‘proprietor’ and supervised by a person approved by the proprietor or head, and including work experience or sporting activity);
(iv) unable to attend through exceptional circumstances (unavoidable closure of school site or part of it; unavailability of transport provided by school or local authority, where the home is not within walking distance);
(vi) taking authorised absence (granted leave of absence by the proprietor or a person acting on the proprietor’s behalf; unable to attend by reason of sickness or unavoidable cause; observing a day exclusively set apart for religious observance by the religious body to which the parent belongs);
(vii) taking unauthorised absence (if no reason is established when the register is taken; the entry may be corrected later when the reason is established).

178. A pupil may be marked in the attendance register as unable to attend because of exceptional circumstances where the school site, or part of it, is closed or where transport normally provided for that pupil by the school or the local authority is unavailable. Where a pupil is attending another school at which he/she is a registered pupil he/she must be marked in the attendance register as attending an approved educational activity.

179. DfE has a standard set of codes for schools to use in registers. They are not statutory for independent schools, but may be used by them. Under this system, an N is first entered when no reason has yet been provided for absence, and this is later corrected (ideally within two weeks) the appropriate symbol (in this case only, overwriting is allowable in an electronic system) and N must not be allowed to remain indefinitely.

180. Where the reason for absence is not initially known, under the previous system (still allowable in an independent school), an O is entered and a reason entered within the O at a later stage if it is known (ideally within two weeks), but if a reason is never established the O remains as unauthorised absence. For convenience, and to act as a check on pupils’ whereabouts for reasons of welfare or health and safety, it is recommended that all schools should register
boarding as well as day pupils, but this is not a legal requirement. Similarly, it is not a specific legal requirement to register children of pre-school age or sixth-form students. However, for welfare, health and safety, pastoral and educational reasons, it is recommended that they should be registered in a similar way. In the case of sixth-form students, the distinction between authorised and unauthorised absence is not necessary, and the timing of registration may be more flexible.

181. If an independent sixth form college has five or more pupils of compulsory school age, it must be registered as a school. Where students are following normal sixth-form courses, it is recommended that they follow the DfE requirements for attendance (although there is no need to record authorised and unauthorised absence for the sixth-form students). The keeping of attendance data is essential for the care of the students’ academic progress and for reporting on it. It is also a welfare matter for the college to know when students are or are not on the premises. Flexibility is reasonable for the timing and method of registration for the post-16 students, particularly those on limited programmes of study, but whatever system is used should be rigorously implemented.

KEEPING THE REGISTERS

182. Entries must be in ink and any amendments must show the original and amended entries, the reason for the amendment, the date of amendment and the name of the person making the amendment. A computerised register counts as being in ink. Where the admission or attendance register is kept by means of a computer the register must be backed up in the form of an electronic, micro-fiche not less than once a month. For example, each month’s permanent electronic copy might be stored on a CD or flash drive/USB device. Each of these additional copies of the admission register and the attendance register must be retained for three years after the end of the school year in question, as must registers hand-written in ink.

183. Inspectors must observe a sample of registration sessions and examine the attendance and admission registers to assure themselves that the requirements are being met.

OTHER INFORMATION:

184. Schools must inform the local authority (where the child is resident) where a pupil’s name is going to be deleted from the admission register on certain grounds. In summary, these are, when the child has been taken out of school to be home educated, when the family has apparently moved away, when the child has been certified as medically unfit to attend, when the child is in custody for more than four months, or has been permanently excluded. The duty arises as soon as the grounds for deletion are met and in any event before deleting the child’s name. See Regulation 8(1)(d),(e),(g),(i) and (m) and 12(3) of The Education (Pupil Registration) (England) Regulations 2006, and see also KCSIE 2015.

185. There is no longer a requirement for independent schools to return absence data to the DfE and inspectors can no longer check a school’s overall statistics, unless it has kept them for its own purposes. Independent schools continue to have a legal duty to report certain attendance issues to their LA: ten days of unauthorised absence (other than for reasons of sickness or leave of absence), failure to attend regularly, and deletion from the school register when the next school is not known. In this last case, independent schools are required to report the circumstances as soon as possible to the LA in which the pupil lives. Failure to report children missing education, when this is a requirement, would be non-compliance with paragraphs 7(a) and (b) of the standards.

**Paragraph 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
186. This is a new paragraph from January 2015, requiring a written risk assessment policy. This will already be included in the health and safety policy of many schools and does not need to be separated out providing the procedures for risk assessment are sufficiently detailed.

187. The policy should demonstrate that risk assessment is systematic with a view to promoting children’s welfare. Particular attention should be paid to key areas of risk such as supervision and school trips. Suggested content includes: when risk assessments should be completed, who is responsible for drawing-up and checking these, recording (including any pro-forma), training for staff.

188. During an inspection a sample of risk assessments will be scrutinised and actions followed-up. Schools must be able to provide evidence of the actions they are taking or have taken to reduce risks identified.
OTHER LEGISLATION

Equality Act 2010

189. The majority of equality legislation is outside the scope of inspection. However, since January 2015 anti-discrimination considerations have been introduced into Part One of the standards. In addition, Schedule 10 of the Equality Act 2010 requires schools to have a three year accessibility plan.

Schedule 10:

3.(1) The responsible body of a school in England and Wales must prepare—
(a) an accessibility plan;
(b) further such plans at such times as may be prescribed.

(2) An accessibility plan is a plan for, over a prescribed period—
(a) increasing the extent to which disabled pupils can participate in the school’s curriculum,
(b) improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school, and
(c) improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

(3) The delivery in sub-paragraph (2)(c) must be—
(a) within a reasonable time;
(b) in ways which are determined after taking account of the pupils’ disabilities and any preferences expressed by them or their parents.

(4) An accessibility plan must be in writing.

(5) The responsible body must keep its accessibility plan under review during the period to which it relates and, if necessary, revise it.

(6) The responsible body must implement its accessibility plan.

4.(1) In preparing an accessibility plan, the responsible body must have regard to the need to allocate adequate resources for implementing the plan.

190. The requirement for three-year planning originally ran from 1st April 2003 to 31st March 2006. It was then extended to cover subsequent three-year periods. The current period is from 1st April 2015 to 31st March 2018. However, in practice any current three-year period can be accepted.

ACCESSIBILITY PLAN CONTENT:

The three-year plan should include how the school plans to (with timescales):

(a) increase the extent to which disabled pupils (including those with special educational needs) can participate in the school’s curriculum;
(b) improve the provision to disabled pupils of information which is already in writing for pupils who are not disabled;
(c) improve the physical environment of the school in order to increase the extent to which disabled pupils are able to take advantage of education and associated services offered by the school.
FURTHER GUIDANCE:

191. Even where all appropriate provision could be claimed to be well established, the school should still have some form of plan with additional developments. “Disabled pupils” for the purpose of the disability access plan refers not only to those with physical disabilities but could include, for example, those with health issues, including mental health, or learning disabilities if they meet the legal definition of “disability”.

192. The Equality Act 2010 retains the previous definition of disability: ‘A physical or mental impairment which has substantial and long term adverse impact on a person’s ability to carry out normal everyday activities’. This has some overlap with the definition of ‘special educational needs’ in the Children and Families Act 2014 (which includes pupils with significantly greater difficulty in learning than the majority of children of his/her age, or a disability which means that a pupil cannot make full use of the general educational facilities provided for pupils of their age in mainstream state schools) but not all pupils are disabled by their SEN and vice versa.

193. Schools must:
   - not treat disabled pupils less favourably;
   - take reasonable steps to avoid putting disabled pupils at a substantial disadvantage (the ‘reasonable adjustment’ duty) in matters of admission and education.

194. Academically selective schools may select pupils by ability and aptitude (and need not adjust the pass mark for pupils with disabilities), schools with a religious designation may select by religion and single sex schools, by gender.

195. The duty to make ‘reasonable adjustments’ does not include a duty to change physical features. From 1 September 2012 it does include a duty to provide auxiliary aids and services: ‘where a disabled person would, but for the provision of the auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, [a duty] to take such steps as it is reasonable to have to take to provide the auxiliary aid’. There are no generic answers as to what is a reasonable adjustment. The duty is always child specific and context specific. Many suggestions made in the non-statutory advice from the DfE, or statutory guidance aimed at state schools or LAs, could be viewed as steps/adjustments which could potentially be reasonable for independent schools to make for pupils with disabilities. See, for example, the suggestions contained in advice documents listed in the glossary.

IMPLEMENTATION:

196. During inspection, inspectors will check the suitability of the three-year plan and how it is being implemented in the school, and undertake interviews with relevant staff and pupils.

OTHER INFORMATION:

197. Independent schools receiving local authority placements do not have a clear legal obligation to meet maintained school legislation in matters such as producing a written ‘disability equality scheme’, a written ‘race equality policy’ or a written ‘gender equality scheme’. However, they may produce these if they so wish.
The ban on corporal punishment (School Standards and Framework Act 1998)

(1) Corporal punishment given by, or on the authority of, a member of staff to a child—
   (a) for whom education is provided at any school, or
   (b) for whom education is provided, otherwise than at school, under any arrangements made
      by a local education authority, or
   (c) for whom specified nursery education is provided otherwise than at school,
      cannot be justified in any proceedings on the ground that it was given in pursuance of a right
      exercisable by the member of staff by virtue of his position as such.

(2) Subsection (1) applies to corporal punishment so given to a child at any time, whether at the school
    or other place at which education is provided for the child, or elsewhere.

(3) The following provisions have effect for the purposes of this section.

(4) Any reference to giving corporal punishment to a child is to doing anything for the purpose of
    punishing that child (whether or not there are other reasons for doing it) which, apart from any
    justification, would constitute battery.

(5) However, corporal punishment shall not be taken to be given to a child by virtue of anything done
    for reasons that include averting—
    (a) an immediate danger of personal injury to, or
    (b) an immediate danger to the property of, any person (including the child himself).

(6) “Member of staff”, in relation to the child concerned, means—
    (a) any person who works as a teacher at the school or other place at which education is
        provided for the child, or
    (b) any other person who (whether in connection with the provision of education for the child or
        otherwise)—
        (i) works at that school or place, or
        (ii) otherwise provides his services there (whether or not for payment),
    and has lawful control or charge of the child.

FURTHER GUIDANCE:

198. Corporal punishment is prohibited for all pupils in independent and maintained schools. No
    separate policy is required and guidance to staff may be included in a Staff Handbook or similar.

199. The prohibition includes the administration of corporal punishment to a pupil during any
    activity, whether or not within the school premises. The prohibition applies to all ‘members of staff’. These
    include all those acting in loco parentis, such as unpaid, volunteer supervisors. Teachers
    may use ‘physical intervention’ to avert ‘an immediate danger of personal injury to, or an
    immediate danger to the property of, a person’ (including the child).

200. Difficulties can arise from the interplay between the rule against corporal punishment and
    the legitimate use of reasonable force. The DfE’s advice for schools on the use of reasonable
    force provides a useful resource.

IMPLEMENTATION:

201. Inspectors will check that the school has a clear policy that corporal punishment is not used
    and that guidance is given to all ‘members of staff’ (as defined above) on the circumstances in
    which ‘physical intervention’ is allowable.

EYFS ➔ E399
Preventing Radicalisation (Counter-Terrorism and Security Act 2015)

**Section 26 General duty on specified authorities**

(1) A specified authority must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism.
(2) A specified authority is a person or body that is listed in Schedule 6.

**Section 29 Power to issue guidance**

(1) The Secretary of State may issue guidance to specified authorities about the exercise of their duty under section 26(1).
(2) A specified authority must have regard to any such guidance in carrying out that duty.
(5) Guidance issued under subsection (1) takes effect on whatever day the Secretary of State appoints by regulations made by statutory instrument.

202. The Counter-Terrorism and Security Act 2015 places a duty on schools to have due regard to the need to prevent people from being drawn into terrorism (“the Prevent duty”) and in so-doing have regard to guidance issued by the Secretary of State. The Prevent duty came into force on 1st July 2015. The extent to which schools have regard to the statutory guidance is now reported under paragraphs 7(a) and (b) of the Standards, and related standards, as part of their safeguarding duties. See above.
Part 4 - Suitability of staff, supply staff, and proprietors

203. The regulations relating to vetting checks are the most complex, and require particularly careful consideration by both schools and inspectors.

204. The first step is to ascertain what category the individual falls within and whether they are required to be included on the Single Central Record (SCR) of appointments:

<table>
<thead>
<tr>
<th>Category</th>
<th>Part 4 applies?</th>
<th>Included on the SCR?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff in regulated activity</td>
<td>Yes – paragraph 18</td>
<td>Yes</td>
</tr>
<tr>
<td>Staff not in regulated activity</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Volunteer (unsupervised)</td>
<td>No*</td>
<td>If they are checked, the checks should be recorded on the SCR – paragraph 73 KCSIE.</td>
</tr>
<tr>
<td>Volunteer (supervised)</td>
<td>No*</td>
<td>If they are checked, the checks should be recorded on the SCR – paragraph 73 KCSIE.</td>
</tr>
<tr>
<td>Supply Staff</td>
<td>Yes – paragraph 19</td>
<td>Yes</td>
</tr>
<tr>
<td>Employees of third parties</td>
<td>No*</td>
<td>No</td>
</tr>
<tr>
<td>(visiting professionals)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractor’s staff</td>
<td>No*</td>
<td>No</td>
</tr>
<tr>
<td>Chair of proprietors/governors</td>
<td>Yes – paragraph 20</td>
<td>Yes</td>
</tr>
<tr>
<td>Other proprietor/governor</td>
<td>Yes – paragraph 20</td>
<td>Yes</td>
</tr>
<tr>
<td>Non-proprietor governor</td>
<td>No*</td>
<td>No</td>
</tr>
<tr>
<td>Adults who supervise children on work experience</td>
<td>No*</td>
<td>No</td>
</tr>
<tr>
<td>Host families</td>
<td>No*</td>
<td>Not if a “private arrangement” between families.</td>
</tr>
</tbody>
</table>

* Those categories marked ‘No’ may still need vetting checks – as part of the school having regard to DfE safeguarding guidance, and schools may continue to include them on the SCR if they wish. The section on page 68 at the end of this Part gives further details.

Relevancy test

205. Changes introduced from January 2015 brought the standards into line with the Protection of Freedoms Act 2012, and ostensibly removed the blanket application of certain vetting checks requiring them only for regulated activity or “where relevant”. Relevance is, defined by reference to whether a person is or will be engaging in regulated activity using definitions either pre or post the Protection of Freedoms Act 2012. However, having regard to KCSIE 2015 means that in practice this has little effect in relation to enhanced criminal record checks.
206. Barred list checks are only “relevant”, available and required when the person will be engaging in regulated activity as currently defined, that is, post the Protection of Freedoms Act.

Regulated activity


208. Currently there is more than one definition of “regulated activity” which is relevant to schools. The following are those most relevant and in the order of most relevance to schools:

1 - ALL REGULAR WORK FOR SCHOOLS WITH OPPORTUNITY FOR CONTACT WITH CHILDREN IS REGULATED ACTIVITY
except

- Work (not entailing personal care, within definition 2) by supervised volunteers
- Work (not entailing care or teaching, within definitions 2 or 3) by occasional/temporary contractors
- Work by pupils for other pupils (excepting for those in early years) (known as “the peer exemption”).

2 – Relevant personal care, or health care is regulated activity.

- Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
- Health care in this context means care for children provided by or under the direction or supervision of, a regulated health care professional.

Note that care within this definition is always regulated; considerations of regularity and supervision do not apply.

3 – Regular, unsupervised teaching, training, instructing, caring for or supervising children is regulated activity
and so is regularly

- Providing advice or guidance for children on well-being, or
- Driving a vehicle only for children

209. Although the third definition concerns teaching which is the primary function of schools, this definition rarely needs to be considered by schools as ALL work, including teaching, which is done for a school will usually be considered under the first definition above. The third definition is mainly of relevance to, for example, peripatetic teachers whose work in one school would not be “regular” but whose work across several schools meets the “regular” definition.

Deciding whether a person is engaging in regulated activity

210. Key questions:

- Is the activity they will do “work”? (A person, for example, visiting the head or their own child would not be working.)
- Is the work regular? (See definition of “regular”)
- Does it give rise to opportunity for contact with children? (This applies whether or not that contact is required by the work and whether or not it actually takes place. The issue is whether there is “opportunity”.)
• Is the work for the purposes of the school? (This would not include, for example, those working for bodies hiring premises for other purposes out of school hours.)

If the answer to all these questions is “yes”, the person is working in regulated activity unless an exception as below applies:

• Is the person a volunteer?
  o If so, does their work involve personal care of pupils? (See definition of personal care, above.)
    ▪ If so, the volunteer is engaged in regulated activity because personal care work is always regulated activity.
  o If not, are they supervised? (See supervision guidance.)
    ▪ If so, the volunteer is not engaged in regulated activity as a supervised volunteer, not doing personal care work, is not in regulated activity.

• Is the person a contractor?
  o If so, are they administering personal care or health care, as defined? [These are always regulated activity.]
  o If not, are they teaching pupils? [Regular teaching is always regulated activity.]
  o If not teaching work, is the contract for occasional or temporary non-teaching work (such as, a quick plumbing task)? (There is no definition of “occasional or temporary” but see the definition of “regular”.)
    ▪ If so, the contractor is not in regulated activity as non-teaching work by occasional or temporary contractors is not regulated activity.

Appointment of Staff

Paragraph 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
(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 Standard 14 of the National Minimum Standards for Boarding Schools or, where applicable, Standard 14 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.

211. The regulations provide a detailed list of the checks which are required for each new member of staff. The definition of staff is: 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.

212. The following are included: teachers, peripatetic teachers and coaches, part-time staff, students, administrative staff, caretakers and other ancillary staff, staff appointed from overseas, pupils paid to work at the school (for example as after-school carers). Paragraph 276 below sets out how those individuals who do not meet the definition of regulated activity must be treated.

213. There has been some change over time and the table below sets out the requirements for each change in regulations.

<table>
<thead>
<tr>
<th>Date of appointment</th>
<th>Pre-1.9.03</th>
<th>1.9.03 to 30.4.07</th>
<th>1.5.07 to 31.8.10</th>
<th>1.9.10 to 2.4.14</th>
<th>3.4.14 to 4.1.15</th>
<th>5.1.15 to 31.3.15</th>
<th>1.4.15 to date</th>
<th>In advance of appointment?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barred list/List 99 check</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓ (regulated activity only)</td>
<td>✓ (regulated activity only)</td>
<td>✓</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>Checked separately if the person is to be in regulated activity and DBS disclosure not received in time.</td>
</tr>
</tbody>
</table>
### Part 4 – Suitability of staff, supply staff, and proprietors

<table>
<thead>
<tr>
<th><strong>Enhanced disclosure</strong></th>
<th><strong>Identity</strong></th>
<th><strong>Medical fitness</strong></th>
<th><strong>Previous employment history/CV</strong></th>
<th><strong>References</strong></th>
<th><strong>Character references</strong></th>
<th><strong>Professional references, where appropriate</strong></th>
<th><strong>Qualifications, where appropriate</strong></th>
<th><strong>Overseas checks, where appropriate</strong></th>
<th><strong>Right to work in the UK</strong></th>
<th><strong>Prohibition from teaching orders</strong></th>
<th><strong>Disqualification from childcare</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(Note 1)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓ (Note 4)</td>
<td>From 27.2.15</td>
</tr>
<tr>
<td>✓</td>
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<td>✓</td>
<td>✓</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Yes if the person will carry out teaching work</td>
<td>Yes if the person will carry out teaching work</td>
</tr>
<tr>
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<td>✓</td>
<td>✓</td>
<td>✓ (Note 7)</td>
<td>✓ (Note 7)</td>
</tr>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓ (Note 7)</td>
<td>✓ (Note 7)</td>
</tr>
</tbody>
</table>
Note 1 – Boarding staff have needed an enhanced disclosure since April 2002 under the NMS applicable at the time.

Note 2 – Required in having regard to KCSIE. Gaps in checking are reported under regulation 7(a)&(b).

Note 3 – see page 41 for information about implications of the Equality Act (but note that compliance with this equality duty towards prospective employees is outside the remit of school inspection).

Note 4 – Introduced in April 2014 as part of having regard to KCSIE and from January 2015 by the ISSRs. In January 2015 schools were asked to do this check on teaching staff appointed since 1 April 2012.

Note 5 – For those not in regulated activity, on past or current definitions, gaps in checking are reported under regulation 7(a)& (b). For those in regulated activity, on past or present definitions, gaps in checking are reported under regulation 18(d).

Note 6 – From the introduction of KCSIE in April 2014, the requirement for references does not distinguish between professional and character references.

Note 7 – Required in having regard to Disqualification under the Childcare Act 2006. See paragraph 127 above for an explanation of the scope of these checks for existing and new staff. Gaps in checking are reported under regulation 7(a)&(b).

Note 8 – Required for staff appointed to management positions from 12th August 2015. See paragraph 242 below for more.

**FURTHER GUIDANCE**

(i) **Barred list/List 99 check**

214. Since 1 April 2009, the only way to obtain a barred list check separate from an enhanced disclosure has been through the Teachers’ Pensions online service (operated by Capita Business Services Ltd). This deals with any checks (including past checks) of the List 99/ barred list (not only for teachers). The address is [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk) (search for the application form or call the telephone number given on the website). There is an annual charge for registration.

215. Schools should note that a separate barred list check must be undertaken in the event that an enhanced disclosure is not received in advance of a member of staff starting work in regulated activity, or where a ‘portable’ disclosure is used.

(ii) **Enhanced disclosure**

216. A disclosure is a document containing details of a person’s criminal record, including convictions, cautions, reprimands and warnings held on the Police National Computer. The Disclosure and Barring Service (DBS) acts as a ‘one-stop shop’ for checking the criminal records of teachers and others working with children or vulnerable adults. An enhanced disclosure may also contain details of information held on local police records which the police consider to be relevant to the workforce in which the person is applying to work. (For this purpose the workforce is categorised as “the children’s workforce”, “the vulnerable adults workforce” or both.) The Police Act 1997 makes unauthorised disclosure of any information in a ‘disclosure’ a criminal offence. Consequently, inspectors should not ask to read ‘disclosures’.
217. The table below indicates the various ways in which the requirements for an enhanced criminal records check can be met for a person ‘P’.

<table>
<thead>
<tr>
<th>Situation</th>
<th>Actions for the school</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within three months of an appointment, P has been working in a school or college and meets the requirements of 18(4) above.</td>
<td>The school may apply for a disclosure but is not required to do so. A new, separate barred list check must be obtained.</td>
</tr>
<tr>
<td>P has a disclosure from a previous employer but does not fall within the three month exception, above, and has not subscribed to the DBS Update service</td>
<td>The school must apply for a disclosure, including a barred list check. If the disclosure is delayed, a separate barred list check must be obtained in advance of P starting work.</td>
</tr>
<tr>
<td>P has a disclosure from a previous employer at the enhanced level (including children’s barred list) and has subscribed to the Update service (see 219 below) and gives permission to the school to check the status.</td>
<td>The school should examine the original certificate, check it matches the individual’s identity and run an online Update check, which will provide information about any changes since the certificate was issued. If the check indicates that there has been a change then the individual should apply for a new certificate.</td>
</tr>
<tr>
<td>P has a disclosure from a previous employer at the standard level and has subscribed to the Update service.</td>
<td>The school should apply for a new disclosure, including a new barred list check, because the previous disclosure is not at the correct level.</td>
</tr>
</tbody>
</table>

218. From 17 June 2013 disclosures are no longer supplied to the employer, only to the applicant. Until the school has had sight of the original disclosure certificate, the applicant should be treated as unchecked and subject to the safeguards set out below. This requirement arises from both the DBS Employer Guidance and KCSIE.

219. Also from 17 June 2013, the applicant may subscribe to the DBS Update service. This enables other employers to check that there have not been changes since the issue of a disclosure certificate. It is not a requirement that applicants take out such a subscription, but there are clear benefits for staff who work in a number of schools, e.g. music tutors, exam invigilators. The applicant must give their consent to the new employer.

220. Further guidance from DfE has confirmed that the requirement for applying for a check ‘before or as soon as practicable after appointment’ does not prohibit schools from applying for a check once an appointment is made, even if that is more than three months before starting work. However, it would be seen as best practice to undertake the check closer to appointment.

What does the school need to do if a disclosure is delayed?

221. A short period of work is allowed under controlled conditions, at the head’s discretion. However, if an ‘enhanced disclosure’ is delayed, a head may allow the member of staff to commence work:
• without confirming the appointment;
• after a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks having been completed satisfactorily;
• provided that the DBS application has been made in advance;
• with appropriate safeguards taken (for example, loose supervision);
• safeguards reviewed at least every two weeks;
• the person in question is informed what these safeguards are;
• it is recommended, but not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

222. It may be possible for a registered body such as a school or its umbrella organisation to submit a disclosure application form whilst an applicant is still overseas, depending on the identity documents being provided. The registered body needs assurances of the applicant’s identity from a reputable source overseas, for example the overseas school where the individual is currently employed or studying. For staff taking up residence and duties in a boarding house it is advisable to start the process well in advance of the proposed date of starting work so that the check is complete beforehand. Where the disclosure is not received in advance of employment commencing, the process for all staff where this is the situation outlined in the paragraph above must be followed, with supervision arrangements reflecting the greater potential for access to children.

   (iii) Identity

223. Identity checks are made against an official document such as a passport, a driving licence, or a birth certificate. Photographic identity should be included, together with evidence of address (for example, a utility bill, bank statement or similar). The disclosure application process will always include an identity check.

   (iv) Medical fitness

224. The DfE advice, Registration of Independent Schools, December 2013, explains this duty as follows: “Schools must satisfy themselves of the medical fitness of staff to carry out the duties of the post applied for”. No particular methodology is prescribed. Popular means are through asking prospective employees to declare their fitness for the role, or to complete a medical questionnaire. This could be followed up with a request for medical advice, with the consent of the applicant.

225. The DfE advice continues: “Disabled staff make an important contribution to the overall school curriculum, both as effective employees and in raising the aspirations of disabled pupils and educating non-disabled people about the reality of disability. Many disabled people will be medically fit to teach, though under the Equality Act 2010 employers may have to make reasonable adjustments to enable disabled people to carry out their duties effectively.”

226. A self-declaration of fitness from each member of staff is the most practical way schools can comply with this requirement. Where a self-declaration is used, the regulations do not set out a particular format for this. It is recommended that, for evidential purposes, such declarations should be duly signed by the applicant and should contain, as a minimum, a simple statement that the applicant knows of no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the post in question.”

227. Schools are reminded that under section 60 of the Equality Act, employers may only ask health-related questions of applicants before the appointment is offered if the questions are specifically related to an intrinsic function of the work. Schools may decide to ask necessary health questions after the appointment has been offered, ensuring that health-related questions are necessary and relevant to the post applied for. The DfE advises that this would not include
asking for information about previous sickness absences. Further guidance on this issue has been 
published by the Equality and Human Rights Commission.

(v) Previous employment history/CV/References

228. These checks are no longer specified in the regulations, but are required as part of having 
regard to KCSIE. The legal difference is that the duty to “have regard” permits some flexibility 
where there is a good reason. By contrast, flexibility is not permitted in relation to the checks 
required by the regulations except to the extent described therein. The flexibility provided by the 
duty to “have regard” should be used rarely and only for the benefit of the pupils, not the institution. 
For example, if due to an accident befalling the school cook, pupils in a boarding school would not 
be fed pending a new appointment, that might constitute “good reason” to make a conditional 
appointment immediately, take references by telephone and ensure they are followed up in writing 
as soon as practicable thereafter. Appropriate documentary evidence should be retained, usually 
on the member of staff’s personnel file.

229. Checks of previous employment history should ascertain satisfactory reasons for any gaps 
in employment. The information provided by the candidate should be checked against references 
subsequently received, and any discrepancies taken up with the candidate.

230. Two references should be taken up, ideally before interview, including a request for any 
reason why the applicant should not be employed for work with children. If a reference is taken 
over the telephone, detailed notes should be taken, dated and signed. References should be 
checked on receipt to check that all specific questions have been answered satisfactorily, with 
appropriate follow-up where required. References not received in good time before appointment 
should be chased by telephone and alternative referees approached if needed.

(vi) Qualifications, where appropriate

231. Where an individual claims qualifications as part of an application for a position, these 
should be checked in advance of appointment.

(vii) Overseas checks, where appropriate

232. If the disclosure is not considered sufficient to establish suitability to work in a school 
(because it would not cover offences committed abroad, but only those on the Police National 
Computer), the school should obtain whatever evidence of checking is available from the person’s 
country of origin (or any other countries in which he or she has lived) and do this before the 
appointment is made.

233. No period of time is prescribed to differentiate between ‘living’ in a country and an extended 
holiday and schools may set their own policies within reasonable limits. The duration of a tourist 
visa may act as a useful rule of thumb, often around three months. The NSPCC advises that 
checks should be obtained when a person has lived overseas for three months or more in the last 
five years. Time spent overseas under the age of 16 is also of less significance as, even in 
England, it is not possible to obtain checks for those aged under 16. Again these are rules of 
thumb only and there may be situations where it is not appropriate to limit the checks carried out.

234. The Home Office has published updated guides on what checks are available from different 
countries. A UK national returning after working in a foreign country should be asked to obtain a 
certificate of good conduct or equivalent from the country in question. Information about checks via 
embassies is available here. Extra references should be requested for applicants from countries 
which do not provide criminal record checks.

235. Applicants who are still residing overseas when applying should refer to the DBS guidance 
for applicants with unusual addresses.
236. Where a member of staff has worked in a school in the UK since moving from overseas, the standard checks can be made for subsequent appointments.

(viii) **Right to work in the UK**

237. The rules for employing migrant workers changed from February 2008, so that any employer who employs someone who is subject to immigration control, aged over 15, who is not entitled to undertake the work, could face a fine of up to £10,000 per illegal worker. The Home Office has produced a booklet entitled *Prevention of Illegal Working*.

(ix) **Prohibition from teaching orders**

238. Qualified Teacher Status is not a requirement for teachers in the independent sector, but schools must now check that anyone employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State. The check is completed using the free Employer Online service, and can be undertaken on individuals who do not have QTS by searching by name. This applies to those appointed to teach on or after 1 April 2012.

239. Teaching work is defined in The Teachers’ Disciplinary (England) Regulations 2012 to encompass:

- Planning and preparing lessons and courses for pupils
- Delivering and preparing lessons to pupils
- Assessing the development, progress and attainment of pupils
- Reporting on the development, progress and attainment of pupils.

240. “Delivering” includes delivering lessons through distance learning or computer aided techniques. However, none of these activities is “teaching work” if the person carrying out the activity does so (other than for the purposes of induction”) subject to the direction and supervision of a qualified teacher or other person nominated by the headteacher.

241. Teaching assistants are unlikely to need prohibition checks as it is likely that their work is carried out under direction and supervision. Schools should therefore decide on a case by case basis, in the light of their own practice relating to teaching assistants, whether these assistants require prohibition checks. Similar reasoning would also apply to those employed as sports coaches and similar posts.

(x) **Prohibition from management of independent schools directions (also known as “section 128 directions”)**

242. From 12th August 2015, schools must check whether staff appointed to management positions after that date are subject to a s.128 direction. For staff in regulated activity, the check is done via the DBS; a s128 direction would show on a DBS barred list check. Schools must include on the DBS application form, within box 61, Position Applied for, “Child Workforce Independent School”. This allows the DBS to confirm if a s128 direction has been made.

The following staff are considered to be in management positions for the purpose of this check:

- Headteachers
- All staff on the senior leadership team (including non-teaching staff)
- Teaching positions with departmental headship
243. See the letter of the DfE to all schools dated 11th August 2015 for more. “Appointment” is not defined in this context. Where staff have been recruited for management positions and subject to vetting checks before 12th August 2015, to commence work in September 2015, schools are not required to run the checks again as it is known that no s.128 directions have yet been made.

(xii) **Disqualification by association – early years and relevant later years provision**

244. Pre-appointment checks in this regard (see paragraph 120 above) may also be needed for relevant staff, leaders and managers as part of having regard to *Disqualification under the Childcare Act 2006*.

(xii) **Transfer of employees under TUPE**

245. If there is continuous employment under **TUPE** (transfer of undertakings (protection of employment) arrangements, there is a requirement for information to be passed to the new owner. If the details are fully in order, the new employer enters them on its own central register, including the number and date of the DBS checks, and adds a note to the register that the details have been accepted under TUPE arrangements. There must have been no three-month break in employment. However, if the information is incomplete, it may be necessary to undertake a new DBS check and to include all the other necessary checks.

**IMPLEMENTATION:**

246. Inspectors will review a sample of staff files which includes all categories, and the single central register of appointment checks (see later section). Where omissions are identified within the sample, additional files may be scrutinised and inspectors will check whether omissions are appropriate in view of the tests relating to regulated activity and “relevance”. Interviews with staff involved in the recruitment process will also contribute to the evidence for inspection.

247. From April 2014, DfE guidance requires the retention of copies of identity documents, right to work, and qualifications. Copies of DBS certificates should not be retained for longer than six months.

248. The Chartered Institute of Personnel and Development provides guidance on more general document retention issues. A reasonable approach is to keep personnel files for six years after the person has left (in case any legal process requires them). The Immigration (Restrictions on Employment) Order 2007 requires employers in England and Wales to check and retain copies of passports, or alternatively birth/adoption certificates, belonging to people appointed on or after 29 February 2008.

<table>
<thead>
<tr>
<th>EYFS</th>
<th>E384</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding</td>
<td>B510</td>
</tr>
</tbody>
</table>

**Appointment of supply staff**

**Paragraph 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; and

(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

(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

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 Standard 14 of the National Minimum Standards for Boarding Schools or where applicable, Standard 14 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.

249. Schools must check with the relevant supply agency that the required checks have been carried out to the extent relevant to that person: identity, enhanced disclosure, right to work in the UK, barred list/List 99, prohibition, qualifications, overseas checks, disqualification under the Childcare Act 2006. The single central register must show that all these checks have been carried out to the extent relevant and, in addition, that the school has carried out its own identity check. The school must also see each disclosure certificate, whether or not it discloses any information. The school is not required to retain a copy on file. Additionally, in having regard to KCSIE, the agency should take up references, obtain a declaration of medical fitness, and check previous employment history. A teacher working for an agency should have a fresh disclosure every three years (or earlier if there are grounds for concern or a break in service of three months or more). Supply agencies must keep ‘disclosures’ for at least a year and, where an individual remains with an agency for more than 12 months, a disclosure can be kept for up to three years to facilitate portability arrangements.
IMPLEMENTATION:

250. Where a school uses a supply agency, inspectors will review a sample of relevant files, and the single central register of appointment checks (see later section). Where omissions are identified within the sample, additional files may be scrutinised and questions asked to ascertain whether omissions are appropriate to the appointment. The contract with the agency will be reviewed and interviews with staff involved in the managing process will also be used to gather evidence.
Appointment of proprietors

Paragraph 20:

(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; and

(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—

(i) where relevant to the individual, an enhanced criminal record check, countersigned by the Secretary of State where an application for such a check is made under section 113B(1) of the 1997 Act;

(ii) checks confirming the individual's identity and their right to work in the United Kingdom; and

(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;

and, where an enhanced criminal record check is made, the Secretary of State obtains an enhanced criminal record certificate relating to the individual.

251. The ‘proprietor’ is the person or body of persons registered with the DfE as being responsible for the management of the school and includes individual proprietors or formally constituted boards of governors, directors or trustees. If a school has complex, or possibly ancient, corporate structures which do not readily fit with the formulation of the standards, advice should be sought from ISI well before an anticipated inspection.

<table>
<thead>
<tr>
<th>Date of appointment</th>
<th>Recruitment checks on proprietors</th>
<th>Pre-1.9.03 to 30.4.07</th>
<th>1.9.03 to 31.8.10</th>
<th>1.9.10 to 9.9.12</th>
<th>10.9.12 to 4.1.15</th>
<th>5.1.15 to present</th>
<th>Checks to be undertaken by DfE?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barred list/List 99 check</td>
<td>X (Note 2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>X (Note 1)</td>
<td>Yes if person to engage in regulated activity</td>
<td>X (School to check if necessary)</td>
</tr>
<tr>
<td>Enhanced disclosure</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓ (Note 3)</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
### Identity

| | X | X | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

### Overseas checks, where appropriate

| | X | X | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

### Right to work in the UK

| | X | X | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

### Prohibition from teaching

| | | | | | Yes if the person will carry out teaching work | X (School to check if necessary) |

### Disqualification from childcare

| | | | | From 27.2.15 (Note 4) | X |

### Prohibition from leadership and management

| | | | | From 12.8.15 (Note 5) | (Note 5) |

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**Note 1** – From 10 September 2012, it ceased to be possible to undertake these checks for new appointments unless the person will be engaging in regulated activity. Proprietorship is not itself regulated activity but a proprietor who is also the head, for example, would engage/intend to engage in regulated activity.

**Note 2** – At the standard level unless the individual also had responsibility for regularly caring for, training, supervising or being in sole charge of children.

**Note 3** – An enhanced DBS check is required “where relevant” and it is always relevant for proprietors.

**Note 4** – Required in having regard to Disqualification under the Childcare Act 2006. See paragraph 119 above for an explanation these checks. Proprietors would be within scope of these regulations if they volunteer to work in relevant childcare on a regular basis of or are directly concerned with the day to day management of such provision. Gaps in checking are reported under regulation 7(a)&(b).

**Note 5** – Required for proprietors appointed from 12th August 2015. See paragraph 254 below for the scope of these checks.

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252. Please see paragraphs 214 et seq. above and 254 below for information about the process for these checks. All checks must be made in advance of appointment or as soon as practicable after appointment. Inspectors reach a conclusion as to whether later checks were undertaken ‘as soon as practicable’, depending on the individual circumstances.

253. The updated ISSRs have retained the right to work check for all appointments, even where the Proprietor is a volunteer. In the event that an individual does not have the right to work, schools should consult ISI for further advice.

254. **Prohibition from management of independent schools directions (also known as “section 128 directions”)**

   From 12th August 2015, schools must check whether proprietors appointed thereafter are subject to a s.128 direction.
• For proprietors who are in regulated activity, for example, a proprietor who is also the Head, the check is done via the DBS: a s128 direction would show on a DBS barred list check. Schools must include on the DBS application form, within box 61, Position Applied for, “Child Workforce Independent School”. This allows the DBS to confirm if a s128 direction has been made.

• For other proprietors who are not in regulated activity, the prohibited list can be accessed via the NCTL using Secure Access. This can be done whether or not the person is a teacher and without a teacher reference number.

See the letter of the DfE to all schools dated 11th August 2015 for more.

(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; and

(b) subject to sub-paragraphs (7) and (8), the Secretary of State makes the following checks relating to the individual—
   (i) where relevant to the individual, an enhanced criminal record check, countersigned by the Secretary of State where an application for such a check is made under section 113B(1) of the 1997 Act;
   (ii) checks confirming the individual’s identity and their right to work in the United Kingdom; and
   (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;

and, where an enhanced criminal record check is made, the Secretary of State obtains an enhanced criminal record certificate relating to the individual.
255. Where the proprietor is a limited company, charitable trust or equivalent group, the chair of the relevant body is subject to the following checks by DfE:

<table>
<thead>
<tr>
<th>Date of appointment</th>
<th>Recruitment checks on proprietors</th>
<th>Barred list/List 99 check</th>
<th>Enhanced disclosure</th>
<th>Identity</th>
<th>Overseas checks, where appropriate</th>
<th>Right to work in the UK</th>
<th>Prohibition from teaching</th>
<th>Disqualification from childcare</th>
<th>Prohibition from leadership and management</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pre- 1.9.03 to 30.4.07</td>
<td>X</td>
<td>✓</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>From 27.2.15</td>
<td>From 12.8.15</td>
</tr>
<tr>
<td></td>
<td>1.9.03 to 31.8.10</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>(Note 5)</td>
</tr>
<tr>
<td></td>
<td>1.9.10 to 9.9.12</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10.9.12 to 4.1.15</td>
<td></td>
<td></td>
<td></td>
<td>X (Note 1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5.1.15 to present</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Checks to be undertaken by DfE?</td>
<td>Yes if the person is to engage in regulated activity (current definition)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes if person to engage in teaching work</td>
<td>X</td>
</tr>
</tbody>
</table>

Note 1 – From 10 September 2012, it is no longer possible to undertake these checks for new appointments unless the person will be engaging in regulated activity. Proprietorship is not itself regulated activity but a proprietor who is also a member of staff, for example, would engage/intend to engage in regulated activity.

Note 2 – At the standard level unless the individual also had responsibility for regularly caring for, training, supervising or being in sole charge of children.

Note 3 – An enhanced DBS check is required “where relevant” and it is always relevant for proprietors.

Note 4 – Required in having regard to Disqualification under the Childcare Act 2006. See paragraph 120 above for an explanation these checks. Proprietors would be within scope of these regulations if they volunteer to work in relevant childcare on a regular basis of or are directly concerned with the day to day management of such provision. Gaps in checking are reported under regulation 7(a)&(b).

Note 5 – Required for proprietors appointed from 12th August 2015. See paragraph 254 above for the scope of these checks.
256. Please see below for information about the process for these checks. All checks must be made in advance of appointment or as soon as practicable after appointment. Inspectors reach a conclusion as to whether later checks were undertaken 'as soon as practicable', depending on the individual circumstances.

257. Inspectors are not usually involved in the process of approving changes of proprietor, but if they identify that the relevant checks have not been carried out then ISI should be informed. The arrangements for checking the proprietor/chair of governors are carried out by the DfE, who will provide more detailed instructions on request. The following information gives an overview of the process.
There are three steps you must follow to obtain the DBS check as a proprietor.

(i) Firstly, an application form for an enhanced disclosure must be obtained by telephoning the Bureau on 0300 200 190. You must quote the DBS registered Organisation Name: Department for Education and Registered Body Number: 20881800002. It is important that you inform the DBS whether or not you are a volunteer so that they can determine whether the enhanced disclosure fee is payable in your case. If a fee is payable the DBS will let you know the amount due.

(ii) Secondly, you will need to contact the Department, either by telephoning 01325 340405 or emailing: registration.enquiries@education.gsi.gov.uk, to obtain a Veri-fy form. This form will include information about how to complete the Veri-fy process.

If you are unable to supply photo identification please inform the DfE when you ring for a Veri-fy form.

(iii) The Veri-fy form, your application for disclosure form and the enhanced disclosure fee if applicable, must be sent to the address below in the envelope provided:-

Independent Education and Boarding Team
Department for Education
Bishopsgate House
Feethams
Darlington
DL1 5QE

(iv) The Department will then countersign the application and send both forms to the DBS. Once the DBS have processed the application a copy of a disclosure is sent to the applicant in the post direct from the DBS. The Department has undertaken to comply with the DBS Code of Practice. Under the provisions of the Code, sensitive personal information must be handled and stored appropriately and must be kept for only as long as it is necessary. The Code is published on the DBS website.

(v) The disclosure of a criminal record, or other information, will not bar a person from becoming a proprietor of an independent school unless the Secretary of State considers that the conviction renders them unsuitable. In making this decision the Secretary of State will consider the nature of the offence, how long ago the offence was committed, the person’s age when the offence was committed and other factors which may be relevant.

(vi) In any case where the information supplied by the DBS differs from that provided by the applicant, and is of significance, the applicant will be given the opportunity to explain the position. Anyone who believes that the information given in the disclosure is inaccurate, or relates to someone else with the same name, is able to appeal to the DBS who will investigate the position.
(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 countersigned by the Secretary of State to be made, such a check is made.

258. In relation to a trust, limited company or unincorporated body, the DfE carries out the checks on the chairperson and then the chair is responsible for ensuring that all other members of the proprietorial group have been subject to the following checks.

<table>
<thead>
<tr>
<th>Date of appointment</th>
<th>Recruitment checks on proprietors</th>
<th>Pre-1.9.03</th>
<th>1.9.03 to 30.4.07</th>
<th>1.5.07 to 31.8.10</th>
<th>1.9.10 to 9.9.12</th>
<th>10.9.12 to 4.1.15</th>
<th>5.1.15 to present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barred list/List 99 check</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>X (Note 1)</td>
<td>Yes if in regulated activity (current definition)</td>
<td>✓ (Note 3)</td>
</tr>
<tr>
<td>Enhanced disclosure</td>
<td>X</td>
<td>✓ (Note 2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Identity</td>
<td>X</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Overseas checks, where appropriate</td>
<td>X</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Right to work in the UK</td>
<td>X</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Prohibition from teaching</td>
<td>X</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Yes if the person will carry out teaching work</td>
</tr>
</tbody>
</table>
### Part 4 – Suitability of staff, supply staff, and proprietors

<table>
<thead>
<tr>
<th>Disqualification from childcare</th>
<th>From 27.2.15 (Note 4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibition from leadership and management</td>
<td>From 12.8.15 (Note 5)</td>
</tr>
</tbody>
</table>

**Note 1** – From 10 September 2012, proprietorship in and of itself is not regulated activity and as such no barred list check is required of a proprietor simply by virtue of their position as proprietor. It is clear if the proprietor is also engaged in regulated activity in the school, for example in the case of those proprietors who are also the headteacher, then a barred list check is required.

**Note 2** – At the standard level unless the individual also had responsibility for regularly caring for, training, supervising or being in sole charge of children.

**Note 3** – An enhanced DBS check is required “where relevant” and it is always relevant for proprietors.

**Note 4** – Required in having regard to Disqualification under the Childcare Act 2006. See paragraph 120 above for an explanation these checks. Proprietors would be within scope of these regulations if they volunteer to work in relevant childcare on a regular basis of or are directly concerned with the day to day management of such provision. Gaps in checking are reported under regulation 7(a)&(b).

**Note 5** – Required for proprietors appointed from 12th August 2015. See paragraph 254 above for the scope of these checks.

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259. All checks must be made in advance of appointment or as soon as practicable after appointment. Inspectors reach a conclusion as to whether later checks were undertaken ‘as soon as practicable’, depending on the individual circumstances.

### IMPLEMENTATION:

260. Inspectors will review a sample of records, and the single central register of appointment checks (see later section). Where omissions are identified within the sample, additional files may be scrutinised and questions are asked to ensure that the omissions are appropriate for the individual in view of the work they undertake and the definitions of regulated activity. Interviews with staff involved in the appointment process will also be used to gather evidence.
The Single Central Register of Appointments

**Paragraph 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.

261. The single central register (SCR) must contain an entry for all current members of staff at the school. This must show the date of the following checks where applicable:

- Identity;
- Barred list/List 99 (date of DBS check unless a separate earlier barred list check was undertaken);
- Professional qualifications;
- Enhanced disclosure (or DBS Status Check);
- Overseas checks, where applicable;
- Right to work in the UK;
  - Prohibition from teaching check.
  - Prohibition from management check

262. Checks of CV/application form, references, medical fitness declaration and disqualification from childcare should ideally be recorded on the SCR to enable a note of all checks to be recorded in one place. If this approach is not taken, evidence of completion of the checks will be sought on inspection through the checking of staff files.
263. With effect from 1st April 2015, there is no longer a general requirement to include volunteers on the SCR but where checks are carried out on volunteers, schools should still record these on the SCR.

264. It is possible in the case of older appointments that evidence will not be available to support the production of a fully complete SCR. In these circumstances, inspectors will look to confirm that several recent appointments have been correctly completed and recorded and that reasonable efforts have been made to complete previously omitted checks that were legally required. Inspectors will review the whole SCR, not just appointments since the previous inspection, but failings already identified in earlier inspection reports will not be reported again, unless they have not been corrected as far as it is possible to do so, or have been repeated in later appointments. In the event that older appointments have not been properly made, two conditions must be met for the school to be judged compliant. Firstly, the school must have identified the issues outside of the inspection process and taken appropriate steps to fill gaps. Secondly, there must be a clear track record of properly completed appointments demonstrating an effective and thorough recruitment process. Reference will be made in the report to both historic issues and the current track record.

265. Where the register is kept elsewhere than at the school (for example, in the offices of a body of trustees), arrangements must be made for it to be inspected on the school premises, including on unannounced inspections.

(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.

266. The SCR must contain the following entries for supply staff to the extent applicable to the individual:

   - Date of written notification from the supply agency that it has made checks of:
     - Identity;
     - Barred list/List 99;
     - Qualifications;
     - Overseas checks, where applicable;
     - Right to work in the UK;
     - Prohibition from teaching;
   - Date of written notification that it or another agency has received an enhanced disclosure, and the date of the disclosure;
   - Whether the agency has supplied a copy of the enhanced criminal record certificate

267. Schools must check the identity of supply staff themselves, in addition to the check of identity made by the agency. This is to ensure that the person presenting themselves for work is the same person on whom checks have been made.
268. The following additional checks should also ideally be noted on the SCR to enable a note of all checks to be recorded in one place. Where this approach is not taken, inspectors will check a sample of files to verify that the correct approach is taken:

- **Identity checks on arrival,**
- CV/application form, references,
- medical fitness declaration
- **disqualification from childcare** (where applicable)

(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.

269. The SCR must contain the following information for each member of the proprietorial body, where applicable:

- Enhanced disclosure;
- Barred list check, where applicable,
- Prohibition from teaching check;
- Identity;
- Right to work in the UK;
- Overseas checks, where applicable.

**IMPLEMENTATION:**

270. All the required columns should have suitable entries as far as relevant and required either by Part 4 or as a result of having regard to KCSIE. Not applicable (N/A) or similar should be entered if a particular requirement was either not applicable to the appointment in question or not in force at the time of the appointment. Inspectors will check a sample of staff files in each category against the SCR to confirm that dates have been accurately recorded. Where omissions are identified within the sample, additional files may be scrutinised. Interviews with staff involved in the recruitment process will also be used to gather evidence.

271. The format for the register is not specified, though a grid format is most commonly used. The Independent Schools’ Bursars Association (ISBA) system consists of a cover sheet which lists the appointments and a related set of separate pages giving the details of the checks carried out. In scrutinising this format, inspectors apply the same considerations as for other formats.

272. Minor administrative errors do not constitute a failure to meet requirements, but should be corrected as soon as they are pointed out. Examples of minor administrative errors are failure to record one or two dates or the name/initials of the person who carried out the checks, individual entries which are illegible, one or two omissions where it is clear that the school has the evidence but has failed to transfer it to the SCR.
273. The SCR must relate to the relevant persons at any time and be kept up to date. However, in order to ensure that records are readily available for inspection purposes, schools are requested not to remove records for those no longer employed or volunteering until the end of the school academic year.

274. Some schools renew criminal records checks at regular intervals (such as three years) for some staff who have not subscribed to the update service. This is not a legal requirement. Schools which do so should take care to preserve the integrity of the original data at the time of the relevant appointment(s). Parallel entries should be made; the original entries should not be overwritten.

Appointment of those falling outside the definitions of staff, supply staff and proprietors

275. Several categories of people fall outside the main regulations concerning appointment but may still need checks as part of having regard to KCSIE. The main groups are described below.

Staff not in regulated activity

276. Staff not in regulated activity are still staff and are now clearly covered by the regulations and KCSIE 2015. Staff who are not in regulated activity do not require barred list checks. But other checks must still be undertaken as required by the standard and KCSIE 2015 likewise requires full use of applicable vetting checks including enhanced criminal records checks (without barred list information) if indicated by a risk assessment for new appointments.

Visiting speakers

277. The Prevent statutory guidance requires schools to have clear protocols for ensuring that any visiting speakers who might fall within the scope of the Prevent duty, whether invited by staff or pupils, are suitable and appropriately supervised. This means that even in cases where specific vetting checks are not prescribed by Part 4, for example, if speakers will not be left alone with pupils, schools must take action to ensure that they are suitable. The precise action is not prescribed. An internet search, for example, may sometimes be more instructive than formal vetting checks.

278. The interaction between the Prevent requirement to check speakers and the KCSIE is likely to mean in practice that checks on visiting speakers will be recordable on the SCR either as checks on staff or un-prescribed checks on volunteers. Failure to ensure the suitability of relevant visiting speakers is to be reported under paragraph 7(a) and (b).

Volunteers

279. There is no set formula for the vetting of volunteers, unless they are in regulated activity. The arrangements for volunteers will vary by individual and activity. The school must, therefore, assess whether the individual will be in regulated activity.

 o When volunteers are supervised, they do not fall within the definition of regulated activity and so barred list checks would not be available or required. This is so no matter how frequently or regularly an individual volunteers. The exception would be for volunteers doing personal care; personal care is always regulated activity.

 o An unsupervised volunteer, whose presence is frequent and regular, is in regulated activity, and the school should obtain an enhanced DBS certificate with barred list information.

280. The diagram in Appendix 3 of this document sets out the requirements for new volunteers.
281. DfE have provided guidance on when volunteers can be said to be “supervised”. This can be found in Annex D to KCSIE:

- there must be supervision by a person who is in regulated activity (e.g. a teacher or classroom assistant);
- the supervision must be regular and day to day; and
- the supervision must be ‘reasonable in all the circumstances to ensure the protection of children’ (taking into account the age of the children, the number of children, whether or not other workers are helping to look after the children; the nature of the work, how vulnerable the children are, and the levels of supervision).

282. Even where a volunteer is not in regulated activity, they may still require other checks which come from having regard to DfE guidance, in particular KCSIE (paragraphs 83-89). In summary, the advice is to make decisions about the need for additional, discretionary checks on the basis of an informal risk assessment in relation to the person, the work, the vulnerability of the children and the situation. These could include, for example: references, an informal interview, and checking with the school community for any concerns.

283. ‘One-off’ volunteers, for day outings, school concerts and such would not require vetting checks but they should not be unsupervised or must not undertake any kind of personal care.

284. Existing volunteers should have been checked as required at the time of appointment. Schools should consider obtaining new checks if there are concerns.

Employees of third-parties (visiting professionals)

285. KCSIE advises that individuals working at the school or college but employed by third-parties (for example, psychologists, nurses, dentists, and other public sector staff) should have been checked by their employing organisation. It is not necessary for schools to see their disclosure as appropriate checks should have been carried out, and should be confirmed in writing to the school by the organisation. Schools will however want to check identity when an individual arrives to ensure imposters do not gain access to children.

286. The same rules apply to CCF instructors, sports referees and equivalent professionals supplied by a central body. Student teachers (unless employed by the school) will have been checked by the supplying university and so schools do not need to complete their own checks, except for identity.

Contractors

(c) Employees of contractors

287. Employees of contractors who are working at the school on a long term basis (caterers, cleaners, et al) should be subject to the same checks as school staff (see paragraph 261 above), with written confirmation supplied by the employing organisation. The school must check identity on arrival.

288. Where the employees of contractors such as builders will have access to areas where unsupervised contact with children is possible, the school should have arrangements in place to ensure that DBS checks are undertaken by the contractor. Before a new individual starts work, the school should receive confirmation from the company that the required checks have been undertaken and check photographic identification on arrival at the school. Schools should keep records of the confirmations from the contractor, to be checked on inspection as part of the school having regard to safeguarding guidance. Please note that separate provisions apply to supply staff provided to the school by an employment business (i.e. a recruitment agency supplying temporary staff) – see the guidance in the ‘supply staff’ section above.
(ii) Self-employed contractors

289. Self-employed contractors should generally be checked by their professional associations. This is because it is not possible for self-employed people to check themselves but professional associations usually assist to enable their members to access work. If the self-employed person subscribes to the DBS update service, receiving schools can check identity, view the original certificate and check online for updated information.

(iii) Occasional/temporary contractors

290. The Protection of Freedoms Act 2012 carved out an exception to the definition of regulated activity for occasional and temporary contractors who are not involved in teaching/training etc or personal care. The exception is intended to enable schools to employ emergency workmen but has been used also for professional musicians at Christmas, for example.

291. KCSIE 2015 advises that in the absence of statutory definitions, it is for schools to determine when contractors are occasional or temporary, and therefore whether or not they are working in regulated activity. If the school decides the workers are not in regulated activity they will not be eligible for a barred list check but if their work gives them opportunity for regular contact with children, KCSIE 2015 stipulates that an enhanced DBS check without barred list information will be required. Where workers are not frequent or regular, schools should risk assess whether a DBS check is necessary and proceed accordingly.

292. If it is not possible to find workers at short notice who have already been checked, the discretion permitted in relation to occasional or temporary contractors must be exercised in good faith. This will entail the issue being considered at the time of the work and schools should retain a note of the basis of a decision not to carry out checks, which will form part of the audit-trail for inspectors.

(iv) Supervision of contractors.

293. It is recognised that it is not practicable normally for a school to provide supervision of contractors making emergency repairs by a qualified person at the same level as for volunteers. KCSIE 2015 clarifies that while unchecked contractors should under no circumstances be allowed to work unsupervised, schools are responsible for determining the appropriate level of supervision depending on the circumstances. Inspectors should ask schools how regularly they would check on the contractor staff involved. Of course, it is better if a school can find contractors where staff have been checked anyway.

Non-proprietor governors/advisors

294. Some schools with trustees or a governing board also have a committee of ‘local’ governors or advisors more closely related to the school. A case in point is the Girls’ Day School Trust (GDST): all members of the Council of the Trust need DBS checks, but the members of the Local Governing Body do not unless they have direct contact with children or give rise to ‘concern’. Otherwise, they are recommended, but not required, to provide a declaration of suitability.

Adults who supervise children on work experience

295. KCSIE advises that barred list checks may be required for people supervising a child under 16 on a work experience placement where the conditions for regulated activity are met, although the duty would be on the employer to complete the check rather than the school.

Host families

296. Host families are often used to accommodate children on sports or language exchanges. When the arrangements are made direct between two families which accept responsibility, this can be considered a personal arrangement and outside the scope of regulated activity. However,
where the family is paid, the arrangement to accommodate a child is not made by the child’s family, or the school has the power to terminate the arrangement, it is unlikely to be a personal arrangement and could constitute regulated activity. In that instance, the school would commit an offence if it knowingly allowed a barred person to undertake regulated activity, and so a DBS check including a barred list check should be obtained and suitable records kept.

297. Schools will not be able to obtain checks on host families that may accommodate their pupils overseas, but should work with partner schools to ensure that appropriate assurances are obtained before a visit.

298. Whether or not the hosting activity is regulated in the particular instance or formal vetting checks are necessitated, schools should take reasonable steps to safeguard young people participating, for example, ensuring that pupils are seen by a member of staff every day while away from home, have access to a mobile phone with signal or know who to contact and how if they have any concerns about their own safety.

Those who do not require vetting checks

299. It is not necessary to undertake vetting checks on: visitors to the head/other staff or those who have only brief contact with children in the presence of a teacher (although see guidance on protocols for visiting speakers in paragraphs 285 and 286 above); visitors carrying out repairs or servicing equipment; pupils aged under 16 on work experience or similar; those on the school site when pupils are not present; and students (pupils) aged eighteen or over studying as pupils. Individuals returning from maternity leave, sabbaticals or similar, where continuity of employment is maintained do not need to be checked as new employees but schools may choose to renew checks if they wish. Similarly, staff with ‘zero-hours’ contracts that have continuity of service between periods of work do not need to be rechecked on each occasion.

IMPLEMENTATION:

300. Where individuals falling within the above groups are identified, inspectors will discuss the relevant procedures with the school and review a sample of records.
Part 5 – Premises of and accommodation at schools

301. The premises requirements were updated in January 2013, with some of the previous prescription removed. Inspectors should apply the regulations and not go beyond them – in particular by not requiring facilities over and above those expected of a maintained school.

302. Any requirement that provision 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. Thus in the absence of specific ratios, inspection teams will need to make a judgement about suitability based on inspection evidence.

303. Advice on standards for School Premises, has been published by the DfE and relevant information has been included below.

Paragraph 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.

304. The regulation does not set the minimum number of fittings to be provided in relation to the ages and numbers of pupils. Previously, the required ratios were one toilet and washbasin for every ten pupils under 5 years old, rising to one toilet and washbasin for every 20 pupils aged 5-11. For pupils over 11 one toilet per 20 pupils was considered sufficient. These ratios provide a helpful ‘rule of thumb’ but can be applied flexibly where there are no concerns apparent with the facilities available.

305. In general, toilet facilities need to be planned and designed so that hand-washing facilities are close by, the rooms containing them are adequately ventilated and lit, and they are located in areas around the school that provide easy access for pupils and allow for informal supervision by staff, without compromising pupils’ privacy.

306. Unisex provision permitted under regulation 23(1)(b) should ensure the privacy of the occupant by, for example, having a full-height door.

307. Each toilet for disabled pupils needs to contain one toilet and one washbasin (and possibly a shower or other wash down fitting) and have a lockable door opening directly onto a circulation space that is not a staircase. Where possible, the number and location of accessible toilets will be sufficient to ensure a reasonable travel distance for users that does not involve changing floor levels.

308. It is preferable for changing areas and showers for pupils to be in areas separated from toilets and designed to provide adequate privacy. Consideration may also be given to providing changing rooms, with or without showers, at junior schools for pupils who need to wear sports kit for physical education (including games), but this is not a requirement.
309. Toilets and washing facilities for staff may also be used by visitors. They should be separate from those provided for pupils, except where they are designed for use by those who are disabled.

<table>
<thead>
<tr>
<th>EYFS</th>
<th>E403</th>
</tr>
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<tbody>
<tr>
<td>Boarding</td>
<td>B451</td>
</tr>
</tbody>
</table>

**Paragraph 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).

310. The previous requirements for accommodation for pupils who are ill have been carried forward to the new regulations. Medical rooms must enable pupils that are ill or injured to be looked after appropriately, have a basin within the room and be near to a toilet.

311. Where appropriate, the facility should also enable therapy to be offered to those with special educational needs or disabilities who need it. This might involve assistance from visiting specialists, such as a physiotherapist or speech therapist.

312. Some therapy can take place in a teaching space or in a small quiet room, such as an office. The dedicated accommodation can be used for other purposes, except teaching, so long as it is readily available for medical use when needed. In special schools a range of facilities will typically be required to suit different therapy options.

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**Paragraph 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.

313. This regulation is specific to maintaining school premises so that the health, safety and welfare needs of pupils are safeguarded. There is also a substantial amount of other health and safety legislation that applies to most buildings, including schools. Many of these aspects are covered in Part 3 (e.g. Fire safety, Health and Safety policies), and this regulation is restricted to the premises aspects of Health and Safety. They cover a range of issues such as heating, ventilation, cleanliness, workstations, seating and welfare facilities.
314. Any identified concerns relating to security, classroom size and condition, kitchen facilities, general condition of premises and flooring, and other similar issues, will be reported under this regulation.

315. When dealing with potential security issues, inspectors must take account of the particular circumstances of the school. It is important to form a rounded view, taking all factors into consideration, such as the location of the school, its physical layout, the movements needed during the school day, the arrangements for receiving visitors, the other security measures, staff/pupil training, awareness of the senior management team and proprietor, the age of the pupils and so on. Push-button combination locks are considered a useful device for doors which have relatively low usage, but are only one of many possibilities. Inspectors should raise any concerns but leave the solution to the school. It is not a requirement to have security designed to prevent an extraordinary tragedy. No specific details of security concerns should be made in a report, though a generalised statement of ‘some inadequate security arrangements’ should be included where any such concerns are significant enough for consideration when making judgements. A separate letter providing all necessary detail must be written to the head and proprietor, copied to ISI.

Boarding ➔ B451

Paragraph 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.

316. The acoustic conditions of the premises should enable people to hear clearly, understand and concentrate on whatever activity they are involved in, and experience minimal disturbance from unwanted noise (such as from activities in adjacent areas, teaching equipment, ventilation fans or road traffic).

317. The regulation requires suitability to be in relation to the nature of the activities in the space, and so there will be higher expectations for music rooms, language teaching rooms, open plan areas and any rooms where hearing impaired pupils may be taught.

Paragraph 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.

318. Adequate light levels need to be achieved to permit good visual communication, with a preference for daylight where possible. Over-bright conditions should be avoided with means to control daylight and sunlight, to avoid glare, excessive illuminance and summertime overheating.

319. External lighting is important for security and to ensure safe pedestrian movement after dark.

Boarding ➔ B458
Paragraph 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.

320. Drinking water facilities need to be maintained in good working order and kept clean and with sufficient outlets clearly marked ‘drinking water’. Tanked supplies can be difficult to maintain in good condition, and so it is generally preferable if drinking water supplies in schools can be connected directly to the cold water main.

321. To avoid the risk of scalding, 43°C is generally the maximum temperature for hot water in baths and showers, and in all cases where the occupants are severely disabled. It is also good practice to limit hot water supplies to washbasins in nursery and primary schools to 43°C.

322. Distribution temperatures and legionella controls need to comply with HSE guidance on managing legionella in hot and cold water systems.

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Paragraph 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.

323. “Physical education” includes the playing of games. Schools will have a wide variety of arrangements for outdoor sports and break times. The regulation does not require the outdoor space to be adjacent to the school and in some urban areas, it may be necessary to transport pupils between the school and playing fields. Outdoor space is also needed for informal play and socialising. Schools should make necessary consideration for safety, for example arrangements for crossing roads or for increased supervision in areas accessible to the public, and inspectors should check that arrangements operate effectively in practice.

| EYFS               | E401 |

Paragraph 30:
The standard in this paragraph is met if the proprietor ensures that, where the school provides accommodation, regard is had to Standard 5 of the National Minimum Standards for Boarding Schools.
or, where applicable, Standard 5 of the National Minimum Standards for Residential Special Schools.

324. The NMS contain additional detailed premises requirements and these are described separately in this Handbook.

Boarding → B451
Part 6 – Provision of information

325. Certain information must be ‘provided’ or ‘made available’ to parents of pupils and prospective pupils. Both of these terms have a particular meaning under the regulations – summaries are included below and the full definition is set out in the glossary.

Provided:
(a) Sending by email either the information/document or the internet address where it can be located, and making the it available for inspection by the person in school; or
(b) Sending the information/document to the person in hard copy.

Made available:
(a) Putting the information/document on the school website, making parents of pupils and prospective pupils aware, and ensuring that the document is available for inspection by the person in school; or
(b) Making parents and prospective parents aware that they can request the information/document, and not charging for responding to such requests.

Paragraph 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, the Secretary of State or an independent inspectorate;
(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.

326. This information must be provided to parents of pupils and parents of prospective pupils, for example as part of a prospectus or information booklet.

327. Proprietors need not provide parents with their residential address and telephone number. They may instead provide parents with an address for correspondence (which may be the school address) during both term-time and holidays and a telephone number or numbers on which they may be contacted. The requirement for this to be ‘at all times’ has been removed: it is sufficient that the proprietor be available during normal working hours. Similarly, where there is a governing body the school must provide parents with an address for correspondence for the chair of the governing body, but this need not be the residential address.

328. There is no set format for statements of ethos and aims.

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(1)(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;

(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.

329. The school must make the information available, in accordance with the set definition. Posting on the school website is sufficient to let parents know what is available to them. However, if a website is not available or used, the school must take reasonable steps to let parents of current and prospective pupils know what is available to them. This implies some kind of written list of the items. This might be given in the school prospectus or inserts to it, or in a letter to parents of current pupils. NB parents holding parental responsibility, even if not actually caring for the child, have a right to receive relevant information from the school in respect of any pertinent matter affecting the child, unless a court order indicates otherwise.

330. Parents cannot request particular information if they do not know what is available to them and, if they are not informed of any of the information, this represents a failure to meet the requirement. The information is:
   • school’s policy on and arrangements for admissions, misbehaviour and exclusions;
   • educational and welfare provision for pupils with statements and pupils for whom English is an additional language;
   • curriculum policy;
   • policy to promote good behaviour and set out sanctions;
   • anti-bullying strategy, health and safety policy, first aid policy;
   • academic performance during the preceding school year, including the results of any public examinations;
   • complaints procedure, and the number of complaints registered under the formal procedure during the preceding school year; and
   • a copy of the report of any inspections of the school or boarding provision.

331. The requirement to provide the number of staff at the school, including temporary staff, and a summary of their qualifications has been removed.

   EYFS  ➔  E411

(1)(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;
332. The school's safeguarding policy must be available to the public on the website, unless the school does not have a website in which case it must be provided to parents if requested. Linked documents such as the staff code of conduct and the recruitment and selection policy and procedures are not required to be on the website but the policy should signpost their existence and how they may be accessed.

(1)(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;

(1)(e) following an inspection under section 87(1) of the Children Act 1989, 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;

333. Inspectors check with the school for a record or plan of report issue arrangements and, if practicable, ask parents if they received a copy of the previous report. If a school has a website, inspection reports must now be published once sent to the school by ISI.

EYFS ➔ E414

(1)(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;

334. The annual report of progress and attainment must be ‘provided’ unless other arrangements have been agreed with the parent.

EYFS ➔ E380

(1)(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 body conducting the inspection and that body is given access to the school’s admission and attendance registers;

335. This regulation refers to the provision of information for inspection purposes.

(1)(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) 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;

(1)(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.

336. If these regulations apply, inspectors should check with the school what information was provided.
(1)(j) particulars of any actions specified in sub-paragraph (4) are published and maintained on the school’s website or, where no such website exists, are provided to parents.

(4) The action specified in this sub-paragraph is –
   
   (a) any decision by 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;
   
   (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.

337. Schools must now publish online the details of certain regulatory actions. This will apply to a small number of schools and details will be provided by ISI or DfE when necessary.
Part 7 – Manner in which complaints are to be handled

**Paragraph 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—

**COMPLAINTS POLICY CONTENT:**

338. With some adaptation to the school in question, the requirements in themselves are almost sufficient to constitute a complaints procedure.

339. The policy must deal with complaints from parents of pupils.

340. The policy must also include:

   ✓ Details of the three-stage process (informal, formal and panel hearing), including clear time scales for each stage and in line with the particular requirements set out for each stage in the regulations
   ✓ Arrangements for record keeping
   ✓ Confidentiality of correspondence, statements and records

341. The primary purpose and requirement of the policy is that it deals with complaints. The standard does not distinguish between “concerns” and “complaints”. Changes to the wording made in January 2015 have resolved this issue. Any matter about which a parent of a pupil is unhappy and seeks action by the school is now a complaint, and in the scope of the procedure, whatever the school labels it as.

342. Attempts to limit matters to be dealt with under a school complaints procedure can put policies at risk of not meeting the fundamental requirement of the standard, namely to deal with complaints. In such instances, inspectors will consider, for example, whether the relevant wording is there to provide helpful clarification to parents about the most appropriate dispute resolution process within the school procedures or whether the true purpose of such wording could be to limit the availability of the statutory complaints process to parents.

**Exclusions**

343. The complaints standard does not require exclusions to be covered by the complaints process. Schools should certainly have a process for exclusions and, if they wish to do so, they can use the same process for exclusion appeals as they do for the hearing of complaints but this is not required by the standards. However, parents are entitled to the relevant information on the exclusions process under Part 6 and through other relevant policies (for example, behaviour and sanctions).

**Three stage process**

344. The standard requires a three stage process. Some schools have been known to split one stage into two parts. While this is not specifically forbidden by the standard, when inspectors come across this they must consider carefully on the basis of all the evidence, including feedback from parents, whether it is used in practice to raise an additional barrier to parents escalating the complaint via the complaints process.

(a) is in writing;
Part 7 - Manner in which complaints are to be handled

(b) is made available to parents of pupils;

345. The policy will self-evidently be in writing. ‘Made available’ has a specific definition in the regulations.

346. The complaints process for independent schools is not required to be available to the world at large but only to “parents of pupils”, meaning current registered pupils. The procedure does not apply to parents of prospective pupils unless the procedure categorically says that it does, in which case it must be applied fairly to them as for registered pupils. The complaints procedure does apply to past pupils if the complaint was initially raised when the pupil was still registered, and it does not cover exclusions unless the school has indicated otherwise.

(c) sets out clear time scales for the management of a complaint;

347. The timescales must be clear from the point of view of the complainant, but words such as ‘normally’ are often used to introduce flexibility during school holiday periods. In such cases deviation from the ‘normal’ timescales would usually need to be exceptional and convincingly explained. An alternative is setting different timescales for holidays, or a time scale established in working days. The timescale should set an ‘outside’ timescale for response and not only cover the timeframe for an acknowledgement or initial meeting.

(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;

348. The informal and first formal stage of the complaints procedure do not specify who should receive the complaint and the school may identify individuals according to its circumstances.

349. Although all formal complaints will be made in writing, this does not mean that the formal stage is automatically triggered whenever a concern is expressed in writing, for example, by email. Complaints will usually only progress to the formal stage after first being considered at the preliminary stage and only then if the complainant intends to escalate a matter to the formal stage.

(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;
Part 7 - Manner in which complaints are to be handled

350. The DfE has given the following guidance on the identity of an independent panel member.

“Our general view is that people who have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered.”

(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 these 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 108 or 109 of the 2008 Act requests access to them.

351. The policy should contain these stipulations and when implementing the policy schools should be mindful of these provisions.

352. New for 2015, the written record of complaints is limited to all those made in writing under the formal part of the procedure. In relation to these complaints, schools are required to record whether they are then resolved at that stage or proceed to a panel hearing. It is up to schools to determine whether or how they also wish to keep a record of informal complaints. Many proprietors will want to ensure records are kept, even of informal complaints, for management purposes to enable patterns of concern to be monitored.

EYFS ➔ E412
Boarding ➔ B541
Part 8 – Quality of leadership in and management of schools

Paragraph 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(a).

353. The leadership and management regulations, introduced from January 2015, are outcomes based. As such, the evidence already gathered by inspectors will usually be sufficient to make the relevant judgements. Paragraphs 34(1)(a) and (b) require consistent compliance with the independent school standards. This will normally be considered over a period of time. Inspectors should, therefore, consider the findings of previous inspection reports when judging the ‘consistency’ of a school’s compliance. In particular, where specific regulatory failings identified previously have not been remedied or have recurred, and inadequate leadership is causing or contributing to that, then it is unlikely that this standard would be satisfactorily met. However, a school may also fail under Part 8 where, even if satisfactory at a previous inspection, it is found at a new inspection to have serious and multiple failings against the standards because of weaknesses of the current leadership.

354. It is not intended that every failure to meet other parts of the standards completely will lead to failure under Part 8, for example, where immediate remedial action can be taken to correct failings and inspectors should seek guidance from the ISI office where necessary. However, 34(1)(c) makes clear the importance of leadership and management in ensuring pupils’ well-being. The inspectorates have for some time made judgements on aspects of leadership, management and governance. The introduction of a standard relating to leadership and management means that if the standard is not met, the DfE can take appropriate regulatory action. Specifically, this means that if a school is required to produce an action plan showing how the standards will be met, the action plan will need to show what the school intends to do to improve leadership and management so as to ensure that the school consistently meets the standards. This might, for example, consist of further training or new appointments to strengthen leadership and management; it might also include restructuring existing arrangements. If it appears to the Secretary of State that the steps proposed would not achieve the requisite improvements then the action plan is likely to be rejected.

355. The DfE will be keeping under review the way in which the leadership and management standard works in practice. If a school is found to be meeting the standard, the DfE will be ready to discuss with the school in advance of formal submission of an action plan the steps which the school is contemplating, but without prejudice to the formal decision on the action plan.

356. Well-being is defined with reference to the Children Act 2004, which lists the following factors:

- physical and mental health and emotional well-being;
- protection from harm and neglect;
- education, training and recreation;
the contribution made by them to society;
- social and economic well-being.

357. The inclusion of this new duty underlines the safeguarding responsibilities of proprietors, working through their leadership and management team. The introduction of the broad 2004 definition into the independent school sector will entail schools taking the broadest approach to the promotion of well-being of pupils.
THE EARLY YEARS FOUNDATION STAGE

This section must be read together with the main part of this document, which gives advice on the regulatory requirements for all schools. This is because some information relevant to all through schools is not repeated here unless it also appears directly in the statutory framework for the EYFS. The information concerning “disqualification by association” is an example of this.

E358 The revised Early Years Foundation Stage, effective from 1st September 2014, amended the statutory requirements for children in any of the years from birth to 31st August in the academic year in which they become five. In October 2012, changes to the exemptions system were introduced, allowing some independent schools to become exempt from the Learning and Development requirements of the EYFS. All settings must follow the requirements for safeguarding and welfare, and only provision for children aged 3-5 can be exempted.

E359 This section of the Handbook does not comment on each of the statutory requirements, but notes where there has been recent change and offers additional guidance on complex points. Schools should consult the EYFS Statutory Framework (available at www.education.gov.uk) for the complete list of requirements.

E360 Clear overlap exists between the Independent School Standards Regulations and the regulatory requirements for EYFS. The Independent School Standards Regulations apply to all pupils from the age of two to the oldest in the school. The EYFS requirements apply to all children from birth to 31st August following their fifth birthday. Account is taken of the EYFS requirements where the Independent School Standards Regulations do not apply.

E361 It is for the provider to ensure that the EYFS provision complies with the EYFS Statutory Framework for children’s learning, development, safeguarding and welfare. In integrated inspections, the early years co-ordinating inspector (EYCI) judges whether the main EYFS legal requirements are met and investigates other requirements in the light of all the evidence available. This is with reference to the reporting inspector, who has the ultimate responsibility. The reporting inspector is responsible for the Independent School Standards Regulations, which apply to all a school’s pupils from the age of two upwards, but do not include children below the age of two. These younger pupils come under the EYFS Statutory Framework alone. The provision for them is registered with Ofsted and inspected by ISI.

E362 Children of five and under – registration requirements. Independent schools must register with Ofsted on the Early Years Register any care or education that is provided for children aged under two. Formerly schools were required to register provision for children under the age of “rising three”, but this threshold changed on 26th May 2015. There is no allowance for those who are “rising two” similar to the former provision for those under “rising three. Even if there is only one child younger than two, Ofsted registration is a legal requirement, and the Ofsted registration certificate must be displayed and shown to parents on request.

E363 Schools do not need to register with Ofsted where EYFS provision is for children who are two or older, provided this provision is part of the school’s activities and at least one child attending is a pupil of the school. Schools must register any provision where no child attending is a pupil of the school.

E364 Schools which have EYFS provision on a site other than the school should inform ISI at the earliest opportunity so that appropriate inspection arrangements can be made. Registered childcare provision on a school site which is not owned by the governing body/proprietor is inspected separately by Ofsted and according to its own schedule of inspections.

E365 Any education or care provided by a third party on behalf of the school, including summer play schemes not attended by any pupils of the school, requires registration on the Early Years Register if it takes children in that age range, unless they are exempt from compulsory registration.
Exemptions include where they care for any child for two hours a day or less, operate for 14 days or fewer in the year, or provide activity-based provision outside the school day – school study or homework support; performing arts; arts and crafts; sport; religious, cultural or language study.

E366 Third party provision must also be registered on the Childcare Register where it takes children from the 1st September following the child’s fifth birthday up to age eight. Providers may choose to register on the Childcare Register if they take older children or they are exempt from compulsory registration. Schools are not allowed to join the Childcare Register unless no child attending is a pupil of the school. Registered childcare provision that is not owned by the governing body/proprietor will be inspected separately by Ofsted and according to its own timetable of inspections.

E367 Inspectors must check that a school is correctly registered and fulfils the correct registration requirements. Schools with pupils under the age of two must have a registration certificate from Ofsted. Schools are in breach of Regulations if they have not registered their under-two provision. An inspector who discovers such a situation should immediately report it to the ISI office.

E368 Inspectors will check the ages of the children on roll, the staffing ratios and the exact nature of the provision, the length of time before- and after-school care runs, the length of any times any holiday clubs run, and the nature of any out-of-school activities.

E369 ISI bases its regulatory and inspection judgements on whether a provider has met the general and specific legal requirements. Registered providers are subject to tighter regulation than those offering only non-registered provision, and have a requirement to report to Ofsted as the regulatory body for children under two, where certain events or changes have occurred.

E370 All providers are required to ensure that all members of staff are given copies of policies and procedures at their induction and that these are accessible and explained to all parents and carers. It is essential that children are provided with safe and secure environments in which to interact and explore rich and diverse learning and development opportunities.

E371 ISI inspectors should consult the previous report (Ofsted and/or ISI) when carrying out their own inspection. They enter comment in 'The overall quality and standards of the early years provision' to indicate the response to any recommendations from the last inspection. They note any significant changes in provision or quality.

E372 As well as regular nursery provision, some independent schools offer early day (pre-school) and late day (after-school) childcare. The ISI inspection team should observe some of this provision and satisfy itself that it is appropriate, safe and stimulating.

(a) Children below two years. Under the Childcare Act 2006, independent schools are required to obtain Ofsted registration for any provision for children from birth to their second birthday, regardless of the time of day at which the childcare is provided.

(b) Children aged from two to seventeen. Under the Childcare Act 2006, schools are no longer required to register childcare provision with Ofsted, if it is for children of the school aged two and above and run by the governing body/proprietor(s) or a person employed to work at the school. If the provision is made for more than one child who has not attained the age of eight, at least one of the children must be a registered pupil at the school.

E373 Where children in Nursery or Reception classes attend school for longer than the school day or in the school holidays, in provision run directly by the governing body or the proprietor(s), it is recommended that the ratio of adults to children should be 1:8. At least one member of staff should hold a full and relevant level 3 qualification and half of all other staff should hold a full and relevant level 2 qualification.
E374 Where the provision for young children is not part of the school registered with the DfE and not owned or managed by them, it should not be inspected by ISI, and the report must clearly state that this provision has not been inspected. The reporting inspector should ask to see a copy of the latest report for information purposes and should also check that neither school literature nor other publicity gives the impression that this provision is covered by ISI inspection. These settings are inspected separately by Ofsted.

E375 If a setting is registered with Ofsted but it currently has no children, the inspectors should report on the setting as they find it, including matters such as the physical provision and the records kept. They should convey their findings as usual at the end of the inspection and the report should indicate clearly the circumstances of that inspection.

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E376 The EYFS Statutory Framework sets out the learning and development requirements comprising:

- the seven areas of learning and development and the educational programmes;
- the early learning goals; and
- the assessment requirements.

E377 Unless the setting holds an exemption, the learning and development requirements must be followed in full. The framework has more explicit statements that the judgement about the balance between child- and adult-led activities is a matter for practitioners and there is an expectation that the balance will move towards adult-led activities in preparation for Year 1.

E378 If the school has an EAL policy, it should include what reasonable steps the provider will take to provide opportunities for children to develop and use their home language in play and learning, to support their language development at home, and to ensure that they also have sufficient opportunities to learn and reach a good standard in English language.

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E379 The 2012 EYFS Statutory Framework introduced a progress check for children aged between two and three years. This is to provide parents and/or carers with a short written report of their child’s development in the prime areas. The progress check must identify the child’s strengths and any areas where the child’s progress is less than expected, focusing particularly on any areas where there is a concern that a child may have a developmental delay (which may indicate a special educational need or disability). Beyond that, it is for practitioners to decide what the written summary should include. The DfE publication Development Matters provides further detail.

E380 The EYFS Profile must be completed for all children in the final term of the year in which they reach age five, no later than 30 June in that term, unless the setting has taken up an exemption. Each child’s level of development must be assessed against the early learning goals. The results of the EYFS Profile must be shared with parents, with an explanation of when and how the Profile can be discussed with the teacher who completed it. Year 1 teachers must be given a copy of the Profile together with a short commentary on each child’s skills and abilities in relation to the three key characteristics of effective learning.

E381 The EYFS Profile must now only be reported to the local authority upon request.

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3.4-3.8 Child Protection

E382 In addition to the requirements outlined above in relation to the main school, policies in schools with EYFS settings must also include a number of additional points. These are:

- the school’s policy on the use of mobile phones and cameras in the setting;
- details of the practitioner designated to take lead responsibility for safeguarding children in the settings [this role may be assumed by a member of staff who does not specifically work within EYFS];
- [registered providers] must notify Ofsted within 14 days of any allegations of serious harm or abuse by any person living, working or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere).

E383 Schools should note the detailed requirements for safeguarding training outlined at paragraph 3.6 of the EYFS Statutory Framework.

Section 3 The Safeguarding and Welfare Requirements

3.9 – 3.13 Suitable people

E384 Providers must obtain an enhanced disclosure for every person over 16 who:

- works directly with the children;
- lives on the premises on which the childcare is provided;
- works on the premises on which the childcare is provided (unless the work is not in the part of the premises where the childcare takes place, or is not at times when the children are present).

E385 Staff carrying out teaching work in the EYFS, including registered settings, should not be prohibited from teaching. Schools must therefore check that an individual who will be carrying out teaching work does not have a prohibition order against them. This will apply to those supervising a setting and could apply to others if they are carrying out teaching work.

E386 The EYFS continues to include the provision that providers must not allow people whose suitability has not been checked, including through a criminal records check, to have unsupervised contact with children being cared for. Where a new member of staff starts work before the disclosure is available, the school must ensure that the person is supervised at all times, all other checks (including barred list) have been completed satisfactorily and inspectors ensure that recruitment procedures are otherwise robust.

Section 3 The Safeguarding and Welfare Requirements

3.19 Staff taking medication/other substances

E387 Staff must seek medical advice if they are taking medication which may affect their ability to care for children, and any staff medication must be securely stored at all times.
E388 Induction training for staff must include:
- help in understanding roles and responsibilities;
- information about emergency evacuation procedures;
- safeguarding and child protection;
- the provider’s equality policy;
- health and safety issues.

E389 Providers must support staff to undertake appropriate training and professional development to ensure they can continually improve the quality learning and development experiences they offer for children. The concept of ‘supervision’ is a way for staff to discuss issues and identify solutions as well as receive coaching to improve their personal effectiveness. Supervision should be an individual meeting between a manager and each staff member, including teaching assistants, in order to support their role as key persons working with children and their families. The frequency of meetings should be determined according to the needs of the families and the staff member supporting them. This is in addition to regular staff appraisals and other opportunities for staff training.

E390 Training in paediatric first aid continues to be a requirement, with at least one person with a current certificate on the premises at all times when children are present and accompanying children on outings. It must be clear from the certificate that the course followed has covered first aid for children (with the words ‘children’, ‘child’ or ‘paediatric’ somewhere on the certificate). As a general principle, the first aid training should be appropriate to the age of the children in question. It no longer has to be local authority approved and providers may choose which organization they wish to provide the training but it must cover the course content as for St John Ambulance or Red Cross paediatric first aid training and be renewed every three years.

E391 As previously, each child must be allocated a key person. This may be the class teacher, teaching assistant or other member of staff who can ensure that the child’s care is tailored to meet his or her individual needs.

Section 3 The Safeguarding and Welfare Requirements

| 3.28 – 3.36 | Staff:child ratios |

E392 The following qualifications and adult-to-child ratios are requirements under the EYFS Statutory Framework. Children must usually be within sight of staff and always within sight or hearing.

***Children aged three or over.*** In Reception classes, where the majority of pupils are five or over within the school year, the staffing ratio is 1:30 (as in maintained schools) provided that a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status or another suitable level 6 qualification is working directly with the children. Such a person may be an overseas qualified teacher or an ‘instructor’ (someone with the necessary qualifications or experience or both, where the governors/proprietor are satisfied with the qualifications or experience). In such Reception classes, there is no requirement, as previously proposed, for at least one other member of staff to hold a full and relevant level 3 qualification.
In other EYFS classes for children of three and above, with a person with Qualified Teacher Status (or other suitable person as defined above), the ratio is 1:13, and at least one other member of staff is required to hold a full and relevant level 3 qualification.

In EYFS classes for children of three or above, without a person with Qualified Teacher Status (or other suitable person as defined above), the staffing ratio must be at least 1:8. At least one member of staff must hold a full and relevant level 3 qualification and at least half of all other staff must hold a full and relevant level 2 qualification.

**Children who are ‘rising three’.** If those ‘rising three’ in their first term at the setting are in a separate group, they count as being two years old (and the staffing ratio for two year olds applies). If they are in a mixed group with three year olds, they count as three if they are in the minority, but as two if they constitute the majority.

**Children aged two in any early years group setting.** The staffing ratio must be at least 1:4. At least one member of staff must hold a full and relevant level 3 qualification and at least half of all other staff must hold a full and relevant level 2 qualification.

**Children aged under two in any early years group setting.** The staffing ratio must be at least 1:3. At least one member of staff must hold a full and relevant level 3 qualification and have suitable experience of working with children under two. At least half of all other staff must hold a full and relevant level 2 qualification. At least half the staff must have received specific training in the care of babies. The member of staff in charge of the babies’ room must have suitable experience of working with children under two years.

**Supervisors and managers.** All managers must hold at least a full and relevant level 3 qualification, and half of all other staff must hold a full and relevant level 2 qualification. A named deputy must be identified, and be capable and qualified to take charge in the manager’s absence.

**Break and lunchtime.** The EYFS Statutory Framework does not specify different ratios for these times, but allows a reduction of direct staffing when the children are at rest or sleeping. This is with the proviso that all the relevant staff are in the vicinity and readily available. The school should undertake risk assessments to assess the level of supervision that is required taking account of the particular needs and vulnerabilities of children in the EYFS. Inspectors make a professional judgement on the level of supervision and raise an issue if they have concerns. Safety should always be the first priority. It is unlikely that it would be acceptable for lunch-time supervisors to hold no qualifications and for qualified staff to be distant from the EYFS children.

E393 Supervision of pupils in out of school care. The staffing arrangements for the EYFS are given above under ‘Staff qualifications’. Where the provision is solely before/after school care or holiday provision for children who normally attend Reception class (or older) during the school day, there must be sufficient staff as for a class of 30 children. It is for providers to determine how many staff are needed to ensure the safety and welfare of children and what qualifications, if any, the manager and/or staff should have and inspectors will need to consider the effectiveness of the provision made. Practitioners should discuss with parents and/or carers the support they intend to offer. For older pupils from eight to seventeen, a risk assessment should be carried out, so that the staffing ratio is appropriate to circumstance.
E394 Schools must discuss with parents the procedure for responding to children who are ill or infectious.

E395 There must also be a policy for the administration of medicines, and training must be provided to any staff for administration which requires medical or technical knowledge. Usually, only prescription medicines should be administered. Written permission must be obtained from parents for individual medicines to be administered. Where medicine is administered to a child, parents must be informed the same day or as soon as reasonably practicable.

E396 Schools should be aware of the requirement for fresh drinking water to be available at all times. It is for the school to determine how this is best achieved. Training in food hygiene must be provided for staff involved in preparing and handling food. There is not a specified type of training and it would be acceptable for a school's catering manager or other suitably qualified person to deliver basic training in food hygiene principles.

E397 Schools should be aware of the duty to inform parents of any accident or injury sustained by the child on the same day, or as soon as reasonably practicable, and any first aid treatment given. The first aid policy for the whole school can include the EYFS as long as the required information is given.

E398 A first aid box must be accessible at all times and with appropriate content for use with children. An accident book or similar written record must be kept for accidents or injuries or first aid treatment.

E399 The requirements to have a behaviour management policy and procedures and a named practitioner responsible for behaviour management in every setting have been removed. However, providers are responsible for managing children's behaviour in an appropriate way, so the whole school policy can apply to the EYFS and should include a statement that corporal punishment is not used or threatened.

E400 The policy should record: when physical intervention is allowable (for example, to avert immediate danger of personal injury); the procedure for recording any such occasions; and the requirement to inform parents on the same day or as soon as reasonably practicable.
E401 Providers must ensure that their premises, including overall floor space and outdoor spaces, are fit for purpose and suitable for the age of children cared for and the activities provided on the premises. Schools should ensure that their health and safety policy and arrangements include suitable provision for the EYFS, which comply with the requirements of health and safety legislation (including fire safety and hygiene requirements).

E402 The requirement for a no smoking policy has been removed, but providers must not allow smoking in or on the premises when children are present or are about to be present.

E403 Schools must ensure that there are adequate toilets and hand basins available. Providers must follow their legal responsibilities under the Equality Act 2010 (for example, the provisions on reasonable adjustments). The requirement for making provision such as a space for children who wish to relax, play quietly or sleep, equipped with appropriate furniture has been removed. However, sleeping children must be frequently checked.

E404 The requirement for settings to have a policy and procedures for assessing any risks to children’s safety has been removed, but providers must ensure that they take all reasonable steps to ensure staff and children in their care are not exposed to risks and must be able to demonstrate how they are managing risks. They must determine when a written risk assessment is required. Risk assessments should identify risks that should be checked on a regular basis, when and by whom, and how the risk will be removed or minimised.

E405 A risk assessment (not necessarily in writing) must be undertaken for outings, and include consideration of adult-to-child ratios and the steps to be taken to remove, minimise and manage identified risks and hazards.
E406 All providers must have arrangements to support children with SEN or disabilities and are expected to identify a SENCO.

E407 Providers who are funded by the local authority to deliver early education places must have regard to the SEND Code 2015. This means:

- The setting should plan for the four areas of need: communication and interaction, cognition and learning, social emotional and mental health, sensory and/or physical needs.
- They should have a clear approach to identifying and responding to SEN.
- In addition to the two specific points in the EYFS for formal assessment, there should be monitoring and review of progress throughout the early years.
- Where a child appears to be behind expected levels, a methodology is outlined in the SEND Code 2015 for gathering information and seeking “Early help” (see Working Together), if appropriate. The cycle of action: assess/plan/do/review, should be used to create a graduated response to needs.
- Guidelines are given for seeking external help of specialists or requesting an EHC assessment.
- Decisions to involve external specialists should be taken in discussion with parents and parents should be informed if their child is receiving SEN support. Settings have until 1 September 2015 to move to the new way of working.

E408 Information about the transition arrangements is available here: Transition to the new 0-25 SEN and disability system March 2015

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<td>3.68 – 3.71</td>
<td>Information and records</td>
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E409 Inspectors should ensure that schools maintain confidentiality of records about staff and children, with access only available to those who have a right or a professional need to see them. Staff should be aware of these arrangements but a formal policy is not required to meet the EYFS requirement. Parents and/or carers must be given access to all records about their child, provided that no relevant exemptions apply to their disclosure under the Data Protection Act. The retention period for records relating to individual children must be ‘reasonable’. The three year retention period for registers may be a useful rule of thumb.

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<td>3.72</td>
<td>Information about the child</td>
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E410 Information must be held about each child, comprising:

- full name;
- date of birth;
- name and address of every parent and/or carer who is known to the provider;
- information about any other person who has parental responsibility for the child;
- details of which parent(s) the child normally lives with; and
- emergency contact details for parents and/or carers.
E411 Certain information must be made available to parents and/or carers:

- how the EYFS is being provided in the setting [including any alternative provision in the case of exemptions];
- how parents and carers can access more information about the EYFS;
- the range and type of activities and experiences provided for children;
- the daily routines of the setting;
- how parents and carers can share learning at home;
- how the setting supports children with SEN or disabilities;
- food and drinks provided for children;
- details of policies and procedures, including
  - the procedure in the event that a parent/carer fails to collect a child;
  - the procedure for dealing with the circumstance of a child going missing at, or away from, the setting;
  - staffing in the setting;
- the name and role of the child’s key person and their role;
- an emergency contact number for parents to use.

E412 Additional requirements apply for EYFS settings beyond those which apply to the main school. Written complaints about the fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 days. The record of complaints must be made available to Ofsted and ISI on request.

E413 Providers must make available details of how to contact Ofsted, and/or ISI, if parents believe the provider is not meeting the EYFS requirements.

E414 Schools must notify parents about an inspection once they have been notified. Once the final inspection report has been provided, it must be supplied to parents of children who attend the setting regularly.

E415 The school must keep information about the name, home address and telephone number of:

- the provider (where this is an individual) and any other person living and employed on the premises;
- anyone else who will regularly be in contact with the children attending the provision.

E416 Records must also be kept each day of the names of the children attending, their hours of attendance and the name of their key person.
E417 If the setting is registered with Ofsted, the registration certificate must be displayed at the setting.

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<td>3.77</td>
<td>Changes that must be notified to Ofsted</td>
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E418 Registered providers must notify Ofsted of a number of specified circumstances, usually within 14 days but preferably in advance of the changes taking place.

**Additional points of guidance – Transporting EYFS children**

E419 The EYFS requirements on transport apply to arrangements within a setting or for taking children on outings. They do not make any reference to transporting children to and from a setting or school. Such arrangements do not fall within the definition of an outing and the welfare requirements relating to outings within the EYFS do not apply; for example staff transporting children to and from a setting do not need to hold a first aid qualification.

E420 If the transport is a private arrangement made by parents with a third party, then it is the parents’ responsibility to ensure they are satisfied with the arrangements and the setting should make it clear when their responsibility for the children transported in this way commences or ceases. This will usually be when they are met from or delivered to the vehicle. In other cases the setting itself may make the arrangements for transport. While the requirements of the EYFS for outings do not apply, it is important for the setting to make it clear to parents the extent of the arrangements for transport, including the policies or procedures that apply during these times. This is likely to fall within the welfare requirements of the EYFS regarding the provision of information for parents.

E421 Parents’ perception of arrangements for care is likely to be that the same level of care is offered during these times as is provided for activities on the premises. Indeed, increased care may be expected, since transport could provide greater risks. So it is good practice to carry out a risk assessment to assess the levels of supervision needed: for example, whether staff are suitable to be unsupervised with children (for example if they hold a DBS check); if a driver is to be unaccompanied and the circumstances in which this would be acceptable; and what the arrangements are for emergency help. It is also good practice to follow the requirements of the EYFS regarding the records kept about vehicles in which children are transported, including insurance details and a list of named drivers.
THE NATIONAL MINIMUM STANDARDS FOR BOARDING SCHOOLS

This section must be read together with the main part of this document, which gives advice on the regulatory requirements for all schools. This is because some of the information relevant to all-through schools is not repeated here unless it also appears directly in the requirements for boarding schools.

INTERPRETATION AND GUIDANCE FOR INSPECTORS

B422 The National Minimum Standards for Boarding Schools (NMS) sit alongside the Independent School Standards Regulations (ISSRs) and in many cases are explained by having regard to the same guidance. Legislation also applies to boarding in relation to health and safety, fire and planning regulations. The NMS apply in England to:

- all mainstream boarding schools, for all age groups of pupils up to 18 (including schools where all boarders are 16 or over), including any lodging arrangements organised by the school for residential pupils;
- any pupils over the age of 18 on the roll of the school who live alongside those who are under 18; and
- children accommodated at the school, other than pupils.

B423 The definition of boarding includes pupils who are accommodated elsewhere under arrangements made by the school, whether or not the accommodation is in fact provided off-site by a third party, e.g. a host family or landlord. Unless the accommodation arrangements are made entirely by the child’s parent(s), the welfare responsibility rests with the school. In all cases where accommodation is provided, the school is required to register as a boarding school with the DfE.

B424 The Standards do not apply to:

(i) boarding schools which accommodate or arrange accommodation for any child for more than 295 days a year, or intend to do so – such schools are required to register as children’s homes with Ofsted and are subject to the Children’s Homes (England) Regulations 2015 and the National Minimum Standards for Children’s Homes rather than the Standards in this document;

(ii) Further Education Colleges funded by the Skills Funding Agency. There is a separate set of National Minimum Standards for FE colleges which accommodate under 18s will apply, rather than these standards;

(iii) Residential Special Schools – there is a separate set of National Minimum Standards for these (not included in this Handbook); they are similar to the requirements for mainstream boarding schools, but more detailed (see National Minimum Standards for Residential Special Schools);

(iv) instances where another organisation is responsible for the children, such as when the premises are let during the school holidays – in such cases, the organisation is responsible for their welfare rather than the school;

(v) the children of staff working at the school and living in their household.

B425 In the following boxes, the Standards are quoted verbatim and followed by guidance for inspection.
### NMS 1

<table>
<thead>
<tr>
<th><strong>Statement of Boarding Principles and Practice</strong></th>
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<td>A suitable statement of the school's boarding principles and practice is available to parents and staff, is made known to boarders, and is seen to work in practice.</td>
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B426 The inspection of this Standard provides evidence towards the judgement on *The effectiveness of the leadership and management of the boarding provision* for both integrated and intermediate inspections.

B427 It may be expressed as aims and objectives, principles on which boarding is based, or a statement of outcomes for boarders. Although it may be incorporated within wider whole-school principles and aims, there should be specific reference to the boarding experience provided by the school.

B428 It is likely to appear on the school's website and/or in a prospectus, parents' handbook or joining instructions to new boarder parents. Staff should have reference to it within a boarding staff manual, or its house equivalent, and/or it can be displayed in the staff duty room. Boarders should have access to the statement on a house notice board and/or in a boarders' handbook or planner/diary.

### NMS 2

<table>
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<th><strong>Boarders’ Induction and Support</strong></th>
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B429 This Standard covers important areas of support for boarders.

B430 The inspection of this Standard provides evidence towards the judgement on *The quality of boarding provision and care* for an integrated inspection and *Boarding provision and care* for an intermediate inspection.

2.1 There is an appropriate process of induction and guidance for new boarders.

B431 This should include provision for boarders joining at the natural start point for the school, as well as those joining higher year groups or at 'non-standard' start times. If not in writing, the school and individual housemasters/mistresses, or equivalent, should be able to give a convincing outline of the process used. During interviews, boarders should be able to corroborate the effectiveness of the induction process.

B432 There is no longer a requirement under this Standard to give boarders key information in writing (although this is still included in the list of required policies and documents in Appendix 1), but many schools do so, in the form of a pupil handbook or booklet, or a diary/planner. Schools may also operate some sort of ‘buddy’ system for new boarders, although this is also no longer a requirement. It is good practice for older boarders or house prefects to be involved in supporting new boarders.

2.2 Each boarder has a choice of staff to whom s/he can turn for personal guidance or for help with a personal problem.

B433 This again can be ascertained through interviews with boarders. Many schools operate a formal school-based or house-based tutorial system, but some simply expect boarders to approach a range of sympathetic adults as needed. It is reasonable to expect the school to have some sort of written procedure for boarders to resolve problems or concerns (possibly contained in a complaints policy under Standard 17). The crucial issue is that boarders should be free to consult whichever adults they feel comfortable with, and are able to indicate a range of approachable people.
The school identifies at least one person other than a parent, outside the staff of the school and those responsible for the leadership and governance of the school, who boarders may contact directly about personal problems or concerns at school. Boarders are informed who this person is, and how to contact them and they are easily accessible. Boarders are also provided with one or more appropriate helpline(s) or outside telephone numbers, including the Office of the Children’s Commissioner, to contact in case of problems or distress.

B434  The current guidance does not completely bar the use of an ‘independent listener’ who is paid by the school. The intention is to achieve a balance, such that the listener should be divorced as much as possible from the hierarchy of the school, but someone ‘who best can do the job’ [Children Act, Practice Guide]. The person in question must be able to exercise objectivity in responding to concerns and issues raised by boarders, and consequently, this restricts anyone who may be seen to be in a position where there could be a conflict of interests by virtue of previous or current roles or allegiances. However, there are circumstances where a professional counsellor may be commissioned to work within the school, whose role may encompass so-called independent listening. In these circumstances an objectivity test should be applied to ensure the person can always act in the paramount interests of children and is not adversely influenced by any other factor. The contact details for the ‘independent listener’, together with those for agencies such as ChildLine, should be freely and easily available to boarders, and are likely to appear on a house notice board, near a public telephone and/or in a boarder’s handbook or planner. The Standard is met if the school/house provides the information clearly in an accessible form for boarders.

NMS 3  Boarders’ Health and Wellbeing

B435  This Standard covers the areas of medical and health care for boarders. There will be a variety of types of provision and so the individual standards need to be inspected in the context of the school – whether there is a fully equipped medical centre staffed by qualified nurses round the clock, or a non-resident matron with no nursing qualifications.

B436  The inspection of this Standard provides evidence towards the judgement on The quality of boarding provision and care for an integrated inspection and Boarding provision and care for an intermediate inspection.

3.1  The school has and implements appropriate policies for the care of boarders who are unwell and ensures that the physical and mental health, and emotional wellbeing of boarders is promoted. These include first aid, care of those with chronic conditions and disabilities, dealing with medical emergencies and the use of household remedies.

B437  The school should have policies covering general health care, first aid, and storage and administration of both prescribed and non-prescription medication. These procedures should include the identification and treatment of boarders with specific chronic medical conditions such as asthma, diabetes, epilepsy and allergies, and provide boarding and other staff with clear treatment responses. Requirements for a satisfactory first-aid policy, including appropriate training, are outlined in paragraph 166 above. It should be clear from school documentation what the arrangements are for overnight care of boarders who are ill, particularly at weekends, and whether this takes place in a central medical centre or in suitable accommodation in boarding houses.
Evidence for effective implementation comes from inspection of the medical or surgery areas of the house or medical centre, interviews with staff responsible for health care, and interviews with boarders about their experiences when ill.

Records should be inspected and, as a minimum, should involve medical history/consent forms for boarders (for medical/dental/optical treatment, first aid, and emergency hospital treatment), a list of boarders who self-medicate (together with appropriate assessment and control measures); a daily surgery ‘log’ and individual boarders’ records of treatment/medication issued.

If boarding house staff are authorised to administer medication such as paracetamol, care should be taken to ensure that such distribution is carefully logged in the house, and appropriate communication takes place with the medical centre (if it exists) to monitor and co-ordinate such treatment.

Although not explicitly stated in this Standard, it is recommended that a school’s health care policy should mention aspects of health education in areas like smoking, alcohol, drug misuse and sex education, as appropriate to boarders’ ages. Such issues may well be covered through a personal, social and health education (PSHE) programme.

In the context of the new standard concerning promoting the emotional wellbeing of boarders, “wellbeing” means wellbeing within the meaning of section 10(2) of the Children Act 2004. This is the same definition used in Part 8 of the Independent School Standards. See paragraph 345 above.

When considering their provision for the physical and mental health and emotional wellbeing of boarders, schools may wish to be aware of the most recent DfE advice and information which dovetails with WT and the SEND Code 2015. These are non-statutory documents meaning that schools are not required to have regard to them:

- Mental health and behaviour in schools (March 2015)
- Counselling in schools: a blue print for the future (March 2015)
- Reasonable adjustments for disabled pupils 2015
- Supporting pupils at school with medical conditions (September 2014)

Suitable accommodation, including toilet and washing facilities, is provided in order to cater for the needs of boarding pupils who are sick or injured. The accommodation is adequately staffed by appropriately qualified personnel, adequately separated from other boarders and provides separate accommodation for male and female boarders where this is necessary.

Regardless of whether the school has a central medical centre or sick bay (which should be separately inspected), inspectors should ascertain any arrangements whereby boarders who are unwell are kept in bed in the boarding house. Such arrangements should allow for patients to be looked after by a competent person, to summon help or assistance when needed and, if necessary for infection control, to have access to dedicated bathroom facilities. There need to be satisfactory arrangements for the overnight care of ill pupils kept in the house. Schools with separate medical centres should provide such facilities as a matter of course. If a medical centre is only open during weekdays, the school should be able to demonstrate that the arrangements in place provide an appropriate level of care to look after any ill boarders staying in school over the weekend.

In addition to any provision on site, boarders have access to local medical, dental, optometric and other specialist services or provision as necessary.
The school should confirm that boarders have ready access to nearby specialist medical, dental and optical services. Many schools have specific arrangements with a local surgery for prompt attention by a doctor, irrespective of whether a school doctor attends the school to carry out routine surgeries. It is no longer a requirement to provide access to both male and female doctors, although this is recommended. The previous Standards required that boarders be able to choose whether or not to be accompanied by staff when visiting a doctor's or dentist's surgery. This is recommended where boarders are competent to make such decisions for themselves.

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<th>The school should confirm that boarders have ready access to nearby specialist medical, dental and optical services. Many schools have specific arrangements with a local surgery for prompt attention by a doctor, irrespective of whether a school doctor attends the school to carry out routine surgeries. It is no longer a requirement to provide access to both male and female doctors, although this is recommended. The previous Standards required that boarders be able to choose whether or not to be accompanied by staff when visiting a doctor's or dentist's surgery. This is recommended where boarders are competent to make such decisions for themselves.</th>
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3.4 All medication is safely and securely stored and proper records are kept of its administration. Prescribed medicines are given only to the boarder to whom they are prescribed. Boarders allowed to self-medicate are assessed as sufficiently responsible to do so.

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<th>B446</th>
<th>This should be checked as part of the inspection of the medical centre and boarding house medical provision. The school should have a protocol for assessing boarders’ competence to self-medicate, and have satisfactory arrangements for them to store the medication safely. Prescribed medication (such as antibiotics) should not be used to maintain a bulk supply but should only be kept for the sole use of the relevant boarder.</th>
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<th>B447</th>
<th>Gillick competence is used in medical law to decide whether a child (16 years or younger) is able to consent to his or her own medical treatment, without the need for parental permission or knowledge. A child is Gillick competent if he or she has 'sufficient understanding and intelligence to understand fully what is proposed'. Schools should be able to demonstrate that any decisions about whether a child is ‘Gillick competent’ have been made thoughtfully and recorded. Many schools will include an appropriate confidentiality statement on the medical consent form signed by parents. This Standard also includes the need for boarders to be granted appropriate privacy and dignity in matters like talking to staff about medical matters or undressing for medical examinations.</th>
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3.5 The confidentiality and rights of boarders as patients are appropriately respected. This includes the right of a boarder deemed to be ‘Gillick Competent’ to give or withhold consent for his/her own treatment.

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<thead>
<tr>
<th>B448</th>
<th>Respecting confidentiality rights “appropriately” does not mean always maintaining complete confidentiality at the behest of a Gillick competent child. It will not be appropriate to maintain confidentiality when there are reasonable grounds to believe that a child is or might be at risk of significant harm, such as abuse or neglect. The referral route for concerns, to access advice for the school and support for the child, would be to the local authority children’s social services and/or the police, in line with local procedures. Schools should refer to Information Sharing, Advice for practitioners providing safeguarding services to children, young people, parents and carers (March 2015) and What to do if you’re worried a child is being abused, Advice for practitioners (March 2015) for further advice.</th>
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<tr>
<th>NMS 4</th>
<th>Contact with Parents/Carers</th>
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Boarders can contact their parents/carers and families in private and schools facilitate this where necessary. This does not prevent schools from operating proportionate systems to monitor and control the use of electronic communications in order to detect abuse, bullying or unsafe practice by boarders.

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<tr>
<th>B449</th>
<th>The inspection of this Standard provides evidence towards the judgement on The quality of boarding provision and care for an integrated inspection and Boarding provision and care for an intermediate inspection.</th>
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<tr>
<th>B450</th>
<th>There is no longer a specific requirement to provide a landline telephone, although schools usually do so as an additional means for boarders to contact home in case alternative methods of</th>
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</table>
contact are not available. Such provision should be accessible at reasonable times by boarders and provide appropriate privacy. If such facilities are not provided, schools/houses should demonstrate that reasonable arrangements are in place for boarders to contact parents. Many boarders may have personal mobile phones for this purpose, and their use should be permitted for a reasonably large part of a boarder’s free time. It is reasonable, particularly for younger boarders, for a school to limit their use in the evening, and even to collect and keep them securely overnight. Due flexibility should be granted to overseas boarders whose home is several time zones distant. Schools may also permit boarders to contact home by email or through the internet. Schools should have a suitable policy on preventing misuse of electronic communication systems and countering cyber-bullying under Standard 12.

B451 This Standard covers the provision and quality of the boarding accommodation, not only within boarding houses but also in any other lodgings or accommodation arranged by the school.

B452 The inspection of this Standard provides evidence towards the judgement on *The quality of boarding provision and care* for an integrated inspection and *Boarding provision and care* for an intermediate inspection.

B453 A school should be asked to justify any provision of accommodation in houses that is significantly poorer than other houses. The standard of accommodation across boarding houses should thus be of a broadly similar standard, as appropriate to boarders’ age and other needs. This Standard does not prevent a school carrying out a rolling programme of repairs and improvements to accommodation over a number of years. Where it is not practical to provide accommodation of a broadly similar standard throughout the school, for example, because of physical constraints or planning restrictions, all accommodation must nevertheless at least be compliant with this Standard.

5.1 Suitable sleeping accommodation is provided for boarders. It is well organised and managed with risk assessments undertaken and findings acted upon to reduce risk for all boarders. Where pupils are aged 8 years or over, sleeping accommodation for boys is separate from sleeping accommodation for girls.

B454 The current regulations for school premises no longer set out specific numerical standards to be met, so issues such as overcrowding in dormitories should be a matter for professional judgement, taking into account the ages, gender and needs of the boarders accommodated. The boarders’ own views of the suitability of their accommodation should, therefore, be given due weight. As a rough (non-statutory) guide, the old regulations set the following requirements:

- if the school has both boy and girl boarders, the sleeping accommodation must be such that that no pupil aged eight or above sleeps in the same room as a pupil of the opposite sex;
- the floor area of a dormitory must be no less than 1.6 sq m plus 4.2 sq m for each boarder, and the distance between any two beds must not be less than 0.9 m;
- a cubicle for a single pupil must have its own window and a floor area of no less than 5.0 sq m;
- a bedroom for a single pupil must have a floor area not less than 6.0 sq m.

5.2 Suitable living accommodation is provided for boarders for the purposes of organised and private study outside school hours and for social purposes.

B455 It is acceptable for younger boarders to do their homework in a nearby classroom or other communal space, but questions should be asked to ascertain where they might be able to work
quietly outside the designated 'prep' time if they so wished. Older boarders are likely to have their own desk space in a study or bed-sit. Similarly, they can be asked about any alternative venue for private study at other times. Most schools make internet access available to boarders during the evenings, but this is not a specific requirement. Provision of common rooms and games rooms should be sufficient to cater for the number and ages of boarders in the house.

| 5.3 | Suitable toilet and washing facilities are provided for boarders, which are reasonably accessible from the sleeping accommodation. Separate toilet facilities are provided for boys and girls unless each toilet facility is provided in a separate room intended for use by one pupil at a time, the door to which is capable of being secured from inside. Toilet and washing facilities provide appropriate privacy for boarders. |

B456 It is reasonable to request that a school provide a summary of the numbers of each type of bathroom item by house, so that any significant under-provision of WCs/urinals, baths/showers and washbasins can be identified. The requirements of the original Standards for hand washing provision (hot water, soap and drying facilities) adjacent to every WC or urinal should be considered as a requirement for basic hygiene. WCs should be distributed around the house to provide reasonable access by day and night. As a general (non-statutory) guide, the old school premises regulations and the original Standards required the following:

- 1 WC for every 5 boarders (urinals for boys may be provided for up to two-thirds of the required number of WCs);
- at least 1 wash basin for:
  - every three of the first 60 boarders
  - every 4 of the next 40 boarders
  - every further 5 boarders
- at least 1 bath or shower for every 10 boarders (the majority being showers).

B457 Although these ratios are no longer requirements, if provision is below the calculated number then appropriate investigation should ensure that boarders are happy with what is in place, and the school should be able to give good reason for the facilities provided.

| 5.4 | Boarding houses and other accommodation provided for boarders is appropriately lit, heated and ventilated, cleaned and maintained, and reasonable adjustments are made to provide adequate accessible accommodation for any boarders with restricted mobility |

B458 This has to be established by observation and professional judgement, and following up any complaints boarders might have about the accommodation provided in the house.

| 5.5 | Accommodation is suitably furnished and of sufficient size for the number, needs and ages of boarders accommodated, with appropriate protection and separation between genders, age groups and accommodation for adults. Bedding is clean and suitable, and is sufficiently warm. |

B459 See above for the application of space standards and potential over-crowding. Resident staff should not have to share boarders’ kitchen and bathroom facilities. Separation by gender of sleeping and bathroom areas should be complete, while that between different ages is largely achieved by the natural staggering of access to showers: for example, by different bedtimes. Accommodation in dormitories of widely differing ages is undesirable because of the difficulty of achieving different 'lights out' times and resultant perceived inequality by boarders. The original Standards indicated that double bunks should only exceptionally be used for boarders above Year
8. If so used, they should not be a source of overcrowding, and boarders should be satisfied with their use.

| 5.6 | Boarders can personalise an area of their accommodation with suitable posters and personal items if they wish. |

B460 This could either be around boarders’ sleeping space or their daytime work space, if they have a dedicated desk.

| 5.7 | Boarding accommodation is reserved for the use of those children designated to use it, and is protected from access by unauthorised persons. Any use of school facilities by individuals or groups does not allow members of the public (including members of organised groups using school facilities) substantial and unsupervised access to pupils, or to boarding accommodation while occupied by pupils. |

B461 This should be raised during interviews with boarding staff, and will involve discussion about visiting arrangements for boarders of both genders from other houses, as well as visitors from outside the school. It is no longer appropriate for visiting teams to change in boarders’ dormitories. If school-age visiting teams use school or house changing accommodation, then the school should provide convincing evidence of adequate security and supervision. The school should also be able to provide appropriate risk assessments with effective implementation to manage the use of facilities such as sports halls, gyms, swimming pools and theatres by outside persons at times when boarders are present on the school site.

| 5.8 | Any use of surveillance equipment (e.g. CCTV cameras) or patrolling of school buildings or grounds for security purposes does not intrude unreasonably on children's privacy. |

B462 Use of other school facilities by outside visitors is largely addressed under Standards 6.1 and 14.4.

B463 Any such arrangements should be discussed with the school. When it is used by the school, closed circuit television (CCTV) surveillance should cover the external doors to buildings and not the rooms and corridors used by boarders. The school should be able to justify the use of surveillance equipment and explain how the captured information is monitored, stored and disposed of. If the school employs the services of its own or contracted security personnel, similar questions should be asked about procedures and routines. External security staff should undergo appropriate vetting and background checks, particularly if they are patrolling the campus before boarders go to bed.
The inspection of this Standard provides evidence towards the judgement on *The quality of boarding provision and care* for an integrated inspection and *Arrangements for welfare and safeguarding* for an intermediate inspection.

The school ensures compliance with relevant health and safety laws by drawing up and effectively implementing a written health and safety policy.

The school premises, 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.

Again, refer to guidance under Welfare, Health and Safety, and judgements made under NMS 5.

The school ensures that 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 appropriate action is taken to reduce risks that are identified.

The inspection of this Standard provides evidence towards the judgement on *The quality of boarding provision and care* for an integrated inspection and *Arrangements for welfare and safeguarding* for an intermediate inspection.

The school complies with the Regulatory Reform (Fire Safety) Order 2005.

The same requirements apply as for day schools under the ISSRs, Part 3, paragraph 13. Further information is included from paragraph 159 onwards.

In addition, fire drills are regularly (at least once per term) carried out in ‘boarding time’.

‘Boarding time’ refers to any time outside the normal school day, after lessons and formal activity periods cease. Fire drills should be appropriately logged, and such records inspected for the frequency and timing of fire drills. Houses should include occasional drills during the time when (most) boarders are asleep. Boarders could be asked about the procedure, and staff asked about the arrangements for weekly and flexi-boarders, or pupils who arrive mid-term.

This Standard covers the provision and quality of food for boarders, whether centrally organised or house-based.
B471 The inspection of this Standard provides evidence towards the judgement on *The quality of boarding provision and care* for an integrated inspection and *Boarding provision and care* for an intermediate inspection.

8.1 All boarders, including those with special dietary, medical or religious needs, are provided with meals which are adequate in nutrition, quantity, quality, choice and variety.

B472 The requirement for NMS 8.1 may involve a combination of central feeding as well as house-based catering arrangements. It would be expected that the range, choice and variety of food may be greater within a central cafeteria-style provision, but there should be a similar quality and an appropriate element of choice within house-based catering arrangements, as well as provision for vegetarian and other specialist diets. A sample menu for a week should provide evidence for a variety of meals.

B473 There should be no reduction in the quality and variety of food at weekends, when only a small proportion of boarders may be present, and no significant variation in quality of food prepared and served in different houses.

8.2 Suitable accommodation is provided for the hygienic preparation, serving and consumption of boarders’ main meals. This may be situated in the main school provided it is adjacent to or reasonably accessible from the boarding accommodation.

B474 Inspectors are not food hygiene experts, but the kitchens should be seen and a professional judgement made on hygiene arrangements. For example, attention should be given to the cleanliness of crockery, cutlery and tables, hand washing and drying arrangements and the separation of cooked and uncooked foods. It is hard to prescribe what ‘reasonably accessible’ from boarding accommodation means in practice. Many boarding schools have a combination of centrally-located and more distant houses. However the distance between any central dining area and the furthermost boarding house should not be so great as to discourage a significant number of boarders from attending meals.

8.3 In addition to main meals, boarders have access to drinking water and to food or the means of hygienically preparing food at reasonable times. Schools are sensitive to boarders’ individual needs in this respect.

8.4 Pupils with disabilities are provided with appropriate assistance to eat, in a manner which promotes dignity and choice.

B475 Adequate drinking fountains or other sources of drinking water should be available around school and in the houses. There is no longer a requirement that boarders should be able to prepare their own snacks, where the school provides food ready for consumption. It would be acceptable in a preparatory school for house staff to prepare hot drinks and snacks for younger boarders. It would be reasonable to expect access to a mid-morning snack, afternoon tea and a pre-bedtime snack. Most senior schools provide a snack food ‘ration’ such as bread and fruit, but older boarders probably provide their own snack food. If refrigerators are provided in kitchenettes, they should be inspected for cleanliness, hygiene and temperature.
<table>
<thead>
<tr>
<th>NMS 9</th>
<th>Boarders’ Possessions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B476</strong></td>
<td>This Standard covers boarders’ laundry arrangements, the storage of their belongings, and their access to necessary personal items.</td>
</tr>
<tr>
<td><strong>B477</strong></td>
<td>The inspection of this Standard provides evidence towards the judgement on <em>The quality of boarding provision and care</em> for an integrated inspection and <em>Boarding provision and care</em> for an intermediate inspection.</td>
</tr>
<tr>
<td><strong>9.1</strong></td>
<td>Adequate laundry provision is made for boarders’ clothing and bedding. Boarders’ clothing is satisfactorily stored and issued to the right boarder following laundering.</td>
</tr>
<tr>
<td><strong>B478</strong></td>
<td>There is no requirement for schools to operate their own laundry service, but the great majority do so. If the laundry is arranged by the school, enquiries should be made to find out how boarders can wash personal items themselves, especially in case of an ‘accident’, and how domestic staff in houses deal with the bedding and clothing of any bedwetters.</td>
</tr>
<tr>
<td><strong>B479</strong></td>
<td>If boarders are expected to do their own washing, there should be sufficient facilities for washing and drying, especially at peak times, such as after sport or physical education.</td>
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<tr>
<td><strong>9.2</strong></td>
<td>Boarders are able to obtain necessary personal and stationery items while accommodated at school.</td>
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<tr>
<td><strong>B480</strong></td>
<td>Younger boarders are likely to obtain such items directly from the matron or other boarding staff or from a school shop, rather than having the freedom to visit any local shops to purchase things themselves. Older boarders are likely to have access to any nearby shopping facilities, subject to any appropriate safeguards and permission. Weekly boarders obviously have access to necessary supplies when they return home, but there should be arrangements for them to access emergency items during the week.</td>
</tr>
<tr>
<td><strong>9.3</strong></td>
<td>Reasonable protection is provided for boarders’ personal possessions and for any boarders’ money or valuables looked after by the school.</td>
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<tr>
<td><strong>9.4</strong></td>
<td>Any search of boarders’ personal belongings should be carried out in accordance with section 550ZA of the Education Act 1996 and with regard to any guidance issued by the Secretary of State.</td>
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<tr>
<td><strong>B481</strong></td>
<td>The Standard does not specify the provision by the school of a lockable cupboard, drawer or safe but, in the absence of this, the school should be asked to explain what is provided for secure storage. The great majority of schools provide such a facility. It is reasonable for schools to expect boarders to provide their own padlocks. Boarders may have their own lockable tuck boxes but this should be in addition to provision made by the school.</td>
</tr>
<tr>
<td><strong>B482</strong></td>
<td>Other valuables such as money or passports should be securely stored by boarding staff if necessary, and appropriate records kept.</td>
</tr>
<tr>
<td><strong>B483</strong></td>
<td>The relevant advice on searching referred to in NMS 9.4 is <em>Searching, screening and confiscation: Advice for headteachers, school staff and governing bodies</em>.</td>
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<tr>
<th>NMS 10</th>
<th>Activities and Free Time</th>
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<tbody>
<tr>
<td><strong>B484</strong></td>
<td>This Standard covers the organisation and availability of boarders’ free time, including school-based activities programmes.</td>
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</table>
The National Minimum Standards for Boarding Schools

B485 The inspection of this Standard provides evidence towards the judgement on *The quality of boarding provision and care* for an integrated inspection and *Boarding provision and care* for an intermediate inspection.

| 10.1 | There is an appropriate range and choice of activities for boarders outside teaching time, including sufficient and suitably timed free time each day. Suitable risk assessments are in place for any activities which may put boarders at risk of harm. |

B486 Boarders have access to the full range of clubs and activities within any after-school extra-curricular programme arranged by the school. Boarders are also likely to benefit from different inter-house events and competitions. Enquiries should be made to find out what school facilities (such as sporting, musical or art) are available to boarders in the evenings and at weekends. Many schools organise a Saturday morning activity period, if no lessons take place. Younger boarders, in particular, are likely to be offered regular or occasional off-site trips or visits at weekends. A balance needs to be struck between providing structured activities and allowing opportunities for boarders to entertain themselves and relax.

| 10.2 | Boarders have access to a range and choice of safe recreational areas, both indoors and outdoors, and there are safe areas at school where boarders can be alone if they wish. |

B487 See above under 10.1. Boarders should be asked whereabouts in the house or school they could go to be alone and how easily accessible such areas are.

| 10.3 | Schools where there are unusual or especially onerous demands on boarders ensure that these are appropriate to the boarders concerned and do not unacceptably affect boarders’ welfare. |

B488 This is likely to be relevant only in schools of a specialist nature where boarders are expected to undertake demanding performance, musical or choral programmes, in addition to their normal school day. The school should be able to demonstrate, especially for preparatory age children, that appropriate systems and people are able to monitor and support such boarders, and help them if necessary to resolve any conflicts and multiple demands made of them. Such boarders should be included among the interview groups.

| 10.4 | Boarders have access to information about events in the world outside the school, and access to local facilities which is appropriate to their age. |

B489 Modern boarders are likely to reveal that they are very much in touch with the ‘outside world’ through visits home and trips/outings arranged by school. PSHE and general studies courses may involve an element of current affairs, reinforced by outside speakers, involvement in community service and charitable fund-raising. Boarders are likely to have access to television and newspapers in houses. If local shopping facilities are available nearby, appropriate arrangements are likely to be made for boarders to visit these at certain times of the day and week. Supervision arrangements for boarders’ use of any local facilities outside school should be appropriate to the age of the boarders involved, and the facilities used should be of a suitable type without unreasonable risks to boarders.
NMS 11 | Child Protection

The school ensures that:
• arrangements are made to safeguard and promote the welfare of pupils at the school; and
• such arrangements have regard to any guidance issued by the Secretary of State.

B490 The inspection of this Standard provides evidence towards the judgement on The effectiveness of arrangements for welfare and safeguarding for an integrated inspection and Arrangements for welfare and safeguarding for an intermediate inspection.

B491 This requirement refers to the guidance in Keeping Children Safe in Education. Guidance on the drawing up of a compliant policy and its effective implementation is given from paragraph 71 onwards.

B492 Boarding schools are recommended to make reference to arrangements for alternative accommodation away from children in cases where a member of boarding staff is suspended pending an investigation of a child protection nature.

B493 KCSIE notes that children can be particularly vulnerable in residential settings and that schools should be alert to pupil relationships and the potential for peer abuse particularly in schools with a significant gender imbalance. In tailoring policies to the nature of the school, schools should make appropriate provision for responding to these issues.

NMS 12 | Promoting Positive Behaviour and Relationships

B494 This Standard covers the school’s pastoral arrangements and their implementation for promoting good behaviour and relationships, and for dealing with disciplinary issues.

B495 The inspection of this Standard provides evidence towards the judgement on Outcomes for boarders and The effectiveness of arrangements for welfare and safeguarding for an integrated inspection and Arrangements for welfare and safeguarding for an intermediate inspection.

12.1 The school has and consistently implements a written policy to promote good behaviour amongst pupils. This policy includes:
• measures to combat bullying and to promote positive behaviour;
• school rules;
• disciplinary sanctions;
• when restraint, including reasonable force, is to be used and how this will be recorded and managed; and
• arrangements for searching pupils and their possessions.

B496 The policy required within this Standard may be set out as a series of separate policy documents, or be contained within other policies. However, there must be identifiable statements covering each of the items required. This Handbook sets out the necessary content for an effective anti-bullying (from paragraph 76 onwards) and behaviour/discipline policy (paragraph 137 onwards). It should be self-evident that, for consistent and effective implementation, the procedures should be known to staff and understood by boarders.

B497 Other evidence for implementation comes from a judgement of the behaviour exhibited by boarders and the quality of their relationships, with each other and with staff.

B498 The original Standards provided sound guidance on the suitability of sanctions. No unacceptable, excessive or idiosyncratic punishments should be used by boarders or staff, including any punishment intended to cause pain, anxiety or humiliation, corporal punishment,
The National Minimum Standards for Boarding Schools

deprivation of access to food or drink, enforced eating or drinking, prevention of contact by telephone or letter with parents or any appropriate independent listener or helpline, requirement to wear distinctive clothing as a punishment (or night-clothes by day as a punishment), use or withholding of medical, optical or dental treatment, deprivation of sleep, fines exceeding two-thirds of the boarder’s available pocket money provision, or locking in a room or area of a building.

B499 In the NMS, “restraint” means using force or restricting liberty of movement. The policy on restraint should provide guidance to staff on how it is to be used to prevent a pupil committing an offence, injuring him/herself or other pupils, or destroying property. Any such instances should be recorded. The relevant guidance is: Use of reasonable force: Advice for headteachers, staff and governing bodies.

B500 In their policy on searching pupils, schools should balance the right of boarders to privacy with the need for the school to search a boarder or his/her possessions with consent, when there is a strong reason to do so. See Searching, screening and confiscation: Advice for headteachers, school staff and governing bodies.

B501 NMS Appendix 2 requires that records of major sanctions are kept, probably centrally, together with those for day pupils. It is reasonable, in addition, to expect that boarding houses also keep records of sanctions, especially those given by prefects, in order to facilitate monitoring and the identification of significant patterns and trends. Significant variations between houses in discipline and the use of sanctions should be formally authorised by the school.

12.2 The policy complies with relevant legislation and guidance and is understood by staff and pupils.

B502 Earlier sections of this Handbook refer to current government guidance for some of the above areas – Behaviour and discipline in schools (2014) and Preventing and tackling bullying (2014).

NMS 13 Management and Development of Boarding

B503 This Standard covers the way boarding across the school and within individual houses is organised, managed and developed.

B504 The inspection of this Standard provides evidence towards the judgement on The effectiveness of the leadership and management of the boarding provision for an integrated inspection and Leadership and management of the boarding provision for an intermediate inspection.

13.1 The school’s governing body and/or proprietor monitors the effectiveness of the leadership, management and delivery of the boarding and welfare provision in the school, and takes appropriate action where necessary.

13.2 There is clear management and leadership of the practice and development of boarding in the school, and effective links are made between academic and residential staff.

B505 Governors, the head and the senior leaders of the school should provide clear support for the boarding experience. There is no requirement for the post of head of boarding, but there should be clear line management of housemasters/mistresses and, in a school with several boarding houses, an identified person should be in a position to liaise with different staff and evaluate quality and monitor consistency of practice between houses.

B506 Links between a boarder’s academic and pastoral lives may be achieved through a house tutor system and/or regular communication between teachers and non-teaching pastoral staff.
| 13.3 | The school’s leadership and management demonstrate good skills and knowledge appropriate to their role. |
| 13.4 | The school’s leadership and management consistently fulfill their responsibilities effectively so that the standards are met. |
| 13.5 | The school’s leadership and management and governance actively promote the wellbeing of pupils. |
| 13.6 | Senior boarding staff have an adequate level of experience and/or training. |

B507 As each school will have different arrangements, inspectors will need to determine who is directly caring for boarders and who is in charge. It would be reasonable to interpret ‘senior boarding staff’ as the housemasters/mistresses who have primary responsibility for an identifiable group of boarders or house unit. There are clear links here with Standards 15.1 and 15.3, and a relationship to the induction process for new staff, who should have a senior manager or another experienced colleague as a ‘mentor’.

| 13.7 | The school follows and maintains the policies and documents described in Appendix 1. |
| 13.8 | The records specified in Appendix 2 are maintained and monitored by the school and action taken as appropriate. |
| 13.9 | The issues specified in Appendix 3 are monitored, and action is taken to improve outcomes for children as appropriate. |

B508 The school should ensure that the records specified are drawn up and kept efficiently, both as a central record (for example, in relation to child protection allegations) and/or by individual houses (for example, to note accidents or injuries). Some may be kept and maintained by specific people where appropriate (for example, a nursing sister or health and safety officer). It is reasonable to expect that clear arrangements for one or more nominated members of staff (for example, head of boarding or equivalent) should ensure that the records are kept efficiently and regularly monitored so that issues identified can be responded to.

B509 It should be noted that the issues listed in Appendix 3 are also to be monitored by a senior member of staff and, by implication, should be included under this Standard.

### Staff Recruitment and Checks on Other Adults

B510 This Standard covers the school’s arrangements to ensure safe staff recruitment, and includes all adults coming into contact with boarders.

B511 The inspection of this Standard provides evidence towards the judgement on The effectiveness of arrangements for welfare and safeguarding for an integrated inspection and Arrangements for welfare and safeguarding for an intermediate inspection.

| 14.1 | Schools operate safe recruitment and adopt recruitment procedures in line with the regulatory requirements and having regard to relevant guidance issued by the Secretary of State. |

B405 The requirements for this Standard involve both compliance with ISSRs Part 4, paragraphs 18 to 21 (as for day schools) and have regard to DfE Guidance *Keeping Children Safe in Education*. Full guidance on the process and the checks required is given earlier in this Handbook from paragraph 203 onwards.
B512 However it should be noted that, under Standard 20, where a school provides or arranges guardians or lodgings for its own pupils either directly or through an agent, it must be able to show that members of the host family aged over 16 have had satisfactory criminal record checks.

| 14.2 | For all persons over 16 (not on the roll of the school) who after April 2002 began to live on the same premises as boarders but are not employed by the school, an enhanced certificate with barred list. Information must be obtained from the Disclosure and Barring Service (DBS). |

B513 The original Standards included this requirement only for over 18s, so the arrangements from September 2011 extend the check to include children of staff living in boarding accommodation if the children attend another school, whether as boarders or day pupils. It is not acceptable to omit staff children at university on the grounds that they are away during term time – they would clearly have access to the family ‘home’ at any time. If such young people work in any capacity at the school, then they are classed as ‘staff’ and should come under Standard 14.1.

B514 There is no requirement to include such persons on the single central register (although schools may do so). It would be reasonable for the evidence of checks (and the document referred to in Standard 14.3) to be kept in a paper file.

B515 It is a matter of judgement how far this Standard should apply to the member of staff’s extended family. A grandparent staying in the accommodation as an infrequent and irregular babysitter, for example, would be treated as any other visitor, but one staying overnight every weekend during term-time would need a criminal records check. The Standard does not require this to be extended to staff families living in school accommodation elsewhere on campus, but schools should consider applying the same standards for such individuals if boarders come into regular unsupervised contact with them.

| 14.3 | There is a written agreement between the school and any person over 16 not employed by the school but living in the same premises as boarders (for example, members of staff households). This specifies the terms of their accommodation, guidance on contact with boarders, their responsibilities to supervise their visitors, and notice that accommodation may cease to be provided if there is evidence that they are unsuitable to have regular contact with children. They must be required to notify an unrelated designated senior member of staff if they are charged with, or convicted of, any offence. |

B516 The wording of this Standard should be sufficient for a school to draw up an appropriate document or letter for the family member to sign.

| 14.4 | All persons visiting boarding accommodation (e.g. visitors, outside delivery and maintenance personnel) are kept under sufficient staff supervision to prevent them gaining substantial unsupervised access to boarders or their accommodation. |

B517 Although not specifically required, most schools will probably have a ‘visitor policy’ to outline the approach taken to control all these situations. Discussions with house staff should establish the extent of supervision in place for such visitors, who should be authorised (and probably ‘badged’) on arrival. Careful consideration needs to be given to overnight visitors to staff accommodation adjacent to boarding houses, as it is unlikely that such visits could be considered supervised at all times. Many, but not all, schools require parents to sign in when visiting the boarding house. Discussions with staff should confirm the current position and expectations. Procedures in place should reasonably ensure that such ‘unchecked’ adults do not have significant unsupervised access to boarders or their accommodation. Parents who are asked to take on wider, “voluntary” activities with children will be subject to the requirements of KCSIE and
consideration should be given whether this constitutes regulated activity and that supervisory requirements are fully met.

**14.5** The school regularly monitors the suitability of any arrangements it makes for the appointment of guardians.

B518 There is no requirement for an educational guardian (as distinct from a legal guardian) to be appointed to look after the interests of overseas boarders, although many schools probably include it as a condition of entry to the school. The issue here is to establish who has made the guardianship arrangements. The use of a guardianship agency is, in a sense, irrelevant to this issue. Such an agency is either acting on behalf of the school or on behalf of the parent, and this should be made clear in the school’s written pre-arrival information. It would be acceptable for a school to supply a list of host families or guardianship agencies, providing it is made clear that the appointment is the responsibility of the parent, not the school. It would still be acceptable (and advisable) for the school to set out clearly the requirements for such appointments, to help ensure that overseas parents do not make unsuitable choices. Where the school has clearly not made or facilitated the arrangement of guardianship or host family accommodation, Standards 14.5 and 14.6 are not applicable.

B519 If a school is prepared to find a guardian for the overseas boarder (and some schools effectively run their own guardianship service), then it takes on the full welfare responsibility for the arrangements it makes, and Standard 20 also applies. A nominated member of staff should regularly monitor and evaluate these arrangements and should ensure that guardians/host families appointed are clear about the school’s expectations of them. They should be provided with an appropriate contact number within the school (probably the relevant housemaster/mistress).

**14.6** Any guardians appointed by the school are subject to the same recruitment checks as staff, and their care of pupils is monitored.

B520 If the school is responsible for the appointment of guardians under Standard 14.5 above, the school should ensure that all members of the host family over 16 undergo the same recruitment checks as staff under Standard 14.1. A member of staff should visit the host family periodically to ensure that the arrangements are working effectively, and regularly check that the boarder lodged there remains happy with the arrangements.

NMS 15 Staffing and Supervision

B521 This Standard covers the deployment and development of staff and other adults working with boarders, and the arrangements for effective supervision of boarders.

B522 The inspection of this Standard provides evidence towards the judgement on The effectiveness of arrangements for welfare and safeguarding and The effectiveness of the leadership and management of the boarding provision for an integrated inspection and Leadership and management of the boarding provision for an intermediate inspection.

**15.1** Any person employed or volunteering in a position working with boarders has a job description reflecting their duties, receives induction training in boarding when newly appointed, and receives regular reviews of their boarding practice, with opportunities for training and continual professional development in boarding.

B523 Job descriptions should contain sufficient detail to provide a clear statement of the main requirements and responsibilities of the job. Induction training may be carried out by a senior member of staff on a whole-school basis, but should also contain an element of house-specific information outlining the requirements of being on duty and the precise organisation and routines
in the house concerned. The induction process for a new housemaster/mistress may involve contact with a more experienced colleague acting as mentor. New members of the boarding team may shadow another colleague before being asked to undertake a solo duty night.

B524 Some boarding staff (for example, housemasters/mistresses and teaching house tutors) may be included in a formal whole-school appraisal process, but this should still contain an element of their boarding roles. Other staff should have a regular (at least annual) opportunity to discuss performance and development with a line manager. Even if the process is informal, some written record should be made of the issues arising and any training opportunities identified. ‘Gap’ assistants, probably only on the house team for a year, should have some informal review of progress early in their time at the school, probably in their first term.

B525 All members of the boarding team should have opportunities for training and on-going professional development, in addition to the safeguarding and first-aid training common to other members of staff. There is no requirement to undertake external training, although many schools take advantage of courses and conferences arranged by organisations such as the Boarding Schools’ Association, and bodies offering expertise in areas like eating disorders, counselling and adolescent mental health issues. Courses organised ‘in house’ for pastoral and boarding staff should be identified through the school’s training records.

15.2 Any role of spouses, partners and/or other adult members of staff households within boarding houses is made clear.

B526 If any adult members of housemaster/mistresses’ households have a role within the house or regular contact with (and implied responsibility for) boarders, whether paid or unpaid, this should be clarified and made known to the house staff team.

15.3 The staff supervising boarders outside teaching time are sufficient in number, training and experience for the age, number and needs of boarders, and the locations and activities involved.

B527 It is difficult to specify the number of staff needed in a particular situation. There is a world of difference between the supervision requirements for a group of 50 senior boarders quietly doing their homework in their own rooms, for example, and taking a group of 20 novice preparatory boarders to learn archery. Previous DfE guidance has advised staff:pupil ratios for organised trips away from the school site of one member of staff per 10 to 15 boarders aged 8 to 10, one member of staff per 15 to 20 boarders aged 11 and over, increased to one per 10 boarders for trips abroad or overnight stays. Schools would be expected to exceed these ratios if the safety and welfare of the pupils required it. Schools should be expected to carry out and record an assessment of risk factors when deciding on appropriate supervision numbers, in line with health and safety procedures.

15.4 Boarders are at all times under the responsibility of an identified member of staff who is suitably qualified and experienced.

B528 The principle that held in the original Standards is probably still good guideline – namely that there should be a minimum of one competent adult responsible for each identifiable group of boarders, with the means to call for back-up help as required. School-leaver ‘gap’ assistants should not be left in sole charge of boarders, on grounds of age and experience. Boarders should be able to state who is responsible for them in any given situation or day. It might be deemed appropriate for reliable sixth formers to work in the house in their own rooms during a free period, without an adult permanently in the building, providing that they are deemed reliable and are able to contact a responsible adult quickly in an emergency. Schools may wish to allocate a prefect to be ‘in charge’ of the house for short periods of time when staff may be occupied with sporting activities or similar. Standard 15 does not require an adult to be present in a house at all times but
the onus is on the school to demonstrate that such a situation is reasonable and that all possible steps have been taken to ensure the health, safety and welfare of the boarders present. A specific member of staff should, nevertheless, have overall responsibility for the house during such periods. Assessment of the risks involved should take into account the frequency and duration of such situations, the number and ages of the boarders, the reliability of the prefect(s), the proximity of the nearest adults and the ease of communication with staff.

15.5 Staff know the whereabouts of boarders (or know how to find their whereabouts) in their charge at all times.

B529 Many schools record mobile phone numbers for boarders and ensure that they have the appropriate contact number for the member of staff on duty. Boarding houses should have a clear policy for signing out when leaving the house or school campus and signing in on return. Boarders should confirm that the same arrangements apply in practice. Signing-out records should be regularly monitored by members of staff. Houses should be able to demonstrate the records or house lists used in the event of a fire drill, by day or night. Boarding houses will also rely on a series of roll calls or ‘signing in’ during the day and in the evening.

15.6 Staff working within the school know and implement the school’s policy in relation to children going missing and their role in implementing that policy. Staff actively search for children who are missing, including working with police where appropriate.

B530 The school’s policy for identifying and finding boarders who are missing should set out reasonable and effective steps to be followed by staff. It should, for example, distinguish between boarders who are absent from a day-time roll call, and those missing at night, or who fail to return from ‘leave out’ at the appointed time.

15.7 There is at least one adult member of staff sleeping in each boarding house at night, responsible for the boarders in the house.

B531 This Standard is self-evident. It would not be appropriate for a school-leaver gap assistant to be in sole overnight charge of boarders. Where a house comprises more than one building, sleeping-in cover from one of its constituent buildings can cover more than one building only if the buildings are immediately adjacent, the responsible staff member is easily contactable by boarders at night, staff supervision is fully satisfactory in practice, and the boarders are at the upper age level in a senior school – normally sixth formers.

15.8 Boarders have a satisfactory means of contacting a member of staff in each house at night.

B532 Again, this is self-evident. The youngest boarders should be readily able to identify the means of contacting the relevant resident member of staff at night.

15.9 Suitable accommodation (consisting of accommodation in which meals may be taken, living accommodation and sleeping accommodation) and suitable toilet and washing facilities are provided for residential staff. This accommodation is appropriately separated from the accommodation and facilities provided for boarding pupils.

B533 It is not expected that inspectors will physically inspect and assess private staff accommodation, but it should be covered during interviews or conversations with resident staff. The intention of this Standard is to ensure that resident staff have appropriate accommodation that is separate from that provided for or used by boarders. All resident staff, including gap assistants, should have separate and exclusive bathroom facilities from boarders. It is unclear whether its
intention is that all such staff should be provided with private dining facilities, so this requirement should be interpreted flexibly, as some staff in boarding houses may only be provided with meals in the school or house central dining room.

15.10 Any boarder access to staff accommodation is properly supervised and does not involve inappropriate favouritism or inappropriate one-to-one contacts between staff and boarders.

B534 This Standard is intended to safeguard both boarders and staff. Many houses provide a staff study or duty room as a ‘buffer zone’ between the private staff accommodation and the house itself. Staff guidance manuals should make clear any protocols on entertaining boarders and their access to staff accommodation. Entertaining a group of boarders with the housemaster/mistresses’s family in their kitchen is likely to be perfectly appropriate; a house tutor in his private accommodation carrying out a tutorial with a single boarder late in the evening would probably not be.

NMS 16 Equal Opportunities

16.1 Boarders are not discriminated against, paying particular regard to the protected characteristics set out in the Equality Act 2010 or of their cultural background, linguistic background, special educational need, sexual orientation, gender reassignment or academic or sporting ability. These factors are taken into account in the care of boarders, so that care is sensitive to different needs.

B535 The inspection of this Standard provides evidence towards the judgement on *Outcomes for boarders* for an integrated inspection and *Leadership and management of the boarding provision* for an intermediate inspection.

B536 Evidence for this Standard is evaluated in common with the provisions made by the school and the outcomes for all pupils, day and boarding. Boarding houses may include statements of intent in their house documentation, and it is likely that it will be mentioned in the statement of boarding principles (Standard 1). Interviews with boarders and perhaps also with ‘minority groups’ such as overseas boarders and those receiving learning support should reveal the way the house and/or school embraces diversity and exhibits tolerance.

B537 Schools are also required to comply with the Equality Act – see from paragraph 189, although the specific requirement for a three-year accessibility plan is not included within this Standard.

NMS 17 Securing Boarders’ Views

17.1 Boarders are actively encouraged to contribute views to the operation of boarding provision, are able to raise concerns and make complaints, and their views are given appropriate weight in decisions about the running of the school. Boarders are not penalised for raising a concern or making a complaint in good faith.

B538 The inspection of this Standard provides evidence towards the judgement on *Outcomes for boarders* for an integrated inspection and *Leadership and management of the boarding provision* for an intermediate inspection.

B539 Whatever methods are used, boarders need to feel that the school is genuinely interested in involving them in decision-making and finding out their views of the house and school. Questionnaire evidence may also indicate boarders’ views on this area. Schools use a variety of methods to facilitate the ‘pupil voice’ and these may include house and school councils, food committees, year group consultations, house meetings, suggestion boxes, questionnaires and
surveys, entry and exit interviews and so on. If a formal house or school council is in place, it would be reasonable to expect that some sort of written summary of the outcomes of discussion is published and communicated to boarders.

B540 The pupils’ complaints policy may well be written more as a means of providing support and resolving problems or worries (see Standard 2.2). This Standard does not specifically require a formal complaints policy for boarders, but they should be certain how they might make a formal complaint, and this process should be verified by staff.

<table>
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<tr>
<th>NMS 18</th>
<th>Complaints</th>
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<tr>
<td>18.1</td>
<td>The school has, and follows, an appropriate policy on recording and responding to complaints that is compliant with the relevant regulatory standards.</td>
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<tr>
<td>18.2</td>
<td>The school’s written record of complaints identifies those complaints relating to boarding provision, and action taken by the school as a result of those complaints (regardless of whether they are upheld).</td>
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B541 The inspection of this Standard provides evidence towards the judgement on The quality of boarding provision and care and The effectiveness of the leadership and management of the boarding provision for an integrated inspection and Leadership and management of the boarding provision for an intermediate inspection.

B542 The same provisions apply as for day schools under ISSRs Part 7, paragraph 33.

B543 Note that this Standard is intended as a complaints procedure for parents. It is no longer a requirement under this Standard for schools to have a separate complaints policy for boarders – this is likely to provide evidence for compliance under Standards 2 and/or 17. Some schools try to make the formal policy under ISSRs Part 7 applicable to boarders as well as parents, but it is not usually an appropriate procedure for children and young people.

<table>
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<tr>
<th>NMS 19</th>
<th>Prefects</th>
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<tr>
<td>19.1</td>
<td>Any prefect system (or equivalent) gives prefects (or equivalent) appropriate specific duties and responsibilities that are appropriate for them, with adequate staff supervision, training and measures to counter possible abuses of the role.</td>
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</table>

B544 The inspection of this Standard provides evidence towards the judgement on Outcomes for boarders for an integrated inspection and Leadership and management of the boarding provision for an intermediate inspection.

B545 This Standard requires loose interpretation of the term ‘prefect’. Some preparatory schools use the term for children who have little responsibility other than officiating at formal occasions. Others use dormitory captains and lunch queue monitors and the like, who do have a specific role. Senior schools frequently have a school prefect system (or equivalent) and boarding houses often operate a similar system of house prefects, sometimes using the entire top year to fulfil this role. Where school and house prefects are used, both should be evaluated, since boarders come into contact with them all.

B546 Prefects (or their equivalent) should be clear about the limits and expectations of their role and responsibilities, and this would best be clarified in some sort of written job description and initial induction/briefing. They should be supervised or monitored by staff as appropriate, and have opportunities to discuss issues and resolve problems. If they are authorised to issue punishments, these should be specific and recorded appropriately, and subject to regular scrutiny. There should be no significant inconsistency in practice between boarding houses. Boarders should confirm that the prefect system works effectively, and that they find prefects helpful and supportive.
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<tr>
<th>NMS 20</th>
<th>Lodgings (Long-Stay)</th>
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B547 School-arranged lodgings are those provided or arranged for a pupil under 18 by the school or by an agent or organisation acting for the school, rather than by the pupil's parent (or an external organisation acting on the parent’s behalf). They include term-time use of lodgings instead of on-site boarding accommodation, holiday lodgings arranged for pupils by the school, pupils lodging with staff members during holidays, and accommodation during term or holiday time with school-arranged educational guardians. This Standard does not apply for school trips, or short-term language exchanges. See also Standards 14.5 and 14.6.

B548 The inspection of this Standard provides evidence towards the judgement on The quality of boarding provision and care for an integrated inspection and Leadership and management of the boarding provision for an intermediate inspection.

| 20.1 | Any lodgings arranged by the school to accommodate pupils provide satisfactory accommodation and supervision, are checked before use, and are monitored by the school during use including checks at least yearly. |
| 20.2 | It is clearly stated to parents whether any lodgings accommodating pupils are to be arranged by the school or by parents themselves. |
| 20.3 | Schools alert the local authority to any arrangements made by the school that may constitute private fostering. |

B549 School documentation and records, and interviews with boarders in lodgings, should provide sufficient evidence for compliance.

| 20.4 | Any lodgings provided or arranged by the school are of a comparable standard to accommodation provided by the school. |

B550 The matter in 20.2 should be clearly stated in pre-arrival and other documentation to parents. See also Standard 14.5.

B551 Lodgings may constitute private fostering for the purpose of notification to the local authority if the children are aged under 16 and the stay is for 28 days or more.

| 20.5 | The school visits all potential lodgings, and interviews the adult who will be responsible for the accommodation of the pupils in each lodging, takes up references, and has recorded a satisfactory assessment, before any pupil is placed there. The school can demonstrate that members of the host family aged over 16 are subject to a DBS check completed at the standard level, with a satisfactory outcome known before any pupil is placed. |
| 20.6 | The school ensures that all adults providing lodgings for pupils on its behalf have undergone safeguarding training that is updated regularly as advised by the Local Safeguarding Children Board, and that they understand the school’s policy in relation to pupils going missing and their role in implementing that policy. |
The requirement in 20.5 is self-explanatory and requires that appropriate written evidence and records are kept.

The training requirement in 20.6 is new from April 2015. As a minimum, the school’s usual safeguarding induction would be a suitable starting place with the addition of the policy regarding pupils going missing, and regular update training as for other staff.

<table>
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<tr>
<th>20.7</th>
<th>The school has a satisfactory written agreement with each adult providing lodgings for pupils on its behalf.</th>
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This should set out the school’s expectations of the host family in terms of what is to be provided, the behaviour and conduct of the boarder lodged, conditions under which the ‘contract’ can be terminated, and provide day and night contact details with the school.

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<tr>
<th>20.8</th>
<th>The school provides satisfactory written guidance to host families accommodating pupils on behalf of the school, covering the school’s policy and practice for lodging pupils.</th>
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See above under Standard 20.5. Host families should have a sufficient understanding of any welfare and medical circumstances affecting the boarder being accommodated, and have clear guidance on how to deal with any social or pastoral situations commonly faced by boarding staff in school. Confirmation should be given about situations such as evening movements and curfews, smoking and alcohol, visitors, weekend leave arrangements and so on.

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<th>20.9</th>
<th>At least once per school term a member of staff discusses their lodgings separately with each pupil accommodated by or on behalf of the school in lodgings, recording the pupil’s assessment in writing and taking action on any concerns or complaints.</th>
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This should be recorded in writing, and should be corroborated by interviews with boarders accommodated in lodgings.
### NMS Appendix 1  List of policies and documents

B558 These policies and documents are not in themselves items which all have to be ‘free standing’ or need to be ‘present and correct’ for compliance. They are, however, documents and procedures that a school should keep and they will contribute evidence for compliance with individual Standards. Some policies are, of course, specifically mentioned in some Standards (for example, policies for child protection and countering bullying). Others, such as boarders’ access to an ‘independent listener’ will probably be incorporated within other policies or handbooks.

B559 There are some anomalies still, as this Appendix list has not changed with the 2013 NMS revision. For example, Standard 2.1 no longer requires that the induction process for new boarders includes key information in writing, and yet this is still included in Appendix 1. Inspectors should, therefore, use some professional judgement and flexibility in determining the school’s response to such requirements.

### NMS Appendix 2  List of records

B560 These are the records which a school needs to maintain and monitor under Standard 13.3. As with the items in Appendix 1, schools need to provide these as evidence that policies and procedures required in individual Standards are being implemented effectively.

B561 Two uses of the word ‘supervision’ are used in the Appendices. In Appendix 1, under “Supervision of ancillary, contract or unchecked staff”, the word is taken to refer to the management sense, in terms of the usual monitoring and direction of their roles. In Appendix 2, under “Staff supervision, appraisal and training”, the word is taken to refer to the provision of opportunities to ‘off-load’ emotional and pastoral concerns and talk through difficult situations relating to the demanding nature of their caring roles. Such supervision could be individual or in small groups, and should be documented, however briefly.

### NMS Appendix 3  List of issues to be monitored by the school

B562 These specific issues should be regularly (perhaps two or three times a year) monitored by the head or another senior member of staff to identify patterns and trends and decide if changes in welfare practice are needed. It should also provide schools with the opportunity to identify significant variation or inconsistency in practice between houses and across the school. Schools should be able to demonstrate how this review process works and what outcomes may have been identified.

B563 Although this monitoring exercise is not specifically mentioned in detail in Standard 13.3, it should be taken as a requirement under Standard 13.3.
APPENDIX 1: CHECKING ADMISSION AND ATTENDANCE REGISTERS

Revised August 2007, for use by inspectors and for information of schools (earlier versions should be destroyed)

A CHECKING OF ADMISSION REGISTER (electronic or ledger?)
Inspectors enter √, X or note
NB For schools which include day and boarding pupils, it should be indicated whether each pupil is boarding or day.

<table>
<thead>
<tr>
<th>Full name (Check sample entries)</th>
<th>Sex</th>
<th>Name and address of all parents/guardians* and one telephone number</th>
<th>Date of birth</th>
<th>Date of admission/re-admission</th>
<th>Name and address of last school</th>
<th>Monthly printout or backup (if electronic)</th>
<th>Kept 3 years?</th>
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* For electronic systems, it is acceptable to have one address on the back-up/print-out, with any others kept in the system.

B CHECKING OF ATTENDANCE REGISTERS
Inspectors enter √, X or note
NB Not a legal requirement for full boarding schools, although some system should operate for health and safety reasons.

<table>
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<tr>
<th>Monthly printout or backup (if electronic)?</th>
<th>Kept 3 years?</th>
<th>Including pre-school and sixth form?</th>
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<tr>
<th>Name of form/tutor group</th>
<th>Authorised, unauthorised (if statutory age), approved activity</th>
<th>* Start of morning and during afternoon (except for part-time pupils)</th>
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* More flexible timing is allowable for sixth-form students, provided that a suitable system is rigorously implemented.
APPENDIX 2: CHECKING THE SINGLE CENTRAL REGISTER OF APPOINTMENTS
Revised September 2015 (destroy earlier versions). For use by inspectors and for information of schools. The register may be electronic, provided it can be printed. Inspectors enter detail, N/A (not applicable to the individual or role) or N/E (no evidence). Under any heading of the register, the entry of ‘No’ is taken to indicate that a requirement is not met. Sufficient copies of this page should be completed to record those checks made on the inspection. The size of sample will vary depending on the size of the school and will establish the security of the recruitment process through a broad sample.

<table>
<thead>
<tr>
<th>Name of member of staff</th>
<th>Post and start date</th>
<th>Identity check (for example, address and DoB, passport)</th>
<th>Qualifications required (Yes/N/A)</th>
<th>DBS date</th>
<th>Check of barred list/List 99</th>
<th>Right to work in UK</th>
<th>Overseas check</th>
<th>Prohibition from teaching</th>
<th>Prohibition from management</th>
<th>Refs</th>
<th>CVs</th>
<th>Medical</th>
<th>Notes: including any acceptance of disclosure from another institution; arrangements with a supply agency; supervision while awaiting disclosure; whether the person is not in regulated activity.</th>
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<td>Required for those in regulated activity</td>
<td>Required for those carrying out teaching work.</td>
<td>Required for Proprietors, Heads, SLT and teacher heads of department</td>
<td>Checked with regard to KCSIE. Optional entry on the register</td>
<td>Checked under ISSRs. Optional entry on the register.</td>
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For each: Date (initials/name of checker is good practice but not a requirement)

Staff: The sample selected should include staff who are: recently appointed, well-established, part-time, peripatetic, non-teaching, supply

Non-teaching staff

Proprietors/governors

Volunteers

Inspectors will also scrutinise a sample of checks that do not have to be included on the SCR, e.g. over 16s resident on the premises, guardians.

Integrated Handbook – Regulatory requirements
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APPENDIX 3: VETTING CHECKS ON VOLUNTEERS

Start here

Is the activity personal care?

Yes

This is regulated activity. An enhanced DBS certificate with barred list check must be obtained.

No

Is the activity frequent or regular, for the purposes of the school with opportunity for contact with children?

Yes

The person is not in regulated activity but an enhanced DBS check may be obtained, without barred list information.

No

Is the activity supervised?

Yes

This is not regulated activity. There is no legal requirement to obtain a DBS certificate but an enhanced certificate may be obtained. School should risk assess and makes checks according to risks

No

This is regulated activity. An enhanced DBS certificate with barred list check must be obtained.
**Glossary**

Italicised entries denote publications by other bodies/legislation.

<table>
<thead>
<tr>
<th><strong>Adventure Activities Licensing Authority</strong></th>
<th>The body which has oversight and responsibility for licensing of certain adventure activities for young people.</th>
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<tbody>
<tr>
<td><strong>Attendance advice</strong></td>
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<td><strong>Behaviour and Discipline in Schools</strong></td>
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<td><strong>British Standards Institute</strong></td>
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<tr>
<td><strong>Complex needs</strong></td>
<td>For the purposes of premises sub-paragraph (1)(l), 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.</td>
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<td><strong>Contractors</strong></td>
<td>Staff working for a company engaged by the school under a contract to provide services, for example catering, cleaning or undertaking building works.</td>
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<tr>
<td><strong>Department for Education</strong></td>
<td>The regulator of independent schools in England. Address: Independent Education and Boarding Team, Mowden Hall, Staindrop Road, Darlington, DL3 9BG.</td>
</tr>
<tr>
<td><strong>Designated officer(s)</strong></td>
<td>Local authorities (LAs) have a designated officer or team of officers, either as part of multi-agency arrangements or otherwise, to deal the management and oversight of allegations against people that work with children. Hitherto this function was provided by a single individual known as the LA designated officer (LADO). The acronym “LADO” has been removed from KCSIE and WT from March 2015 in favour of “designated officer, or team of officers” or sometimes “designated officer(s)” to indicate that LAs now have some discretion over their approach. This does not prevent LAs, schools and others continuing to use it as appropriate.</td>
</tr>
<tr>
<td><strong>Disclosure and Barring Service</strong></td>
<td>The body created from the merger of the Criminal Records Bureau and the Independent Safeguarding Authority. Email: <a href="mailto:customerservices@dbs.gsi.gov.uk">customerservices@dbs.gsi.gov.uk</a> Telephone helpline: 03000 200 190 International telephone helpline: +44151 676 9390 Address for referrals: PO Box 181, Darlington DL1 9FA Telephone for referrals: 01325 953 795</td>
</tr>
</tbody>
</table>
**Disqualification under the Childcare Act 2006**

**Early Years Foundation Stage**

**EHC Plan**

Education and Healthcare Plan, replacing statements of special educational need from September 2014.

**Employer Online** service for checking QTS and prohibitions from teaching

**Fundamental British values**

Defined by DfE as democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.

**Guidance on First Aid**

Have regard to

Following the spirit and main features of the guidance unless there are good grounds to divert from it

**Health and Safety Advice on Legal Duties and Powers for Local Authorities, Head Teachers, Staff and Governing Bodies**

**Health and Safety Executive**

Agency with statutory responsibility for Health and Safety

Telephone 0845 300 99 23

**Independent School Standards Regulations (ISSRs)**

**Individual Education Plans (IEPs)**

A document that helps teaching staff to plan for a child, teach him/her and review progress. There is not a standard format, and other names are also used for the document.

**Keeping Children Safe in Education (KCSIE)**

**Local Authority Designated Officer (s) (LADO(s))**

LAs have a designated officer or team of officers, either as part of multi-agency arrangements or otherwise, to deal the management and oversight of allegations against people that work with children. The acronym “LADO” was removed from KCSIE and WT from March 2015 in favour of “designated officer, or team of officers”, or sometimes “designated officer(s)”, to indicate that LAs now have some discretion over their approach. This does not prevent LAs, schools and others continuing to use it as appropriate. ISI continues to use the acronym LADO for brevity.

**Local Safeguarding Children Board (LSCB)**

The successor bodies to Area Child Protection Committees, with a statutory duty to safeguard and promote the welfare of children and young people in their area.

**Made available**

Where information or a document is to be ‘made available’, that 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;

(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.

Minibus guidance

National College for Teaching and Leadership
Guidance on teacher misconduct referrals

National Minimum Standards for Boarding Schools

National Minimum Standards for Further Education Colleges

National Minimum Standards for Residential Special Schools

Ofsted
Registering authority for the Early Years Register (for provision for under 3s)
Telephone: 0300 123 1231
Address for correspondence: Piccadilly Gate, Store Street, Manchester, M1 2WD

Overseas checks for staff
Home Office guidance on checks available from different countries

Personal care
Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing

Portable Appliance Testing (PAT)
Testing of electrical appliances for safety. The Health and Safety Executive have published further guidance.

Prevent Duty Guidance: for England and Wales
**Prevent Duty - Departmental advice**

**Prevention of Illegal Working – Summary Guide for Employers**

**Preventing and Tackling Bullying**

**Proprietor**

The person or body of persons responsible for the management of the school and includes individual proprietors and formally constituted boards of governors, directors or trustees.

**Protected characteristics**

Under the Equality Act 2010, the following are ‘protected characteristics’:
- age,
- disability,
- gender reassignment,
- marriage and civil partnership,
- pregnancy and maternity,
- race,
- religion and belief,
- sex,
- sexual orientation.

**Provided**

Where information or a document is required to be ‘provided’ to a person:

THE SCHOOL CAN EITHER

Where the person has provided the school with a valid electronic mail address, send to that address

(i) the information or a copy of the document in electronic form; or
(ii) the address for an internet website where the information or a copy of the document can be downloaded by the person,

In which case the information or copy of the document must be available for inspection by the person on the school’s premises during the school day.

OR

Send or give the information or a copy of the document to the person.

**Reasonable adjustments**

Further useful information is available in:

- Reasonable adjustments for disabled pupils 2015
- Ensuring a good education for children who cannot attend school 2013
- Supporting pupils at school with medical conditions 2014
- Mental health and behaviour in school 2015
- Supporting children who are bullied 2014

**Registered body**

A body registered with the DBS to undertake criminal record checks

**Regular (for the purposes of regulated activity)**

For the purpose of assessing whether a person is working in regulated activity, ‘regular’ includes ‘frequent’ and these are defined together as follows:

- frequently (once a week or more often),
- or on 4 or more days in a 30-day period,
- or overnight (between 2am and 6am).

**Regulated activity**

The definition of regulated activity (i.e. work that a barred person must not do) in relation to children comprises, in summary:

(i) regular (see above) work in schools with opportunity for contact with children. Not work by supervised volunteers.

(ii) unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children, if done ‘regularly’ (see above)

(iii) relevant personal care, e.g. washing or dressing; or health care by or supervised by a professional; Applies to any child, even if done only once.

**RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations, 1995)**

The requirement for employers to report to HSE: deaths; major injuries; over-seven-day injuries; an accident causing injury to pupils, members of the public or other people not at work; a specified dangerous occurrence, where something happened which did not result in an injury, but could have done.

From 1st October 2013, it is anticipated that:

- The classification of ‘major injuries’ to workers will be replaced with a shorter list of ‘specified injuries’.
- The existing schedule detailing 47 types of industrial disease will be replaced with eight categories of reportable work-related illness.
- Fewer types of ‘dangerous occurrence’ will require reporting.

Further information is available at: [http://www.hse.gov.uk/riddor/](http://www.hse.gov.uk/riddor/)

**SMSC guidance**

**Special requirements**

For the purposes of these regulations, 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.

**Staff**

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. The following are included: teachers, peripatetic teachers and coaches, part-time staff, administrative staff, caretakers and other ancillary staff, staff appointed from overseas.

**Standards for School Premises**

**Statement**

A formal legal document, prepared by a local authority, which sets out an assessment of a child’s needs and the special educational provision to be made for the purpose of meeting those needs. Replaced by EHC plans from September 2014.

**Suitable**

Any requirement that anything provided under the premises regulations 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.

**Supervision guidance**

**Supply agency**

An employment business which supplies persons, to act for, and under the control of, the school in any capacity. For example, an agency which provides supply teachers or temporary administrative staff.

**Supply staff**

Any person working at the school supplied by an employment business – this does not only cover supply teachers, but any individuals supplied by an agency and catering, medical and cleaning staff may also be included.

**The Education (Pupil Registration) (England) Regulations 2006**

**TUPE**

The employment legislation which transfers employees from one business to another.

**Umbrella organisation**

An organisation approved to undertake DBS checks on behalf of other groups.

**Volunteer**

A person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives.

**Work experience guidance**