

The Education (Independent School Standards) Regulations 2014 (aka ISSR)

Introduction

- The ISSR came into force on 5 January 2015.
- They update the original 2003 Regulations as modified by Amendments in 04, 07, 08 and 10.
- The requirements are contained in a single Schedule which now has 8 Parts.
- These 8 Parts, 34 Standards and 147 requirements (Paragraphs) form the legal basis for inspections.
- The Regulations are made under Section 94 of the Education and Skills Act 2008.

Eight Parts

N	Part	N	Standards	Area
1	Quality of education	1 to 4	4	Pedagogy
2	Spiritual, moral, social & cultural development (SMSC)	5	1	Personal
3	Welfare, health & safety	6 to 16	11	Pastoral
4	Suitability of staff, supply staff & proprietors	17 to 21	5	Personnel
5	Premises of and accommodation at schools	22 to 31	10	Premises
6	Provision of information	32	1	Policies
7	Manner in which complaints are handled	33	1	Performance
8	Quality of leadership and management	34	1	Proprietor

Four of the Parts only have a single Standard: SMSC, Provision of Information, Complaints, Leadership and Management

In general, Parts 1 & 2 are Academic, 3 & 4 are Safeguarding, 5 & 6 are Administration and 7 & 8 are Directors/ Proprietors.

In total there are 34 Standards

- Five of them are definitional.
- Two of them only apply to boarding schools.
- This leaves 27 standards which have to be met.

Part 1 Quality of Education

- 1. Quality of education standards are the next 3 standards.**
- 2. Curriculum policy** covering 9 areas is **written and implemented effectively**.
3. Teaching satisfies 10 requirements.
4. Framework is in place to evaluate pupil performance.

Part 2 SMSC

5. School actively promotes fundamental British values & 7 other principles.

Part 3 Welfare, health and safety

- 6. Welfare, health and safety standards are the next 10 standards.**
7. School safeguards and promotes pupil welfare.
8. [School safeguards and promotes boarders' welfare.]
9. School promotes good behaviour through a **written and effectively implemented policy**.
10. School prevents bullying through an effective anti-bullying strategy.
11. Health & safety compliance through a **written and effectively implemented policy**.
12. Fire safety compliance.
13. First aid is timely & competent through a **written and effectively implemented policy**.
14. Proper supervision of pupils through appropriate deployment of staff.
15. Admission and attendance registers properly maintained.
16. Pupil welfare promoted through a **written and effectively implemented risk assessment policy**.

Part 4 Staff suitability

- 17. Staff suitability standards are the next 4 standards.**
18. Suitability of staff checked against 6 requirements.
19. Suitability of supply staff checked against 5 requirements.
20. Suitability of proprietor checked against 2 requirements.
21. School keeps Single Central Register of 9 checks on staff suitability.

Part 5 Premises

- 22. Premises standards are the next 9 standards.**
23. Suitable toilet and washing facilities.
24. Suitable medical accommodation.
25. Suitable standard of maintenance of premises and facilities.
26. Suitable acoustic and sound insulation conditions.
27. Suitable lighting.
28. Suitable water facilities.
29. Suitable outdoor space.
30. [Suitable boarding accommodation where appropriate.]
31. ['Suitable' means suitable to the pupils' ages, numbers, sex and any special requirements.]

Part 6 Provision of Information

32. School provides information from 10 different categories (**& includes 3 more policies**).

Part 7 Complaints Procedure

33. School handles complaints through a **written and effectively implemented procedure**.

Part 8 Leadership and Management

34. Proprietor ensures that leaders and managers are effective, skilled & knowledgeable.

Requirements

Part 1. Quality of education (20 requirements)

2. Curriculum policy (with plans & schemes of work) must provide for the matters below (and be implemented effectively)

AND the written policy must take into account the ages, aptitudes & needs of all pupils

AND not undermine the fundamental British values¹:

1. Linguistic, mathematical, scientific, technological, human & social, physical & aesthetic & creative education (experience of)
2. Speaking, listening, literacy & numeracy skills (acquisition of)
3. N/a (where teaching is not in English)
4. Personal, social, health & economic education (reflects the school's aims & encourages respect²)
5. Career guidance (impartial, informed, helps fulfil potential)
6. N/a (below school age)
7. N/a (above school age)
8. Learn & progress (opportunity for all)
9. Preparation for adult life in British society (effective)

Note addition of Sex and Relationships Education here (see last paragraph)

3. Teaching must:

1. Enable new knowledge & good progress to increase understanding & skills
2. Foster self-motivation, application of effort, interest & ability to think for themselves
3. Involve well planned lessons & effective methods
4. Understand & use prior knowledge of pupils' aptitudes
5. Show knowledge & understanding of the subject
6. Use effectively classroom resources of good quality, quantity & range
7. Use a regular & thorough assessment framework to plan teaching to allow progress
8. Use effective strategies to manage behaviour & encourage responsibility
9. Not undermine the fundamental British values
10. Not discriminate against pupils

4. Framework in place to evaluate pupil performance.

Part 2. Spiritual, moral, social & cultural development (SMSC) (10 requirements)

5. The school must:

1. Actively promote the fundamental British values
2. Ensure that principles are promoted which:
 1. Self-knowledge, self-esteem & self-confidence (enable)
 2. Distinguish right from wrong (enable)
 3. Responsibility for own behaviour, initiative & community (encourage)
 4. Knowledge of English public institutions & services (enable)
 5. Respect for own & other cultures (enable)
 6. Respect for other people (encourage)
 7. Respect for democracy (encourage)
3. Preclude the promotion of partisan political views in teaching
4. Ensure balanced presentation of opposing political views

Part 3. Welfare, health & safety (16 requirements)

7. Ensure arrangements are made to safeguard & promote pupil welfare
AND such arrangements have regard to official Guidance.
8. If boarding, ensure arrangements to safeguard & promote pupil welfare while boarding

¹ Democracy, the rule of law, individual liberty, mutual respect and tolerance of those with different faiths and beliefs

² In particular paying regard to the protected characteristics in the Equality Act 2010.

- AND such arrangements have regard to the National Minimum Standards for Boarding.
9. Promote good behaviour
- by drawing up written behaviour Policy
 - implementing it
 - and keeping records of sanctions.
10. Prevent bullying by drawing up and implementing an effective anti-bullying strategy.
11. Comply with Health & Safety laws through a written & implemented Policy.
12. Ensure compliance with the Fire Safety Order (2005).
13. Ensure first aid is timely & competent through a written & implemented Policy.
14. Ensure pupils are properly supervised through appropriate deployment of staff.
15. Ensure admission & attendance register is maintained (2006 Regulations).
16. Safeguard pupil welfare through written & implemented risk assessment Policy
- AND reduce identified risks through appropriate action.

Part 4. Suitability of staff, supply staff & proprietors (42 requirements)

18. Suitability of Staff:

1. Checks

- 1. Not been barred from regulated activity
- 2. Not in contravention of prohibition order
- 3. Checked for: identity, fitness, right to work, qualifications (where appropriate)
- 4. Enhanced CRB check made where relevant
- 5. Further checks made if lived abroad
- 6. Checks with Standard 14 of Nat Min Standards for boarding staff

2. Checks have to be made before appointment
- EXCEPT within 3 months of previous appointment

19. Suitability of Supply Staff:

1. Proprietor receives before work starts:

- 1. written notification received that checks have been made
- 2. And considers person suitable
- 3. And checks identity
- 4. And obtains written notification and CRB
- 5. And checks Standard 14 of Nat Min Standards for boarding supply staff

2. Checks have to be within last 3 months
- EXCEPT within 3 months of previous appointment

20. Suitability of Proprietor

- 1. If Individual, not barred or prohibited & checked by Sec of State
- 2. If Chair, not barred or prohibited & checked by Sec of State
- 3. If Other Proprietor, not barred or prohibited
- & checked by Chair for CRB, ID, overseas check, certificate

21. Register must be kept which:

- 1. Records in reproducible form all checks and dates made:

 - 1. Identity
 - 2. Barred status
 - 3. Prohibition status
 - 4. Qualifications (where appropriate)
 - 5. Enhanced CR certificate obtained
 - 6. Enhanced CR check (18(2)(d))
 - 7. Right to work in the UK
 - 8. Further checks if worked abroad.

- 2. Check for Prohibition order
- 3. For staff appointed before 2007 whether the checks were made
- 4. Supply staff
- 5. Other proprietor after 2007
- 6. Other proprietor before 2007

Part 5. Premises (17 requirements)

- | | |
|---|--------------------------|
| 23. Suitable toilet & washing facilities for pupils sole use,
separate M& F (for >8s),
changing rooms & showers (for >11s doing PE) | <input type="checkbox"/> |
| 24. Suitable accommodation for pupil medical examinations,
for pupil short-term care including wash facilities & near toilet,
additional medical accommodation if pupils with complex needs | <input type="checkbox"/> |
| 25. Premises maintained to ensure pupil health, safety & welfare | <input type="checkbox"/> |
| 26. Suitable acoustic conditions and sound insulation | <input type="checkbox"/> |
| 27. Suitable internal and external lighting | <input type="checkbox"/> |
| 28. Suitable water facilities for drinking (separate from toilet & clearly marked)
& washing (safe temperature)) | <input type="checkbox"/> |
| 29. Suitable outdoor space for PE and outdoor play | <input type="checkbox"/> |
| 30. Regard to Standard 5 of Nat Min Standards for boarding. | <input type="checkbox"/> |

Part 6. Provision of Information

(25 requirements)

32. The school ensures that:
1. The following information is **provided** to parents of pupils (inc prospective)
 1. Address, telephone number, name of head teacher.
 2. Proprietor's name, registered office address & telephone number, either individual or corporate
 3. Chair of Governor's name & address, if present.
 4. Statement of ethos & aims
 2. The following information is **made available**³ to parents (inc prospective)
 1. Policy on admissions, misbehaviour & exclusions
 2. Policy on pupils with EHC and EAL.
 3. Policy on Curriculum (para 2)
 4. Policies on Behaviour (para 9), Bullying (para 10), Health & Safety (para 11), First Aid (para 13)
 5. Academic performance in preceding school year
 6. Complaints procedure & number of complaints in preceding school year
 7. Any inspection report
 3. Safeguarding & Welfare-promotion (para 7) **published** on website
 4. Post-inspection reports sent to each parent
 5. Post-inspection reports sent to each parent of a boarding pupil
 6. Annual reports of progress & attainment sent to each parent
 7. Any information reasonably requested during an inspection
 8. Annual accountings sent to local authorities for funded pupils
 9. Information provided for annual review for statemented pupils
 10. Official closure / restriction/ removal notices are published

Part 7. Complaints Procedure

(12 requirements)

33. The school draws up and effectively implements a procedure which is:
1. In writing
 2. Made available to parents
 3. Sets out time scales clearly
 4. Allows complaint to be made & considered informally first
 5. Establishes formal procedure for written complaint
 6. Provides for appeals to be heard by a panel
 7. Ensures one independent person on panel
 8. Allows parent to attend and be represented
 9. Provides for panel to make findings & recommendations
 10. Provides for written records of all formal complaints & outcomes to be kept

³ If the school has a website, the info is 1) accessible on the website and (2) available for inspection on the premises AND the proprietor takes reasonable steps to ensure that parents (inc prospective) know that the info is available

11. Provides that correspondence is kept confidential

Part 8 Quality of leadership in and management of schools (3 requirements)

34. The proprietor ensures that leaders and managers:
1. Demonstrate good skills & appropriate knowledge
 2. Fulfil their responsibilities effectively
 3. Actively promote pupils' well-being⁴.

Other Legislation

Inspections of non-association independent schools in England are carried out under section 109(1) and (2) of the **Education and Skills Act 2008**

Disability Discrimination Act (1995 and amended)

Section 28D placed a duty on the Proprietor to plan & increase the accessibility of the school. Much of the DDA has now been replaced by the Equality Act 2010.

Equality Act 2010

The protected characteristics are set out in Chapter 1 of Part 2 of the Equality Act 2010: age, being or becoming a transsexual person, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion, belief or lack of religion/belief, sex, sexual orientation.

Changes in 2020: The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019

12. In the Schedule (independent schools standards), after paragraph 2 insert— “**2A.**—(1) The standard in this paragraph is met if the proprietor—
- (a) ensures that every registered pupil who is provided with primary education at the school is provided with relationships education,
 - (b) ensures that every registered pupil who is provided with secondary education at the school is provided with relationships and sex education, except in so far as the pupil is excused as mentioned in sub-paragraph (2),
 - (c) n/a (Academies)
 - (d) in making arrangements for the purposes of paragraphs (a), (b) or (c), has regard to any guidance under section 80A of the Education Act 2002 that applies in relation to the provision of education by maintained schools,
 - (e) makes and keeps up to date a separate written statement of its policy with regard to the provision of education as required by each of paragraphs (a) and (b),
 - (f) consults parents of registered pupils at the school before making or revising a statement under sub-paragraph (e), and
 - (g) publishes a copy of the statement on a website and provides a copy of the statement free of charge to anyone who asks for one.
- (2) Arrangements made by the proprietor for the purposes of sub-paragraph (1)(b) must ensure that where a pupil’s parent requests that the pupil is wholly or partly excused from sex education provided as part of relationships and sex education, the pupil is so excused until the request is withdrawn, unless or to the extent that the head teacher considers that the pupil should not be so excused.

⁴ Defined in section 10(2) of the Children Act 2004: a. physical & mental health & emotional well-being; b. protection from harm & neglect; c. education, training & recreation; d. the contribution made by them to society; e. social & economic well-being.