

2023 No. (W.)

EDUCATION, WALES

**The Independent School Standards
(Wales) Regulations 2023**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Independent School Standards (Wales) Regulations 2003. They apply in relation to Wales.

These Regulations are concerned with the inspection of independent schools and set out the standards that are to be met by independent schools for the purposes of registration, reporting and inspection.

Regulation 1 revokes the Independent School Standards (Wales) Regulations 2003.

Regulation 2 is an interpretation provision.

Regulation 3 provides that the Schedule sets out the independent school standards (“the standards”) to which an independent school in Wales will be inspected under sections 160(4) and 163(2) of the Education Act 2002 (“the 2002 Act”).

The person who conducts the inspection will make a report under section 160(4) or 163(3) of the 2002 Act with regard to the extent to which the standards are met. The registration authority will consider the inspection report and any other evidence in determining whether a school should be registered or continue to be registered under section 161 of the 2002 Act.

The Schedule sets out the standards and is divided into seven parts reflecting the categories specified in section 157(1) of the 2002 Act. It is the responsibility of the proprietor of a school to ensure that the standards are met.

Part 1 of the Schedule makes provision about the quality of education provided. The standard in paragraph 2(1) is met if the proprietor ensures that a written policy on the curriculum, supported by plans and schemes of work, is drawn up and implemented

effectively which provides for the matters set out in paragraph 2(2).

Part 2 of the Schedule makes provision for the spiritual, moral, social and cultural development of pupils. This includes requirements to actively promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs (paragraph 5(a)) and to preclude the promotion of partisan political views in teaching (paragraph 5(c)).

Part 3 of the Schedule makes provision for the welfare, health and safety of pupils. It includes, amongst other things a requirement for effective implementation of a written safeguarding policy (paragraph 7(b)) and appropriate safeguarding training (paragraph 11).

Part 4 of the Schedule makes provision about the suitability of proprietors, staff and supply staff, setting out the checks that must be made. Paragraph 24 requires Disclosure and Barring Service checks to be renewed at least every three years. Paragraph 25 requires the proprietor to keep a register containing details of the suitability checks made under Part 4.

Part 5 of the Schedule makes provision about the premises at a school and at any boarding accommodation. These must be suitable for pupils with special requirements. "Special requirements" is defined in paragraph 27.

Part 6 of the Schedule sets out the standard for the provision of information to parents of pupils, parents of prospective pupils, the Chief Inspector and the Welsh Ministers.

Part 7 of the Schedule makes provision about the manner in which independent schools handle complaints.

The National Minimum Standards for Boarding Schools can be found at <https://www.careinspectorate.wales/sites/default/files/2018-01/131009nmsboardingschoolsen.pdf>.

The National Minimum Standards for Residential Special Schools can be found at <https://www.careinspectorate.wales/sites/default/files/2018-01/130910nmsspecialschools.pdf#:~:text=The%20National%20Minimum%20Standards%20for%20Residential%20Special%20Schools,consists%20of%20the%20numbered%20heading%20and%20numbered%20paragraphs.>

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result,

a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

Consultation Draft

2023 No. (W.)

EDUCATION, WALES

**The Independent School Standards
(Wales) Regulations 2023**

Made 2023

Laid before Senedd Cymru 2023

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 157(1) and 210(7)(c) of the Education Act 2002(1), and now exercisable by them(2) make the following Regulations.

PART 1

GENERAL

Title, coming into force, application and revocation

1.—(1) The title of these Regulations is the Independent School Standards (Wales) Regulations 2023, and they come into force on XXX.

(2) These Regulations apply in relation to Wales.

(3) The Independent School Standards (Wales) Regulations 2003(3) are revoked.

Interpretation

2.—(1) In these Regulations—

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- (1) 2002 c. 32. See section 212(1) for the definition of “regulations” and “prescribed”.
- (2) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
- (3) S.I. 2003/3234 (W. 314) amended by S.I. 2005/2929 (W. 214), S.I. 2007/947 (W. 81), S.I. 2009/2544 (W. 206) and S.I. 2010/1142 (W. 101).

“the 1989 Act” (“*Deddf 1989*”) means the Children Act 1989(1);

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996(2);

“the 1997 Act” (“*Deddf 1997*”) means the Police Act 1997(3);

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002;

“the 2006 Act” (“*Deddf 2006*”) means the Safeguarding Vulnerable Groups Act 2006(4);

“the 2008 Act” (“*Deddf 2008*”) means the Education and Skills Act 2008(5);

“the 2010 Act” (“*Deddf 2010*”) means the Equality Act 2010(6);

“the 2014 Act” (“*Deddf 2014*”) means the Education (Wales) Act 2014(7);

“the 2018 Act” (“*Deddf 2018*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018(8);

“the 1999 Regulations” (“*Rheoliadau 1999*”) means the Education (School Premises) Regulations 1999(9);

“boarder” (“*disgybl sy'n byrddio*”) means a pupil for whom a school provides accommodation, whether or not the pupil is a pupil at that school;

“boarding accommodation” (“*llety byrddio*”) means overnight accommodation arranged or provided by the school at the school or elsewhere, but excluding accommodation for pupils being accommodated away from the school premises during a school trip;

(1) 1989 c. 41.
(2) 1996 c. 56.
(3) 1997 c. 50.
(4) 2006 c. 47.
(5) 2008 c. 25.
(6) 2010 c. 15.
(7) 2014 anaw 5.
(8) 2018 anaw 2.
(9) S.I. 1999/2 amended by S.I. 2010/1142 (W. 101) and S.I. 2012/1943.

“Chief Inspector” (“*Prif Arolygydd*”) has the meaning given in section 171(1) of the 2002 Act;

“the Disclosure and Barring Service” (“*y Gwasanaeth Datgelu a Gwahardd*”) and “DBS” (“*GDG*”) mean the body formed by section 87(1) of the Protection of Freedoms Act 2012(2);

“DBS certificate” (“*tystysgrif GDG*”) means an enhanced criminal record certificate issued under section 113B(1)(3) of the 1997 Act, which includes, in such cases as are from time to time prescribed under section 11BA(1) of that Act, suitability information relating to children;

“DBS update service” (“*gwasanaeth diweddarau'r GDG*”) means the service operated by the Disclosure and Barring Service that provides relevant “up-date information” within the meaning given in section 116A(8)(b)(i)(4) or 116A(8)(c)(i) of the 1997 Act;

“employment business” (“*busnes cyflogi*”) has the meaning given in section 13(3) of the Employment Agencies Act 1973(5);

“fire and rescue authority” (“*awdurdod tân ac achub*”) means a fire and rescue authority under the Fire and Rescue Services Act 2004(6);

“further education” (“*addysg bellach*”) has the meaning given in section 2(3) of the 1996 Act;

“individual development plan” (“*cynllun datblygu unigol*”) has the meaning given in section 10 of the 2018 Act;

“interim prohibition order” (“*gorchymyn gwahardd interim*”) has the meaning given in section 141C(7)(7) of the 2002 Act;

“interim suspension order” (“*gorchymyn atal dros dro interim*”) has the meaning given in article 2 of the Education Workforce Council (Interim

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- (1) Section 171 was amended by section 169 of, and paragraphs 13 and 24(1), (2)(a) and 2(b) of Schedule 1 and Schedule 2 to the Education and Skills Act 2008 (c. 25). There are other amendments to section 171 not relevant to these Regulations.
 - (2) 2012 c. 9.
 - (3) Section 113B was inserted into the Police Act 1997 (c. 50) by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15). Section 113B(1) was amended by articles 36 and 37(c) of the Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), sections 97(2), 112(2) and Part 8 of Schedule 8 of the Policing and Crime Act 2009 (c. 26) and section 80(1) of the Protection of Freedoms Act 2012 (c. 9).
 - (4) Section 116A was inserted by section 83 of the Protection of Freedoms Act 2012 and amended by articles 36 and 37(g) of the Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006).
 - (5) 1973 c. 35.
 - (6) 2004 c. 21.
 - (7) Section 141C was inserted into the Education Act 2002 (c. 32) by section 8(1) of the Education Act 2011 (c. 21).

Suspension Orders) (Additional Functions) (Wales) Order 2021(1);

“local authority” (“*awdurdod lleol*”) has the meaning given in section 579 of the 1996 Act;

“looked after by a local authority” (“*sy’n derbyn gofal gan awdurdod lleol*”) has the meaning given in section 74(1) of the Social Services and Well-being (Wales) Act 2014(2) or, as the case may be section 22(1) of the 1989 Act;

“the National Minimum Standards for Boarding Schools” (“*y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Preswyl y Brif Ffrwd*”) means the statement of national minimum standards published under that title under section 87C(1)(3) of the 1989 Act (as updated from time to time);

“the National Minimum Standards for Residential Special Schools” (“*y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Arbennig Preswyl*”) means the statement of national minimum standards published under that title under section 87C(1) of the 1989 Act (as updated from time to time);

“prohibition order” (“*gorchymyn gwahardd*”) means an order made by the Education Workforce Council under section 26(5) and having the effect described in section 31(2) and (3) of the 2014 Act or, as the case may be has the meaning given in section 141B(4)(4) of the 2002 Act;

“proprietor” (“*perchennog*”) has the meaning given in section 579(1)(5) of the 1996 Act;

“the register” (“*y gofrestr*”) means the register of independent schools kept by the registration authority under section 158(3)(6) of the 2002 Act;

“registered school” (“*ysgol gofrestredig*”) means a school whose name is entered in the register;

“school” (“*ysgol*”) means an independent school as defined by section 463(1) of the 1996 Act;

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- (1) S.I. 2021/350 (W. 102).
- (2) 2014 anaw 4.
- (3) Section 87C was inserted by section 107 of the Care Standards Act 2000 (c. 14). The functions of the Secretary of State, so far as exercisable in relation to Wales were transferred to the National Assembly for Wales, by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (4) Section 141B was inserted into the Education Act 2002 (c. 32) by section 8(1) of the Education Act 2011 (c. 21).
- (5) Section 579(1) has been amended but those amendments are not relevant to these Regulations.
- (6) Section 158(3) was amended by section 169(1) of and Schedule 1, paragraphs 13 and 17(b) to the Education and Skills Act 2008 (c. 25).

“staff” (“*staff*”) means any person working at the school whether under a contract of employment, under a contract for services or otherwise under a contract, but does not include supply staff or a volunteer;

“statement” (“*datganiad*”) means a statement of special educational needs made under section 324(1)(2) of the 1996 Act;

“supply staff” (“*staff cyflenwi*”) means any person working at the school supplied by an employment business;

“suspension order” (“*gorchymyn atal dros dro*”) means an order made by the Education Workforce Council under section 26(5) and having the effect described in section 30(2) and (3) of the 2014 Act;

“well-being” (“*llesiant*”) has the meaning given in section 2 of the Social Services and Well-being (Wales) Act 2014.

(2) In these Regulations, where an element of a standard is information or a document being “made available”, that element of the standard is met—

- (a) in a case where the school has an internet website, if—
 - (i) the information or a copy of the document is available on the website in a form accessible to parents of pupils and parents of prospective pupils and available for inspection at 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, and
- (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

(1) Section 463 was substituted by section 172 of the Education Act 2002 (c. 32) and amended by section 82 of and Schedule 3, paragraphs 1 and 43(a) to the Children and Families Act 2014 (c. 6) and section 26 of and Schedule 1, paragraphs 4 and 20 to the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2) and S.I. 2016/413 and S.I. 2010/1158.

(2) Section 324(1) was amended by article 5(1) of and Schedule 2, paragraphs 7(1) and 7(2) to the Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158).

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.

(3) In these Regulations, where an element of a standard is information or a document being “provided” to a person, that element of the standard is met—

- (a) where the person has provided the school with a valid email address, by sending 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 at the school’s premises during the school day, or

- (b) by sending or giving the information or a copy of the document to the person.

(4) For the purposes of paragraphs 21(2)(e), 22(2)(a)(i)(bb), 23(3)(b), 23(5)(b) and 23(6)(b)(i) of the Schedule, a DBS certificate or DBS update service check is only relevant where a person or individual is or will be engaging in—

- (a) regulated activity within the meaning of Part 1 of Schedule 4 to the 2006 Act, or
- (b) regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the 2006 Act as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012.

Independent School Standards

3. The provisions contained in the Schedule are prescribed as the independent school standards for the purposes of Part 10 of the 2002 Act.

Minister for Education and Welsh Language, one of the Welsh Ministers

Date

SCHEDULE Regulation 3

STANDARDS

PART 1

Quality of education provided

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

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

- (a) the proprietor ensures that a written policy on the curriculum, supported by appropriate plans and schemes of work, which provides for the matters specified in sub-paragraph (2) is drawn up and implemented effectively, and
- (b) the written policy, plans and schemes of work—
 - (i) take into account the ages, aptitudes and needs of all pupils, including those pupils with an individual development plan or statement, 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 all pupils of compulsory school age, which gives pupils experience in the following areas: language, communication, mathematics, science, technology, humanities, health, well-being and expressive arts,
- (b) that pupils acquire skills in speaking, listening, literacy and numeracy,
- (c) where the principal language of instruction is a language other than English or Welsh, lessons in written and spoken English or Welsh, except that this requirement will not apply in respect of a school which provides education for pupils who are temporarily resident in Wales and which follows the curriculum of another country,
- (d) personal, social, and health education which—
 - (i) reflects the school's aims and ethos, and

- (ii) encourages respect for other people, paying particular regard to the protected characteristics set out in the 2010 Act⁽¹⁾,
 - (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) the opportunity for all pupils to learn and make progress, including providing differentiated opportunities where appropriate, and
 - (i) effective preparation of pupils for the opportunities, responsibilities and experiences of adult life.
- (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 the application of intellectual, physical or creative effort, interest in their work and the ability to think and learn for themselves,
 - (c) involves well planned lessons, effective teaching methods, suitable activities and wise management of learning time,
 - (d) shows a good understanding of the aptitudes, needs and prior attainments of the pupils and ensures these are taken into account in the planning of lessons,
 - (e) demonstrates good knowledge and understanding of the subject matter being taught,

(1) The protected characteristics are set out in Chapter 1 of Part 2 of the Equality Act 2010 (c. 15).

- (f) utilises effectively learning resources of a good quality, quantity and range,
- (g) demonstrates that a framework is in place to assess pupils' work regularly and thoroughly and uses information from those assessments 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 values of democracy and support for participation in the democratic process, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs, and
- (j) does not discriminate against pupils contrary to Part 6 of the 2010 Act⁽¹⁾.

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

4. The standard in this paragraph is met where the proprietor ensures that the school provides effective education for all pupils to make progress, including pupils with an individual development plan or statement and those for whom Welsh or English is an additional language.

PART 2

Spiritual, moral, social and cultural development of pupils

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

- (a) actively promotes the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs,
- (b) ensures that principles are actively promoted which—
 - (i) enable pupils to develop their self-knowledge, self-esteem and self-confidence,
 - (ii) enable pupils to distinguish right from wrong and to respect the civil and criminal law,

(1) Part 6 relates to education and consists of four Chapters. Chapter 1 relates to schools.

- (iii) encourage pupils to accept responsibility for their behaviour, show initiative and understand how they can contribute positively to the lives of those within the school community, those living and working in the locality in which the school is situated and to society more widely,
 - (iv) encourage respect for other people, paying particular regard to the protected characteristics set out in the 2010 Act,
 - (v) provide pupils with a broad general knowledge of public institutions and services in Wales and the United Kingdom,
 - (vi) assist pupils to acquire an appreciation of and respect for their own and other cultures in a way that promotes further tolerance and harmony between different cultural traditions,
 - (vii) encourage pupils to respect the fundamental values of democracy and support for participation in the democratic process, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs,
- (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.

PART 3

Welfare, health and safety of pupils

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

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

- (a) arrangements are made to safeguard and promote the welfare of pupils at the school,
- (b) a written policy to safeguard and promote the welfare of pupils is drawn up and effectively implemented, and
- (c) those arrangements and that policy have regard to any guidance issued by the Welsh Ministers.

8. Where the school provides boarding accommodation the standard in this paragraph is met where the proprietor ensures that—

- (a) arrangements are made to safeguard and promote the welfare of boarders while they are accommodated at the school,
- (b) a written boarding accommodation policy is drawn up and effectively implemented, and
- (c) those arrangements and that policy have regard to the National Minimum Standards for Boarding Schools or, where applicable, the National Minimum Standards for Residential Special Schools.

9. 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 that includes assessment of activities undertaken outside of school premises, and
- (b) appropriate action is taken to reduce risks that are identified.

10. The standard in this paragraph is met where the proprietor ensures that persons with leadership and management responsibilities at the school actively promote the well-being of pupils.

11. The standard in this paragraph is met where the proprietor ensures that—

- (a) all staff, supply staff, volunteers and pupils receive appropriate training into the school's safeguarding policy in accordance with any guidance issued by the Welsh Ministers in relation to safeguarding, and
- (b) a written record of that training is maintained.

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

- (a) a written behaviour policy is drawn up and effectively implemented that—

- (i) encourages and rewards good behaviour,
 - (ii) sets out the sanctions to be adopted in the event of pupil misbehaviour,
 - (iii) has regard to any guidance issued by the Welsh Ministers, and
- (b) a record is kept of the sanctions imposed upon pupils for serious misbehaviour.

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

14. 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, that includes consideration of activities outside of school premises.

15. The standard in this paragraph is met if the proprietor ensures compliance with the Regulatory Reform (Fire Safety) Order 2005⁽¹⁾.

16. 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.

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

18. 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) (Wales) Regulations 2010⁽²⁾.

19. The standard in this paragraph is met where the proprietor—

- (a) ensures that the policies and strategies required by this Part are reviewed regularly and updated when appropriate, and
- (b) maintains a written record of when each policy and strategy has been reviewed and updated.

(1) S.I. 2005/1541

(2) S.I. 2010/1954 (W. 187) amended by S.I. 2022/758 (W. 164)

PART 4

Suitability of proprietors, staff and supply staff

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

21.—(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, a suspension order or an interim suspension order,
- (c) no such person carries out work, or intends to carry out work, at the school in contravention of any direction made under section 142 or 167A of the 2002 Act, section 128 of the 2008 Act or any disqualification, prohibition or restriction which takes effect as if contained in any such direction,
- (d) 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,
- (e) where relevant to any such person—
 - (i) a DBS certificate has been obtained in respect of that person before or as soon as practicable after that person's appointment, or
 - (ii) where that person is registered with the DBS update service, a check is made of the person's DBS certificate status,
- (f) 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 Welsh Ministers, and

- (g) 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 (f), the proprietor checks that the Standards in the National Minimum Standards for Boarding Schools or, where applicable, the National Minimum Standards for Residential Special Schools, relating to vetting of staff are complied with,

and in the light of the information from the checks referred to in paragraphs (c) to (g) 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)(f) must be completed before a person's appointment.

(4) The checks specified in sub-paragraph (2)(d), (e), (f) and (g) 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 Wales in a position which brought M regularly into contact with children or young persons,
- (b) a maintained school in Wales in a position to which M was appointed on or after 12 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 Wales 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 90 days before M's appointment.

22.—(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 25(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, a DBS certificate has been obtained (or where the person is registered with the DBS update service a check made of the person's DBS certificate status) by that employment business or another employment business,

- (cc) if the employment business has obtained such a certificate or made a check of DBS certificate status before the person is due to begin work at the school, whether the certificate disclosed any matter or information, and
- (dd) that, where that person is one for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, that employment business or another employment business has obtained such further checks as appropriate, having regard to any guidance issued by the Welsh Ministers, and
 - (ii) a copy of any DBS 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 DBS certificate which the employment business obtains,

in respect of any person whom the employment business supplies to the school, and

- (e) except for those persons to whom subparagraph (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 the National Minimum Standards for Boarding Schools or where applicable, the National Minimum Standards for Residential Special Schools relating to vetting of school staff are complied with.

(3) Except in the case of a person to whom subparagraph (4) applies, the certificate referred to in

subparagraph (2)(a)(i)(bb) must have been obtained or the certificate status check referred to in subparagraph (2)(a)(i)(bb) must have been made not more than 90 days before the date the person is due to start 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 Wales in a position which brought P regularly into contact with children or young persons,
- (b) a maintained school in Wales in a position to which P was appointed on or after 12 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 Wales 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 90 days before P is due to begin work at the school.

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

(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,
 - (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, a suspension order, or an interim suspension order, and
 - (iii) does not carry out work, or intend to carry out work, at the school in contravention of any direction made under section 142 or 167A of the 2002 Act, section 128 of the 2008 Act or any disqualification, prohibition or restriction which takes effect as if contained in any such direction;
- (b) 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 that, where relevant to the individual—

- (i) a DBS certificate is obtained and a copy of such certificate is provided to the Welsh Ministers, or
 - (ii) where that individual is registered with the DBS update service, a check is made of the person's DBS certificate status and reported to the Welsh Ministers;
- (c) before the school is entered in the register or, in the case of a registered school, before or as soon as practicable after the individual takes over as proprietor in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining a DBS certificate is not sufficient to establish the individual's suitability to work in a school, the Welsh Ministers make such further checks as the Welsh Ministers consider appropriate;
- (d) before the school is entered in the register or, in the case of a registered school, before or as soon as practicable after the individual takes over as proprietor—
 - (i) the Welsh Ministers make checks confirming the individual's identity, or
 - (ii) the Welsh Ministers request that checks are made for the purposes of confirming the individual's identity and following that request—
 - (aa) evidence is provided to the satisfaction of the Welsh Ministers that the individual is the person with the particular identity that the individual claims to have, and
 - (bb) the Welsh Ministers notify the individual that the Welsh Ministers are satisfied that the individual's identity has been confirmed;
- (e) before the school is entered in the register or, in the case of a registered school, before or as soon as practicable after the individual takes over as proprietor—
 - (i) the Welsh Ministers make checks confirming that the individual has the right to work in the United Kingdom, or
 - (ii) the Welsh Ministers request that checks are made for the purposes of confirming that the individual has the right to work in the United Kingdom and following that request—
 - (aa) evidence is provided to the satisfaction of the Welsh Ministers that the individual has that right, and

(bb) the Welsh Ministers notify the individual that the Welsh Ministers are satisfied that the individual has that right.

(4) Sub-paragraphs (5) to (7) 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,

(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, a suspension order or an interim suspension order, and

(iii) does not carry out work, or intend to carry out work, at the school in contravention of any direction made under section 142 or 167A of the 2002 Act, section 128 of the 2008 Act or any disqualification, prohibition or restriction which takes effect as if contained in any such direction;

(b) subject to sub-paragraph (7), where relevant to the individual—

(i) a DBS certificate is obtained and a copy of such certificate is provided to the Welsh Ministers, or

(ii) where that individual is registered with the DBS update service, a check is made of the person's DBS certificate status and reported to the Welsh Ministers;

(c) subject to sub-paragraph (7), in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining a DBS certificate is not sufficient to establish the individual's suitability to work in a school, the Welsh Ministers make such further checks as the Welsh Ministers consider appropriate;

(d) subject to sub-paragraph (7)—

(i) the Welsh Ministers make checks confirming the individual's identity, or

(ii) the Welsh Ministers request that checks are made for the purposes of confirming

the individual's identity and following that request—

- (aa) evidence is provided to the satisfaction of the Welsh Ministers that the individual is the person with the particular identity that the individual claims to have, and
 - (bb) the Welsh Ministers notify the proprietor of the school that the Welsh Ministers are satisfied that the individual's identity has been confirmed;
- (e) subject to sub-paragraph (7)—
- (i) the Welsh Ministers make checks confirming that the individual has the right to work in the United Kingdom, or
 - (ii) the Welsh Ministers request that checks are made for the purposes of confirming that the individual has the right to work in the United Kingdom and following that request—
 - (aa) evidence is provided to the satisfaction of the Welsh Ministers that the individual has that right, and
 - (bb) the Welsh Ministers notify the proprietor of the school that the Welsh Ministers are satisfied that the individual has that right.

(6) The standard in this paragraph is met in relation to an individual ("MB"), not being the Chair of the school, who is a member of a body of persons corporate or unincorporate named as the proprietor of the school in the register or in an application to enter the school in the register, if—

- (a) MB—
 - (i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act,
 - (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, a suspension order or an interim suspension order, and
 - (iii) does not carry out work, or intend to carry out work, at the school in contravention of any direction made under section 142 or 167A of the 2002 Act, section 128 of the 2008 Act or any

- disqualification, prohibition or restriction which takes effect as if contained in either such direction;
- (b) subject to sub-paragraph (7), the Chair of the school in relation to MB—
 - (i) where relevant, obtains a DBS certificate (or where MB is registered with the DBS update service makes a check of MB's DBS certificate status),
 - (ii) obtains 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 a DBS certificate is not sufficient to establish MB's suitability to work in a school, makes such further checks as the Chair of the school considers appropriate, having regard to any guidance issued by the Welsh Ministers;
 - (c) subject to sub-paragraph (7), where the Welsh Ministers make a request for a DBS certificate relating to MB to be obtained, such a certificate is obtained.
- (7) In the case of a registered school—
- (a) sub-paragraphs (5)(b) and (c) are met where the checks referred to in those sub-paragraphs are completed before or as soon as practicable after the Chair of the school starts acting as such,
 - (b) sub-paragraph (5)(d) is met where the checks referred to in paragraph (d) are completed, or notification is given by the Welsh Ministers to the proprietor of the school as referred to in paragraph (d)(ii)(bb), before or as soon as reasonably practicable after the Chair of the school starts acting as such,
 - (c) sub-paragraph (5)(e) is met where the checks referred to in paragraph (e)(i) are completed, or notification is given by the Welsh Ministers to the proprietor of the school as referred to in paragraph (e)(ii)(bb), before or as soon as reasonably practicable after the Chair of the school starts acting as such,
 - (d) sub-paragraph (6)(b) is met where the checks referred to in paragraph (b)(i) and (iii) are completed before or as soon as practicable after MB starts acting as a member of the body of persons corporate or unincorporate named in the register as the proprietor of the school, and

- (e) sub-paragraph (6)(c) is met where the DBS certificate is obtained as soon as practicable after the Welsh Ministers' request.

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

24. The standard in this paragraph is met where relevant to a person or individual—

- (a) in relation to members of staff at the school—
 - (i) where a person is registered with the DBS update service if the proprietor checks the person's certificate status at least every three years;
 - (ii) where a person is not registered with the DBS update service if the proprietor applies for a DBS certificate in respect of that person at least every three years,and in the light of the information from the check or application the proprietor considers that the person remains suitable for the position to which the person is appointed;
- (b) in relation to the proprietor where the proprietor is an individual—
 - (i) where an individual is registered with the DBS update service if a check of the individual's certificate status is made and reported to the Welsh Ministers at least every three years;
 - (ii) where an individual is not registered with the DBS update service if a DBS certificate in respect of the individual is applied for and provided to the Welsh Ministers at least every three years;
- (c) in relation to an individual who is the Chair of the school—
 - (i) where an individual is registered with the DBS update service if a check of the individual's certificate status is made and reported to the Welsh Ministers at least every three years;
 - (ii) where an individual is not registered with the DBS update service if a new DBS certificate in respect of the individual is applied for and provided to the Welsh Ministers at least every three years;
- (d) 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—

- (i) where an individual is registered with the DBS update service if the Chair makes a check of the individual's certificate status at least every three years;
- (ii) where an individual is not registered with the DBS update service if the Chair applies for a new DBS certificate in respect of the individual at least every three years;
- (e) for the purposes of sub-paragraphs (a) to(d), where a DBS update service check has not been made or a DBS certificate has not been applied for in respect of any person or individual within a period of three years ending with the date on which these Regulations come into force, the first such check or application must be made within a period of one hundred and eighty days beginning with the date that these Regulations come into force.

25.—(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 (5) 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, the date they were appointed;
- (b) in relation to each member of staff (“S”), 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 a prohibition order, an interim prohibition order, a suspension order or an interim suspension order including the date on which such check was completed,
 - (iv) a check was made to establish whether S is subject to any direction made under section 142 or 167A of the 2002 Act, section 128 of the 2008 Act or any disqualification, prohibition or restriction which takes effect as if contained in such a direction,

- (v) checks were made to ensure, where appropriate, that S had the relevant qualifications,
- (vi) a DBS certificate was obtained in respect of S (or where S is registered with the DBS update service a check made of S's certificate status),
- (vii) checks were made pursuant to paragraph 21(2)(d),
- (viii) a check of S's right to work in the United Kingdom was made, and
- (ix) checks were made pursuant to paragraph 21(2)(e),

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

(4) 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)(b)(i) to (iv), (vi) and (vii) have been made to the extent relevant to any such person, and
 - (ii) that employment business or another employment business has obtained a DBS certificate (or where the person is registered with the DBS update service a check made of the person's certificate status),

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 22(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 22(2)(d) that it has obtained a DBS certificate, whether the employment business supplied a copy of the certificate to the school.

(5) The information referred to in this sub-paragraph is, in relation each member ("MB") of a body of persons named as the proprietor—

- (a) the date they were appointed;
- (b) whether the checks referred to in paragraph 23(6)(b) were made, the date they were made and the date on which the resulting certificate was obtained.

(6) It is immaterial for the purposes of sub-paragraphs (3), (4)(a) and (b), and (5) whether the

check was made or certificate obtained pursuant to a legal obligation.

PART 5

Premises of and boarding accommodation at schools

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

27. For the purposes of this Part, 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.

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

- (a) the water supply meets the requirements of the 1999 Regulations,
- (b) there is an adequate drainage system for hygienic purposes and the disposal of waste water and surface water,
- (c) each load bearing structure is satisfactory in accordance with the 1999 Regulations,
- (d) the school has effective security arrangements for the grounds and building,
- (e) premises which are used for another purpose other than conducting the school are organised to ensure that the health, safety and welfare of pupils are safeguarded and their education is not interrupted by other users,
- (f) the school buildings provide reasonable resistance to penetration by rain, snow, wind and moisture from the ground,
- (g) there is sufficient access so that emergency evacuations can be accomplished safely for all pupils, particularly those with special requirements,
- (h) access to the school allows all pupils including those with special requirements, to enter and leave the school in safety and comfort,
- (i) the premises and boarding accommodation are not in such a state as to be prejudicial to health or a nuisance,
- (j) having regard to the number, age and needs (including any special requirements) of pupils, classrooms are appropriate in size to

- allow effective teaching and do not compromise health and safety,
- (k) there are sufficient washrooms for staff and pupils, including facilities for pupils with special requirements, taking account of the 1999 Regulations,
 - (l) there are appropriate facilities for pupils who are ill in accordance with the 1999 Regulations,
 - (m) where food and drink is served, there are adequate facilities for its hygienic preparation, service and consumption,
 - (n) classrooms and other parts of the school are maintained in a tidy, clean and hygienic state,
 - (o) sound insulation and acoustics allow effective teaching and communication,
 - (p) lighting, heating and ventilation in classrooms and other parts of the school are satisfactory in accordance with the 1999 Regulations,
 - (q) there is a satisfactory standard and adequate maintenance of decoration,
 - (r) the furniture and fittings are appropriately designed for the age and requirements (including any special requirements) of all pupils registered at the school,
 - (s) there is appropriate flooring in good condition,
 - (t) there are appropriate arrangements for providing outside space for all pupils to play safely (including pupils with any special requirements),
 - (u) where boarding accommodation is provided, it has regard to the National Minimum Standards for Boarding Schools or, where applicable; the National Minimum Standards for Residential Special Schools, and
 - (v) there is an accessibility plan prepared and reviewed in accordance with the requirements of section 88 of and Schedule 10 to the 2010 Act.

PART 6

The provision of information

29.—(1) The provision of information by the school meets the standard if the proprietor ensures that the requirements in sub-paragraphs (2) to (10) are met.

(2) The school must provide to parents of pupils and prospective pupils and on request to the Chief Inspector, the Welsh Ministers, or a body approved under section 163(1)(b) of the 2002 Act—

- (a) the school's address, email address and telephone number, and the name of the head teacher;
- (b) either—
 - (i) where the proprietor is an individual, that person's—
 - (aa) full name,
 - (bb) direct business email address,
 - (cc) telephone number (during term time and non-term time),
 - (dd) correspondence address (during term time and non-term time), or
 - (ii) where the proprietor is a body of persons corporate or unincorporate, the address and telephone number of its registered or principal office;
- (c) where the school has a governing body, the name and contact details of the Chair of that body;
- (d) a statement of the school's ethos (including any religious ethos) and aims;
- (e) particulars of the school's policy on and arrangements for admissions, discipline and exclusions;
- (f) particulars of education and welfare provision for pupils with individual development plans or statements and for pupils for whom English or Welsh is an additional language.

(3) The school must make available to parents of pupils and prospective pupils and on request to the Chief Inspector, the Welsh Ministers, or a body approved under section 163(1)(b) of the 2002 Act—

- (a) particulars of the policies prepared under Part 1 of this Schedule;
- (b) particulars of the policies prepared under Part 3 of this Schedule,
- (c) particulars of the school's academic performance during the preceding school year, including the results of any public examinations and assessments resulting in a qualification,
- (d) details of the complaints procedure set out in accordance with paragraph 30 of this Schedule, and the number of complaints registered under the formal procedure during the preceding school year,
- (e) the number of staff employed at the school, including temporary staff, and a summary of their qualifications, and
- (f) the term dates for the current academic year.

(4) Following an inspection under section 163(1) of the 2002 Act a copy of the report of the inspection (if it has been sent to the proprietor or the school) is published and maintained on the school's internet website (if the school has an internet website) and, by a date specified by the body who conducted the inspection, is provided to—

- (a) the parents of every registered pupil,
- (b) where the registered pupil is looked after by a local authority, the local authority that is responsible for looking after them,
- (c) where the registered pupil's placement is funded wholly or partly by a local authority, the local authority that provides the funding, and
- (d) where the registered pupil has an individual development plan or statement, the local authority with responsibility for maintaining the individual development plan or statement.

(5) An annual written report of the progress of each registered pupil and their attainment in the main subject areas taught must be provided by the school, except that no report needs to be sent to a parent who has agreed otherwise with the school.

(6) The school will provide to any body conducting an inspection under section 163 of the 2002 Act with—

- (a) any information reasonably requested in connection with an inspection that is necessary for the purposes of the inspection, and
- (b) access to the admission register, and any attendance register, maintained in accordance with the Education (Pupil Registration) (Wales) Regulations 2010.

(7) Where a pupil wholly or partly funded by a local authority is registered at the school, an annual audited account of income received and expenditure incurred by the school must be provided to the local authority and on request to the Welsh Ministers.

(8) Where a pupil with an individual development plan or statement is registered at the school, the school must provide such information to the local authority as may reasonably be required for the purpose of a statutory review of the individual development plan or statement.

PART 7

The manner in which complaints are to be handled

30. The manner in which complaints are handled meets the standard if the proprietor ensures that the school draws up and effectively implements a complaints procedure which—

- (a) is in writing,
- (b) is made available on the school's internet website, or where the school does not have an internet website, it is provided to pupils or boarders, the parents of pupils or boarders and of prospective pupils or boarders at the school,
- (c) sets out clear time scales for the management of a complaint,
- (d) provides an opportunity for a complaint to be made and considered initially on an informal basis,
- (e) where the parents, pupils or boarders are not satisfied with the response made in accordance with sub-paragraph (d), or wish to pursue a formal complaint, establishes a procedure for the complaint to be made in writing,
- (f) where the parents, pupils or boarders are 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) stipulates that, where there is a panel hearing of a complaint, one person will be independent of the management and running of the school,
- (h) allows for the parents, pupils, or boarders to attend and to be accompanied at a panel hearing if they wish,
- (i) provides for the panel to make findings and recommendations and stipulates that the complainant, proprietor and head teacher, and where relevant the person complained about, are each provided a copy of any findings and recommendations,
- (j) provides for written records to be kept of all complaints, including whether they are resolved at the preliminary stage or proceed to a panel hearing and any action taken by the school as a result of those complaints and whether they were upheld,

- (k) provides that, subject to paragraph 29(3)(d) of this Schedule, correspondence, statements and records of complaints are to be kept confidential except where the Welsh Ministers or a body conducting an inspection under section 163 of the 2002 Act requests access to any documents relating to the complaint, and
- (l) where the school provides boarding accommodation, complies with the National Minimum Standards for Boarding Schools, or where applicable, the National Minimum Standards for Residential Special Schools.

Consultation Draft