

**Inspection of British Schools Overseas**

**Commentary on the BSO Standards**

**November 2019**



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ISI periodically issues further information about regulatory matters which are available through the ISI online portal. Significant points are then consolidated into the next revision of this Commentary.

Changes since the September 2018 version are indicated by a vertical line in the left-hand margin.

# Introduction

## The purpose of this Commentary

1. The British government has put in place a voluntary inspection scheme for schools overseas that wish to be recognised by the British government as a “British school overseas” (BSO). The scheme ensures that those schools overseas that choose accreditation provide their pupils with the skills and qualifications they need to enter or re-enter the British education system. The scheme also helps to inform parents of how the standards in these schools measure up against the standards that apply to independent schools in England.
2. All independent schools in England are required by law to be registered with the British Government’s Department for Education (DfE). The DfE sets minimum standards which independent schools must meet for initial and continuing registration. Failure to meet these minimum requirements could ultimately lead to de-registration of a school at the discretion of the Secretary of State.
3. The [BSO standards](#), set by the UK government, are aligned closely with those for independent schools in England. The 2017 iteration was intended to ‘raise the bar’ for BSO accreditation. If a participating school overseas meets the BSO standards, it is allocated a unique reference number and entered on the national school reference system for England, *Get information about schools (GIAS)*, formerly *Edubase*, alongside independent schools in England. BSOs are also entitled to display the BSO emblem. This recognition currently lasts for three years from the date of inspection and can be renewed at each successful inspection.
4. Inspectors of BSOs are required to have relevant experience of inspection of a diverse range of comparable schools in England and/or of British curriculum schools overseas. ISI inspectors will therefore already have extensive knowledge and understanding of the standards applicable in England. This *Commentary* replicates that used for the inspection of independent schools in England as far as possible. It does not impose additional requirements but explains the standard to support consistency across inspections. For transparency of process, it is available to all schools inspected by ISI to assist them in their understanding of the BSO standards, but it is primarily an inspection instrument.
5. In 2019, the DfE issued its own non-statutory advice on the meaning of the standards for schools in England: [The Independent School Standards – Guidance for independent schools](#). We have sought to incorporate relevant extracts from the guidance in this *Commentary* that may assist with interpreting the BSO standards. These extracts appear in purple text. In addition, further changes reflect updates to government policy around how to report when schools cannot meet the BSO standards on account of local law, and difficulties in accessing certain suitability checks. .
6. BSOs are responsible for ensuring they meet the BSO standards, reading the underlying guidance and advice documents linked from the text in full to gain a rounded understanding. While every effort is made to keep this *Commentary* up to date, in conjunction with supplementary information disseminated to inspectors and BSOs from time to time, ISI accepts no responsibility for any loss or damage of any variety to BSOs and others due to their misunderstanding the contents of this *Commentary*, or to their reliance on background information intended for inspectors.
7. In order to be formally accredited as a BSO, schools must be inspected against:
  - the ‘Standards for British schools overseas’ 2017 (published November 2016, in force 1 September 2017) (the ‘BSO standards’)
  - from September 2017, these incorporate minimum standards for boarding (the ‘boarding standards’), parallel to those in force in England
  - the ban in England on corporal punishment – reported under Part 3 and Part 8.

8. The statutory framework for the Early Years Foundation Stage is not incorporated into the BSO standards. Provision for young children is inspected under the main BSO standards.
9. The British government recognises that schools in different countries may have to produce and implement policies, or take action, in accordance with local regulations. It is not the purpose of the BSO standards to ensure compliance with local regulation. However, the expectation is that the standards implemented by schools will ensure policies and procedures of a quality at least as high as those in independent schools in England.
10. Schools must:
  - provide evidence to ISI that each standard has been met; and
  - confirm to ISI that to the best of their knowledge and belief,
    - the school complies with all local regulatory requirements; and
    - there is no information available to them that indicates that the school would have to close in the foreseeable future.
11. Where there is a conflict between the BSO standards and local requirements, the requirements of the host country take precedence. Any departures from the BSO standards due to host country requirements should be notified to inspectors. **Schools which meet all the BSO standards other than those which would bring them into conflict with the laws of the host country on issues relating to fundamental British values and protected characteristics can be accredited as British Schools Overseas provided that they can evidence that that these standards cannot be met lawfully in their country – see letter of Lord Agnew dated 17 October 2018 at [Appendix 5](#). The relevant standards to which this exception applies are those in paragraphs 2(1)(b)(ii), 2(2)(d)(ii), 3(i), 3(j), 5(a), 5(b)(vi) and 5(b)(vii). Schools should direct the inspectors’ attention to the relevant local legislation.**
12. **This exception may extend beyond legislation to encompass case law and other local contextual factors. Where compliance with the BSO standards could create legal risks for the school or those running it, inspectors can also consider information such as legal or official advice or guidance received by the school in recommending that the school is judged to meet the standards except where they are unable to do so given local restrictions. To reach a recommendation that a school should be (or continue to be) accredited as a BSO, the inspector should be confident that it is doing everything necessary that is not limited by local restrictions. The DfE will consider each case individually.**
13. Where this applies, the report will state: ‘**The school meets all the BSO Standards except those which it is precluded from meeting because of the host country’s legislation.**’ In such cases, the school will be listed by the DfE on the UK government’s website.

### How to use this Commentary

14. The sections of the Commentary are written in the order of the BSO standards. 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 blue underlined text. To return to the main text from the glossary, you can use the Windows keyboard shortcut  
ALT + LEFT ARROW
15. The wording of the BSO standard is presented in a purple box. Underneath the purple boxes are explanatory ISI notes on a white background about the requirements and other useful information. Any specific requirements for written policies are indicated in a box with a dotted border. Implementation sections are included where it is thought that additional guidance would be helpful to indicate to inspectors what they are likely to want to check. At the end of each section, there are links for additional boarding requirements on the topic in question. As explained above, extracts from the recent DfE



publication *The Independent School Standards – Guidance for independent schools* appear in purple text in this document.

### Policies and particulars

16. Some BSO standards require the preparation of a policy or particulars. The term ‘policies’ is used throughout this *Commentary* as it is the form of ‘particulars’ most commonly prepared by schools. The standards 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 and in English. It is for schools to demonstrate compliance, as part of their duty to co-operate with inspectors.
17. A school’s documentation should be more than ‘off-the-shelf’ guidance and be representative of the school’s individual circumstances and actual practices.
18. Where the BSO standards specify that a written document is necessary, guidance is given about required or indicative content and how inspectors will check effective implementation.

### Inspection of the BSO standards

19. Overseas Reporting inspectors (ORIs) have overall responsibility for recording and reporting whether the BSO standards are met. They carry out the checks themselves, starting with the pre-inspection documentation, and continue during the inspection, drawing on evidence from their Overseas Team Inspector (OTI)(s). They may delegate the gathering of some of the evidence to team members, but they must retain a clear overview. It is the responsibility of the reporting inspector to complete the final version of the regulatory checklist for submission to ISI.
20. Inspectors should refer to the *BSO Framework and Handbook for the inspection of British schools overseas – Inspection guidance* for inspection approach.
21. During the oral feedback, the reporting inspector ensures that, if a standard is not met, the school is clearly informed about the nature of the failing and the outcome necessary to remedy the deficiency, though the process is a matter for the school.
22. The DfE is not bound by the compliance judgments of inspectors although it routinely accepts them.

### Inspecting the exercise of professional discretion

23. In some areas, the DfE intentionally allows professionals working in schools scope to exercise professional discretion. In such areas, the role of inspectors is to consider whether the school acted reasonably in reaching a decision or choosing its course of action. More than one decision or course may be considered reasonable. A decision or action is not reasonable if it lies outside the range that could be considered reasonable in the context of that school.

### The role of ‘materiality’ in compliance judgements

24. In reporting whether a school meets the required minimum standards, a reasonable and proportionate approach is to be taken bearing in mind whether the purpose (policy intention) of each standard has been achieved in all material respects. To this end, ORIs should consider the nature and extent of any areas of weakness in compliance and the effect or potential effect on pupils. For example, a single significant material deficiency may call for a judgement of ‘not met’ while a small, correctable error in an otherwise effective system may not. However, a number of small deficiencies could be indicative of poor systems and/or a lax approach to compliance and could be judged in context to indicate that one or more standards have not been met. Schools should be alerted to all instances of non-compliance, whether or not reported as material at the time, so that they may take action to remedy them. If a school is able to correct issues during the inspection, it will be for the inspection team to judge whether

the matter has been fully resolved, including implementation, or whether an underlying systemic issue may still remain and should be reported.

25. On the rare occasions where evidence affecting regulatory judgements is unclear, for example, because of late emerging issues, ORIs must make sure the school has a clear judgement of the 'worst-case' outcome along with any implications for associated judgements, such as those for leadership and management, at the oral feedback stage so that the school is left in no doubt of the possible implications. The ORI 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.
26. Material non-compliance is reported against the relevant standard. Care is particularly needed when dealing with a deficiency which has implications for more than one section (for example, welfare, health and safety and suitable persons). 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. ORIs and editors must make sure that every part of the written report is fully consistent with the judgements recorded in the *Record of Evidence*.

### **Advice to schools**

27. Inspectors may discuss current thinking on best practice if time allows, but if they do so they must distinguish this unmistakably from regulatory requirements and be clear that inspections of regulatory compliance report only against the BSO standards and not 'best practice' or other legal requirements.

## Standards for British schools overseas

**‘An essential element of the inspection is considering the extent to which the British character of the school is evident in its ethos, curriculum, teaching, care for pupils and pupils’ achievements. By achieving UK inspection-based approval, participating schools will be able to demonstrate that they provide a British education that has similar characteristics to an education in an independent school in England.’**

Introduction to the *Standards for British schools overseas*, November 2016

### Part 1 – Quality of education provided

28. The overall purpose of Part 1 is to ensure that a school has a curriculum which covers a broad range of subject disciplines, delivered through teaching that will enable all pupils to make good progress according to their abilities, and that such progress is properly assessed as part of a continuous process which feeds back into lessons. Exceptions may be applied to the standards in paragraphs 2(1)(b)(ii) and 2(2)(d)(ii) where local laws and restrictions preclude compliance. See the introductory paragraphs for more information.

#### Paragraph 2 – Curriculum

- (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 special educational needs*; 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*, 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;
  - (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 of *age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, sex and sexual orientation*;
  - (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 *under the age of 5*, 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 *over the age of 16*, 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.

29. 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 aptitudes and needs of all pupils within the school are catered for, including those with special educational needs and/or disabilities (SEND). Pupils should be considered to have SEND in this context if they have greater difficulty in learning than the majority of children of their age or have a disability which prevents or hinders them from making use of the facilities provided by the school. 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. *If the school takes a holistic approach to the curriculum, for example, teaching geography, language and history through a project-based approach, then the documentation must reflect this but it will also need to provide for how each of the matters in sub-paragraph (2) of this standard will be covered through that approach.*
30. 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. **The standard in 2(1)(b)(ii) is one to which an exception may be applied if compliance is precluded locally.** *A school is unlikely to meet the requirements of 2(1)(b)(ii) if its policy on curriculum or the supporting plans and schemes of work, for example:*
- *include material in history lessons which promotes non-democratic political systems rather than those based on democracy, whether for reasons of faith or otherwise;*
  - *teach that the requirements of religious law permit the requirements of civil or criminal to be disregarded; and/or*
  - *are designed to suggest to pupils that some or all religions are wrong and that, therefore, those who follow them are not worthy of respect. For the avoidance of doubt, teaching that some religions, all religions, or atheism/agnosticism are wrong does not conflict with fundamental British values, so long as it is made clear that adherents of those belief systems should be treated with respect.*
31. There may be shortcomings in meeting any one aspect of the standard without a failure to meet the whole standard. To make a finding that a standard 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 standard 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 in England.
32. Where the standard in 2(1)(b)(ii) may not be lawfully met in the host country on account of local laws and restrictions, a school may still be accredited as a BSO if all the other standards are met. Inspectors should require evidence from the school of the local law, guidance and context which preclude compliance. As an example, local legal advice to the school could provide useful corroboration of the situation. Inspectors are also advised to refer to the ISI office (the Duty team) for support. See the Introduction to this *Commentary* for more information.

**CURRICULUM POLICY CONTENT**

33. 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**

34. 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 accredited as a BSO. The DfE anticipates that schools offering teaching of around 20 hours per week or more will be providing full-time education.
35. The BSO standards do not set out minimum operating hours. Provided that schools are effective in implementing the standards 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**

36. 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, notes 248 and 250.

**Areas of experience – 2(2)(a)**

37. The standards are not intended to be prescriptive about the way a school organises its curriculum, and they do not require the school to follow the National Curriculum of England. 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. 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 principal language 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.

If there is no practical element in the teaching of science, for example, the school should be able to show how it compensates for this in a way which allows pupils to reach an appropriate overall level of understanding of the subject in question.

**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, information and communication technology (ICT). Technological skills can include the use of ICT; developing, planning and communicating ideas; working with tools, equipment, materials and components to produce good-quality products; and evaluating processes and products.

Schools which discourage or ban the use of ICT/electronic media, or whose pupils cannot use them due to disability, may legitimately reflect this in their approach to technological education, but should still ensure that pupils have conceptual familiarity with digital skills and technology which will be encountered in everyday life, eg cars, cash machines and mobile phones.

**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.

PE should be a timetabled lesson, not just an extended break. Clothing requirements are not a good reason for limiting the amount of pupils' participation in PE, although they can legitimately influence which activities are undertaken. At least some PE should take place outdoors rather than just using school halls. In addition, if co-educational schools provide single-sex sports they must still allow pupils, be they girls or boys, equal opportunities to participate in comparable sporting activities. See also the standard in paragraph 3(j).

**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.

Where the curriculum for aesthetic and creative education lacks a practical element, the school should be able to show how it compensates (see above, under scientific). There is no requirement for aesthetic and creative education to cover any specific art form, eg music.

38. There is no specific requirement to provide **religious education** *per se* although, in many schools, religious education is a major way of providing human and social education and promoting spiritual, moral, social and cultural development. But effectively there are requirements elsewhere in the standards for pupils to be taught about religions and belief systems in order to engender respect for other people. If religious education is used as the medium for some teaching about the secular subjects mentioned in paragraph 2(2)(a), then the school's curriculum documents must set out how each of those secular subjects is covered through that religious teaching and elsewhere.
39. Independent schools may teach creationism as part of a belief system, but it should not be presented as having a similar or superior evidence base to scientific theories. On the other hand, schools should not suggest that those who hold creationist beliefs are not worthy of respect.

#### **Early Years Foundation Stage (EYFS) – curriculum**

40. Schools in England, including independent schools, are obliged to follow the statutory framework for the EYFS. This sets out learning and development requirements, amongst other requirements, which comprise:
  - seven areas of learning,
  - early learning goals and
  - assessment arrangements.

In England, the seven areas of learning in the EYFS comprise:

- three prime areas: communication and language, physical development, personal social and emotional development;
- four specific areas through which the prime areas are strengthened and applied: literacy, mathematics, understanding the world, and expressive arts and design.

41. BSOs which are interested to know the detail of the approach for children under the age of 5 in England should be referred to the full [statutory framework for the EYFS](#). However, the BSO standards do not refer to the statutory framework for the EYFS and the same ground as the seven areas of learning is covered in Part One of the BSO standards (for example, paragraph 2(2)(a)(b) and (f)). Inspectors can, therefore, consider curriculum provision for children under the age of 5 in BSOs without direct reference to the EYFS statutory framework by either the school or the inspection team.

#### **Special educational needs – 2(1)(b)(i)**

42. The standard does not require schools to have a separate SEN policy but does require the curriculum, plans and schemes of work to take proper account of the needs of all pupils, in terms of ability, need and aptitudes. The school must be able to demonstrate that special educational needs are taken fully into account.

#### **Personal, social health and economic education – 2(2)(d)**

43. [The school's approach to PSHE should reflect its aims and ethos. Schools have discretion to adjust PSHE to their specific faith ethos.](#) It need not be provided as a named subject, provided there is a written and effective plan implemented in a broad and appropriate way covering all elements of the standard: personal, social, health and economic education. There is currently no requirement to provide sex education. In independent schools in England this will change from September 2020.

44. **2(2)(d)(ii) – This standard is one where an exception may be applied if compliance is precluded locally. See the introductory paragraphs for more information.** The standards specifically require PSHE to encourage respect for other people, with particular regard to the characteristics listed (which are protected by legislation in England). [It is not sufficient for a school to say that it meets this requirement because its curriculum encourages respect for all pupils in a general way; that is not paying particular regard to protected characteristics of which pupils should be made aware to the extent considered age-appropriate. However, a school does not necessarily have to address all the characteristics in every year group because, in drawing up its policy, plans and schemes of works relating to the PSHE curriculum, a school is to take account of \(amongst other things\) the ages of pupils and their learning abilities and deliver the curriculum appropriately.](#)

45. The protected characteristics as listed in section 4 of the Equality Act 2010 and BSO standard 2(2)(d)(ii) are as follows:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

46. The protected characteristics should be referenced in curriculum documentation. Everyone has at least some characteristics which are included in this list (for example, age and sex). The standard will not be met if, for example, the PSHE curriculum:
- encourages pupils to see those of particular races or religions as being inferior in any way
  - suggests to male pupils that women or girls should be treated with less respect than males or that a woman's role is subservient to that of a man – or vice versa
  - were to facilitate debate on same-sex marriage, but teaches pupils that the parties to such a marriage or civil partnership in the UK do not merit the protection which the law affords them in the UK – although teaching that the faith position of the school is that marriage is only between a man and a woman is acceptable
  - teaches that disabled people deserve less equal treatment, for example, because of sins they are said to have committed in previous lives
  - encourages people to believe that women who are pregnant without being married should be punished or not respected. Teaching that the faith position of the school is that sexual activity involving members of that faith should be kept within the bounds of marriage is acceptable.
47. A school can teach that its particular faith has teachings relevant to these matters and explain to pupils what those teachings are. However, this does not mean that a curriculum, including that for religious education, can be planned or teaching provided which advocates or otherwise encourages pupils not to respect other people on the basis of a protected characteristic. In that case, the standard will not be met and there may also, depending on the exact facts, be a breach of other standards, for example, paragraph 3(i) or 5(b)(vi).
48. The standard does not amount to a requirement to promote other faiths, alternative lifestyles or same sex marriage, for example. There is no requirement for a faith school, for example, to promote other faiths as well as its own. The standard is intended to promote **respect and a culture of tolerance and diversity** and 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. In appropriate cases, this standard may be considered to be 'met' in the absence of counter-indications.

### Careers education

49. Advice must be provided for pupils receiving secondary education to help pupils choose post-16 courses. The standard requires impartiality, provision which enables pupils to make informed choices about a broad range of careers options, and advice which generally helps to encourage all pupils to fulfil their potential.
50. The requirement relating to careers guidance applies to pupils receiving secondary education meaning from the academic year in which they turn 12 (or at least 10 and a half if being educated with senior pupils). This means that for pupils at a prep school or a middle school where there are pupils aged 10 – 13 the requirement will apply to all pupils aged 10 and half and older. In practice, inspectors will expect to see careers guidance suitable to the relevant age group. The standard requires a written policy and other materials to be produced.
51. 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. It is unlikely that there will be effective implementation if curriculum materials, library reference books and other learning materials or the actual delivery of careers education carry messages which stereotype particular roles to particular sexes.
52. The guidance must enable pupils to make informed choices about a broad range of options open to them. This will include timely advice to help pupils choose GCSE (if the BSO offers GCSEs) and post-16 courses. Careers options should not be restricted to those that are available in a certain faith community or particularly appropriate to the school's pupils.

53. 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 (good practice); 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.
54. The school should be able to demonstrate that its approach to careers guidance is likely to have the effect of enabling pupils to make informed choices from amongst the different sorts of careers that can be available to school leavers generally. Evidence relevant to complying with this standard includes pupils being able to demonstrate an understanding of the career options available to enable them to succeed in adult life. Schools should not suggest that pupils do not enter further or higher education simply on the grounds that these forms of education are not favoured within a faith community.
55. The statutory guidance for the state sector in England which gives a detailed explanation of parallel duties for English state schools may be a useful resource for schools: *Careers guidance and access for education and training providers 2018*, but does not form part of the BSO standards.

### Opportunity to learn and make progress

56. This regulation is crucial in judging the adequacy of the curriculum. Schools will fail this standard if the curriculum is not demanding enough given the ability and aptitude of pupils in the school, or on the other hand is too demanding. The curriculum must be designed so that all pupils at the school can learn and make progress. A key word in this standard is ‘all’; a school should not be seeking to cater only for the majority of pupils – if there are pupils of exceptional ability they should be enabled to make progress, and if there are pupils with special needs, whose first language is not the principal language of instruction in the school or who come from a disadvantaged background and in consequence have delayed attainment, inspectors will wish to see that these pupils are appropriately taken into account in the curriculum policy and supporting documents.
57. Additionally, this regulation also encompasses those pupils who have other particular needs, and what additional actions are required to ensure these pupils receive the support they need to achieve educationally.
58. As is the case with the other requirements in this sub-paragraph, there must be effective policy implementation.

### Preparation for the opportunities, responsibilities and experiences of life in British society – 2(2)(i)

59. Preparation for future life should be ‘effective’ rather than merely ‘adequate’ and the standard has the additional focus of ‘British society’. This has been explained by the DfE 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.’ The particular focus in the standard on ‘British Society’ does not preclude BSOs from also preparing pupils for life in global society.
60. This standard is closely linked to the standard for careers guidance but has a more general application, with the aim of ensuring that all pupils can function properly as adult citizens. A properly designed curriculum will take into account that pupils will inevitably have some contact with wider society – even if they choose to continue life in a particular community – and need to be equipped for that contact; and also that some pupils may choose to leave their home or faith communities. Therefore, schools should be preparing pupils for engagement with public institutions and society at both national and local level; and for civic responsibilities and contact with a wide range of members of society in Britain and the wider world.



61. The practice of segregating pupils by gender in a co-educational school is also relevant to this standard (2(2)(i)). Schools that segregate by gender will have to be able to show that pupils are being prepared for engagement with communities where gender mixing is common and understand and respect that any gender can fulfil almost any role in society, with very few exceptions (such as ministers in some religions).

## IMPLEMENTATION

62. In-depth reporting about educational outcomes for pupils is the remit of the dedicated educational quality inspections available to BSOs. BSO compliance inspections take a lighter-touch approach to educational quality, checking simply that the minimum requirements are met for the school to become or remain accredited as a BSO. During BSO compliance inspections, the effective implementation of the curriculum policy may be checked through sampling activities such as:
- direct observation of lessons;
  - responses of parents and pupils to questionnaires;
  - interviews with pupils and staff;
  - scrutiny of work, records and documentation; and
  - analysis of data, including comparison with national norms, where possible.
63. Inspectors will also be alert to counter-indications in accordance with the requirements not to undermine fundamental British values through the curriculum and to promote respect for others through the PSHE curriculum.

## Paragraph 3 – Teaching

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 because of their protected characteristics as set out in Part 6 of the Equality Act 2010.

64. Part 1 of the BSO standards contains requirements for the delivery of teaching. Teachers and other staff in independent schools are not required to hold Qualified Teacher Status (QTS), 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 the requirements that apply to boarding is outlined in Part 9 – Minimum standards for boarding.

65. **Exceptions may be applied to the standards in paragraphs 3(i) and 3(j) where local laws and restrictions preclude compliance.** See the introductory paragraphs for more information.

#### **Enabling progress in knowledge understanding and skills – 3(a)**

66. As in schools in England, pupils in BSOs must make ‘good’ progress according to their ability. ISI will have academic data from some BSOs, but inspectors should always interrogate it at source. Inspectors should seek advice from the duty team via the ISI Office if there are any concerns about progress judgements during the inspection. Teaching is required to include ‘good’ understanding of pupils’ needs, ‘good’ subject knowledge and using resources of ‘good’ quality. ‘Good’ is the standard to be reached for an inspection judgement of ‘met’ in a compliance inspection; it is not a direct reference to a judgement grade in an educational quality inspection.
67. The teaching standard stresses 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’.
68. A child making good progress is not one who is just ‘getting by’ but is being actively pushed towards increased achievement by the teaching she or he receives. Meeting this standard, therefore, requires that teaching does this for pupils in general, according to their ability. This also means that schools which have pupils with special educational needs can meet this standard if their teaching produces progress which is good taking into account the nature of those special needs.

#### **Fostering motivation – 3(b)**

69. As well as the basic requirement to encourage pupils to work hard and achieve, and take a positive attitude towards learning, schools should also feel able to encourage open discussion by pupils and staff of problems and themes which arise from the curriculum or everyday life. Schools which suppress debate and do not encourage questioning and individual opinion are not likely to meet this standard.

#### **Planning, methods and management of class time – 3(c)**

70. The importance of these requirements for good teaching is self-evident. It is whether the school can demonstrate that its particular approach is based on sound principles and an orderly approach, rather than following particular pedagogic methods, which will determine whether the standard is met. The overall quality of teaching is what matters and a single poor lesson observed during an inspection would not constitute a failure against this standard ((3(c)).

#### **Good understanding of aptitudes, needs and prior attainments taken into account in lesson planning – 3(d)**

71. Teachers should know their pupils and plan their lessons accordingly. An effective system to track pupils’ progress can help to provide evidence for meeting this standard.

#### **Good knowledge and understanding of the subject matter being taught – 3(e)**

72. This standard will not be met if the school’s teaching force do not have a good understanding and knowledge of the subject(s) which they teach.

#### **Effective use of good quality, quantity and range of classroom resources – 3(f)**

73. This standard is designed to ensure that there are enough books and other teaching resources in the school and that they are of good quality. Pupils should be exposed to a sufficiently wide range of stimulating material.
74. Inspectors will also examine school libraries and book holdings and, if books are found which espouse values which conflict with any of the standards, schools will be asked why they are there, and whether – and if so how – they are used in teaching. They will also be asked how pupils’ access to them outside lessons is monitored and controlled. If the school uses online resources for teaching, the school should

be able to explain to inspectors how it uses filters to manage lesson usage and monitors pupils' access to material which may breach the standards.

### Assessment to support planning of teaching – 3(g)

75. It needs to be clear that the teaching systematically assesses 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 in effect makes nationally standardised testing or English National Curriculum assessment a requirement. The issue is whether the school's approach to assessment is effective in supporting pupils to make progress.
76. 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 requirements applying for boarding are outlined in the relevant sections of this document.

### Effective strategies for managing behaviour – 3(h)

77. Although there is a requirement elsewhere in the BSO standards (paragraph 9) in relation to the promotion of good behaviour, through producing and implementing a suitable policy, this linked standard requires that the class teaching in particular is delivered in a way that ensures good behaviour. There is also a link here to paragraph 3(b), fostering pupils' self-motivation, as pupils' behaviour will be assisted where they are interested in their work and encouraged to think and learn for themselves. Teaching which is otherwise good is unlikely to be effective if delivered in an environment in which pupils' behaviour is poor.

### Fundamental British values and protected characteristics set out in Part 6 of the Equality Act – 3(i) and (j)

78. Where this standard may not be lawfully met in the host country on account of local laws and restrictions, a school may still be accredited as a BSO if all the other standards are met. Inspectors should require evidence from the school of the local law, guidance and context which preclude compliance. Inspectors are also advised to refer to the ISI office (the duty team) for support. See the Introduction to this *Commentary* for more information.
79. Teaching must not undermine the fundamental British values of
  - democracy
  - the rule of law
  - mutual respect and tolerance of those with different faiths and beliefs.
80. Teachers must not convey in their teaching that the values are wrong or that they do not apply in the community served by the school. Evidence of such teaching would lead to this standard not being met. In order to assess compliance with the standard, inspectors will check pupils' understanding in an age-appropriate way of the concepts listed.

### Discrimination – 3(j)

81. The protected characteristics in England are **age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, sex and sexual orientation**. However, in relation to pupils, age and marriage/civil partnerships are not protected characteristics.
82. There are some exceptions in England that can be applied to BSOs also: It is permissible to treat pupils differently on the basis of age; academic selection is permitted where that is the school's admission policy, selection by sex to single-sex schools is permitted, single-sex arrangements in boarding are not only permitted but required (see the Minimum Standards for Boarding in Part 9 below), and acts of worship and religious observance are permissible in a school with a religious ethos. Under UK law, strict segregation of pupils on the basis of a protected characteristic ('separate but equal') such as segregation by gender in a co-educational school is generally unlawful discrimination. However,

segregation by gender is permissible for competitive sports relating to speed, strength, and stamina, to take proportionate positive action to address gender-related disadvantage or other issues (eg action might be taken to encourage greater take-up by girls of STEM subjects, or some elements of sex education might be taught separately).

83. The standard is focused on 'teaching'. In considering whether teaching discriminates, 'teaching' may be interpreted in this context to include the matters such as those covered by the teaching standard in paragraph 3 (eg planning, teaching methods, classroom resources, behaviour management etc).
84. This standard, being limited to 'teaching', does not include matters such as admissions, exclusions and fee structures. Discrimination in these contexts may be covered by local law but is not part of ISI's remit.
85. Teaching that directly discriminates on the basis of a protected characteristic is unlawful in England. Teaching that indirectly discriminates against pupils with a particular protected characteristic will not be unlawful in England if it is a **proportionate means of achieving a legitimate aim**.
86. In considering whether 'teaching' discriminates, inspectors are directed to consider not only classroom teaching but the hidden 'lessons' to children implicit in any school activity (such as arrangements for lunch) about their value as a person, their human rights, the options available to them and their expectations for adult life on account of their sex.

### Disability discrimination

87. Teaching must not discriminate unlawfully against pupils with disabilities. 'Disability' is defined in the Equality Act 2010 as: a 'physical or mental impairment' which has a 'substantial and long-term adverse effect on' a person's 'ability to carry out normal day-to-day activities'. It includes not only physical disabilities but also learning disabilities and mental health. There is a threshold in terms of impact on 'normal day-to-day activities' ('substantial' means 'more than trivial'), and length of time ('long-term' is defined to mean lasting or likely to last more than one year).
88. Schools must
  - not treat disabled pupils less favourably
  - take reasonable steps ('such steps as it is reasonable to have to take') to avoid putting disabled pupils at a substantial disadvantage (the 'reasonable adjustment' duty).
89. The standard in 3(j) does not require schools to change physical features of the school (any indications that such changes are needed should be considered in the context of the school's disability access plan).
90. Inspectors will focus on matters such as inclusive teaching practices and ensuring that adjustments are made to procedures and policies (such as behaviour management) so far as reasonable, to ensure pupils with disabilities are not put at a substantial disadvantage. This standard will often link to the requirements to assess pupils, plan lessons and ensure all make good progress according to their ability (3(a), 3(c) and 3(g)), but goes further and could include issues such as inclusion of pupils with disabilities on school trips and accessibility of after-school clubs.

### Transgender

91. The issue of whether single-sex schools can or should admit pupils of the other sex who identify as the gender for which the school is registered, does not fall to be considered under the standards.

### Sex and race discrimination

92. It would be unlawful discrimination in England, for example, to limit the subjects pupils can study or the careers advice available to them, because they are girls/boys.
93. Practices such as making girls sit at the back of a classroom will result in failing this standard unless there is a legitimate reason for it or there is no detriment because its effect is negligible. Teaching which allows pupils of one race or religion greater opportunities than another is also unlikely to meet the standards.

94. Although single-sex sport is permissible, as described above, this is a different issue from equality of provision. Inspectors should consider whether pupils of both sexes have equal opportunities to participate in comparable activities and whether their sporting endeavours are accorded equal support in matters such as equipment, staffing, teaching expertise, fixtures, tours and prestige.

### IMPLEMENTATION (SEGREGATION)

95. Where inspectors encounter segregation of pupils by gender (other than for competitive sport or positive action, both of which are lawful), they are asked to consider:
- how the segregation **impacts the quality of education** of children of each gender. Examples of relevant considerations: social development including opportunities for interaction with opposite sex, preparation for adult life, availability to pupils of real and meaningful choice, gender stereo-typing through curriculum design, the social and cultural mores of the school, access to academic options and co-curricular activities;
  - the impact on the quality of education which pupils would receive but for their respective sex;
  - whether there is actual or potential detriment to the quality of education of either boys or girls or both.
  - Examples of detriment might be: promoting stereotypical attitudes about the ability of girls or boys, or about the role of women in society or in the home; endorsing gender stereotypes; conveying a pejorative message; defeating other messages about equal opportunities; deprivation of opportunities to participate in social networks (which may affect career prospects); deprivation of choice – consider also 2(2)(d)(ii), 2(2)(e), 2(2)(h), 2(2)(i), 3(i) and (j), 5(b).
96. In reaching a judgement, the views expressed by pupils in questionnaires and interviews will be highly relevant on matters such as whether they feel their choices are restricted because they are a boy/girl and whether they feel discriminated against.
97. Where inspectors find segregation which has a negative impact, the team must consider whether the actual or potential detriment is material. A judgement of material detriment to a pupil of either sex will point to a judgement of non-compliance with the standard in 3(j). In line with routine inspection protocols, all supporting evidence and the rationale for decisions must be clearly recorded in the Record of Evidence.

### Paragraph 4 – Assessment

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.

98. This standard is designed to ensure that the school not only assesses individual pupils' progress for the purpose of lesson planning, but is also in a position to give parents a detailed and clear assessment of the performance of their child. No particular system or way of doing this is specified, but in choosing the method, the school should be aware of the requirement of paragraph 32(1)(e) of the standards for an annual written report on each pupil's progress and attainment in each main subject area. In addition, whatever framework is adopted, it should be implemented in a way which enables the parent to judge the child's performance in the context of the school's aims, or national norms, or both – to ensure a standardised or common approach.

### EYFS – assessment

99. In England, the statutory framework for the EYFS recognises on-going assessment (formative assessment) as an integral part of the learning and development process and requires formal assessment at two specific times:

- at age two progress must be reviewed and schools must provide parents and /or carers with a short written summary of their child’s development in the prime areas;
- at the end of the year in which children turn five, schools in England must complete a formal assessment known as the EYFS profile.

100. BSOs may learn more and access the EYFS profile through relevant [UK websites](#), but are free to design an approach to the assessment of young children which is appropriate to their own setting and host country. Inspectors should not expect BSOs necessarily to replicate the English approach as this is designed to dovetail with other processes in the UK (such as the two-year-old check by health visitors, and the ‘key stages’ of the National Curriculum in the English state sector).



## Part 2 – Spiritual, moral, social and cultural development of pupils

### Paragraph 5 – SMSC

The purpose of this Part is to ensure that pupils' development in non-academic terms will enable them to play a confident, informed role in society, have a fully developed values system, and be able to interact with other people in a positive way. Exceptions may be applied to the BSO standards in paragraphs 5(a), 5(b)(vi) and 5(b)(vii) where local laws and restrictions preclude compliance. See the introductory paragraphs for more information.

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;

101. Schools are not required to have a separate SMSC policy. SMSC can be developed through virtually all parts of the curriculum by being infused within the day-to-day operation of a school, eg in its behaviours and ethos. Expectations should be adjusted for the age and ability of pupils including those with special needs. 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.
102. 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. The purpose of this Part is to ensure that pupils' development in non-academic terms will enable them to play a confident, informed role in society, have a fully developed values system, and be able to interact with other people in a positive way.
103. The idea of 'fundamental British values' was coined by the *Prevent* strategy in 2011 and first introduced into the standards for schools in England on 1 January 2013.
104. New for September 2019, the DfE's two previous guidance documents concerning SMSC have been withdrawn and replaced by *The Independent School Standards: guidance for independent schools 2019*.

### Active promotion of values and principles

105. 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).
106. 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)'.
107. 'Active promotion' of fundamental British values suggests that BSOs 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.
108. The duty to actively promote mutual respect and tolerance of those with different faiths and beliefs does not require schools to 'promote' teachings, beliefs or opinions that conflict with their own, but nor is it acceptable for schools to promote discrimination against or lack of respect for people or groups on the basis of their belief, opinion or background. Teaching generalised respect is not sufficient.

109. The DfE's non-statutory guidance of 2019 advises as follows.

*The list below describes the understanding and knowledge expected of pupils as a result of schools meeting paragraph 5(a) of the standard*

- an understanding of how citizens can influence decision-making through the democratic process;
- an appreciation that living under the rule of law protects individual citizens and is essential for their well-being and safety;
- an understanding that [in the UK] 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;
- an understanding that the freedom to hold other faiths and beliefs is protected in law [in the UK];
- 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;
- an understanding of the importance of identifying and combatting discrimination.

## IMPLEMENTATION

110. Schools have discretion as to how they approach meeting this standard. The DfE has provided the following non-exhaustive list of examples of different actions schools could take:

- including in suitable parts of the curriculum, as appropriate for the age of pupils, material on the strengths, advantages and disadvantages of democracy, and how democracy and the law work in the UK and other democracies, in contrast with other forms of government;
- ensuring that all pupils within the school have a voice that is listened to, and demonstrate how democracy works by actively promoting processes such as a school council whose members are voted for by pupils;
- using opportunities such as general or local elections to hold mock elections to promote the fundamental British values, and provide pupils with the opportunity to learn how to argue and defend points of view;
- enabling pupils to encounter people of different faith backgrounds;
- using teaching resources from a wide variety of sources to help pupils understand a range of faiths;
- considering the role of extra-curricular activity, including any organised directly by pupils, in promoting the fundamental British values.

111. During the inspection, personal development of pupils will be assessed through a wide range of inspection evidence such as:

- observation of interactions in the school;
- responses of parents and pupils to questionnaires;
- interviews with pupils and staff; and
- scrutiny of records and documentation (eg code of behaviour that encourages responsibility and respect for difference).

## Paragraph 5 SMSC continued

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

5(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 and for the responsibilities of citizenship in the host country;
- (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 Equality Act 2010; and
- (vii) encourage respect for democracy and support for participation in the democratic processes, including respect for the basis on which the law is made and applied in England.

112. **Exceptions may be also applied to the standard in paragraph 5(b)(vi) and 5(b)(vii) where local laws and restrictions preclude compliance.** See the introductory paragraphs for more information.

113. 5(b)(i) - Lack of aspiration and discriminatory practice could be relevant to 5(b)(i)

114. Of 5(b)(ii) the DfE has written: It is expected that pupils should understand that while different people may hold different views about what is 'right' and 'wrong', all people living in England are subject to its law. The school's ethos and teaching should encourage respect for English civil and criminal law, [including local law for BSOs] and schools should not teach in a way which would undermine this. If schools teach about religious law, particular care should be taken to explore the relationship between English civil and criminal law, [and local law] and religious requirements. Pupils should be made aware of the differences between the law of the land and religious law. This is not incompatible with encouraging pupils to respect religious law if the school's ethos is faith-based; and the school should not avoid discussion, of an age-appropriate nature, of potential conflicts between state law and religious law, and the implications for an individual living in England.

115. 5(b)(iii) references the wider society, meaning beyond the community school itself and the faith community (where relevant). For interactions which are outside the school but organised by the school (for example voluntary work) the need to include contact with communities other than the school's own should be taken into account.

116. The DfE has suggested that the requirement could be met by means such as:

- group activities that teach co-operation and initiative,
- giving pupils responsibility within the school setting, and
- enabling pupils to serve other people in the wider community.

117. Paragraph 5(b)(iv) - This part of the standard is designed to ensure that children grow up knowing how

- public institutions in England (eg Parliament, the police force, the Civil Service) and
  - services in England (eg healthcare, welfare services and education) operate,
- and also respect and understand their importance to life in a modern, civilised society.

118. Activities such as educational visits, and work-shadowing or work experience in relevant organisations, can enhance pupils' understanding in this area.

119. 5(b)(v) – This provision emphasises the need to actively promote principles that develop tolerance and harmony between different cultural traditions. Enabling pupils to gain knowledge and respect for their own culture is an essential part of the requirement here and schools should ensure that pupils' work on other cultures takes place on a secure foundation of knowledge about their own culture. Culture is about the factors that are common to communities, such as custom, traditions, dress, food, and so on. Different cultures will, however, have differences in the way all of these particular aspects have evolved. Culture can be examined from both a historical and a contemporary perspective. While culture is different to faith, the two can be interlinked, and influence each other. Pupils should be encouraged to regard all cultures with respect, and this cannot be achieved properly without reference to the influence of faith. Teaching should aim to prepare pupils to interact positively with people of different cultures and faiths. Schools should develop opportunities for pupils through links with other schools and organisations, as well as the content of curriculum.
120. Meeting the requirement here is likely to be jeopardised by offering a curriculum which is significantly unbalanced in terms of the information presented about the achievements of other cultures. It is not unreasonable for BSOs to have a curriculum which particularly emphasises culture and achievements of England and its people, but it must also allow for pupils to learn about the achievements of other cultures, including those outside Europe.
121. 5(b)(vi) – See introductory paragraphs for exceptions. It is not sufficient for a school to say that it meets this standard because its teaching and other activities encourage respect for all people in a general way; that is not paying particular regard to protected characteristics, of which pupils must be made aware (although only to the extent that it is considered age-appropriate). However, a school does not necessarily have to address all of the characteristics in every year group in its teaching and other activities.
122. Schools should take steps to ensure that the children do not form a negative or restrictive view of the role of the opposite sex.
123. 5(b)(vii) – See introductory paragraphs for exceptions. This standard is closely connected to and expands on 5(a). To meet this standard, schools should be actively encouraging pupils to:
- understand why democracy is perceived within the UK as the fairest form of political organisation
  - understand why taking part in democracy is a good thing and
  - understand why law-making on the basis of representation in Parliament is seen as better than alternatives.
124. Any exceptions applied by inspectors must be evidence based, as above. Inspectors should also seek advice from the Duty Team via the ISI office.

### Paragraph 5 – SMSC 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.

125. The purpose of Part 2, paragraphs 5(c) and (d) is to prevent the political indoctrination of pupils through the curriculum. The DfE's non-statutory advice of 2019 explains.

The aim of this part of the standard is to prevent the political indoctrination of pupils through the curriculum. The wording is based on the requirements for maintained schools in England. 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).

126. 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, the judge considered that the best synonym for 'partisan' was 'one-sided'.

**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.

127. Unlike other provisions in the SMSC standard, this provision does not require the proprietor to actively promote positive outcomes. It is about preventing a negative outcome. Schools are not required to document how they prevent political indoctrination but should be ready to explain to inspectors their guidelines on the teaching of political issues.

128. Concepts such as democracy and the historical development of the political process in society cannot be meaningfully taught without reference to political belief and practice, and the use of concrete examples is normally helpful in promoting understanding. Furthermore, the part of the standard at paragraph 5(c) envisages that political issues may be discussed in schools; it does not prevent the presentation of political views. In the case referred to above, the judgement also suggested that if, for example, a history class is shown Nazi propaganda, or a citizenship class is shown a racist film, this is not 'promoting' the views shown, but merely presenting them.

129. However, teaching staff should not exploit pupils' vulnerability by seeking to convince them that a particular political position is necessarily correct, or by trying to impose their own views on pupils. In England, such action might also amount to a breach of Part 2 of the [Teachers' Standards](#) on personal and professional conduct, which apply to teachers in independent schools in England. As a matter of good practice, schools should ensure that teachers are aware of the professional standards expected of them by the school and any requirements specific to the country in which the school is located.

130. If promotional literature is circulated in school, even for non-school events, the proprietor should take steps to address any imbalance that may arise from the views expressed.

#### IMPLEMENTATION:

131. 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 – Safeguarding

The standard in this paragraph is met if the proprietor ensures that effective arrangements are made to safeguard and promote the welfare of pupils at the school taking into account the local context.

132. The welfare, health and safety of pupils, both day pupils and boarders, is of utmost importance. It is, therefore, right to apply robust standards to all BSOs. Where the requirements of the host country are higher, or respond to particular circumstances, schools should of course meet these requirements also.
133. Schools in England must have regard to extensive governmental guidance. BSOs are not under the same duty because the specific systems set out in the guidance rarely have direct parallels outside the UK. The following links are therefore included for background information only to assist BSOs to develop measures in their own context to safeguard children:
- [Keeping Children Safe in Education](#) (September 2019) (*KCSIE*) – explains types of abuse in Part One and Annex A, processes for management of safeguarding and staff training requirements in Part Two, recruitment checks in Part Three and handling allegations in Part Four.
  - *KCSIE* also refers to the non-statutory advice for practitioners: [What to do if you're worried a child is being abused](#) (March 2015) – contains useful advice about signs of abuse.
  - [Working Together to Safeguard Children](#) (July 2018) (*WT* – updated in 2019 but without changing the date on the published version)) – contains an outline of organisational duties.
  - *WT* refers to the non-statutory advice: [Information sharing](#) (2018) – the golden rules of information sharing, at page 4, may assist BSOs to develop protocols appropriate to their own situation.
  - [The Prevent duty: Departmental advice for schools and childcare providers](#) (June 2015) – sets out a risk-based approach to countering the radicalisation of children and young people.
  - [The use of social media for on-line radicalisation](#) (July 2015) – an informative tract for practitioners and parents.
134. Governing bodies and proprietors must ensure there are effective arrangements in place to safeguard children. These arrangements must be recorded in writing and published on the school website (see paragraph 32(1)(c) of the BSO standards below). To meet the standard, the arrangements described in the policy/particulars must also be implemented in practice.
135. This standard also covers broader safeguarding duties such as making reports to relevant authorities within the host country where appropriate (such as the police), the [Disclosure and Barring Service](#) (DBS) or Teaching Regulation Agency (TRA) in the UK in appropriate cases (such as concerns about British staff) and pre-recruitment checks. For all information about suitability checks, including those reported under paragraph 7, see note 265 onwards.
136. The box below contains the key indicators that the arrangements described in a safeguarding policy are effective. Inspectors must evaluate the significance of any errors, omissions or lack of detail in the arrangements described, in the context of the particular BSO, taking into account the local context in the host country, to determine whether the arrangements are sufficiently comprehensive to be judged to be 'effective' and meet the standard.



**SAFEGUARDING POLICY CONTENT****137. Core content:**

- The school's commitment to acting in the best interests of the child.
- The school's procedures for dealing with and referring concerns about children in need of help and/or at risk, both within the school and in liaison with external authorities, in accordance with local procedures in the host country, if any, including:
  - references to any relevant local guidance in the host country;
  - in-school provision for listening to children and for early help; and
  - up-to-date definitions of abuse, recognising the particular vulnerabilities of pupils with SEN/D, including to peer abuse.
- The school's arrangements for dealing with allegations of peer-on-peer abuse, and any other issues relevant to the context and how victims and perpetrators will be supported.
- The school's arrangements for handling allegations of abuse against members of staff, volunteers and the head, including reporting to any relevant authorities, including the DBS/TRA for staff from the UK.
- 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 a separate policy.
- Management of safeguarding including the identity and role of the designated safeguarding lead(s), providing sufficient cover for this role.
- The training of the designated person, staff, volunteers and the head.
- How the board ensures proper oversight of safeguarding, including the identity of the board level lead for safeguarding and arrangements for reviewing the school's child protection policies and procedures annually.
- The school's arrangements to fulfil other safeguarding and welfare responsibilities such as teaching children how to keep safe on-line.
- Sufficient contact details to make the policy workable in practice.
- Measures for internet safety (where the school allows access to the internet onsite) including a description of the use of filters and monitoring of usage.
- The school's policy on the use of mobile technologies in school (recommended)
- For schools with children under age 5, the school's policy with respect to the use of mobile phones and cameras in the setting.

**FURTHER GUIDANCE**

138. The notes below provide further detailed guidance about the points which should 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 in the host country 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

139. The school's policy should articulate the school's recognition of the duty to consider at all times the best interests of the child and take action to enable all children to have the best outcomes.
140. Each school should designate a senior member of staff as their safeguarding lead. The policy should identify for the benefit of the school community the relevant local procedures, if any, of the host country.
141. It must be clear in the policy that there are arrangements in school for listening to children and providing help.
142. The policy must guide staff and others on what to do if they are concerned about a child, set out the main points of any local procedures and any external authorities to which referrals are to be made. Any available referral processes for concerns about children who may be at risk of being drawn into terrorism should also be explained. It is acceptable to identify where the fuller details of local procedures, if any, are available (eg by providing the web-links or location in the school of printed information), but the policy itself must be sufficiently detailed for staff and parents to use when needed.
143. Contact details for designated internal staff and relevant external agencies, if any, should also be displayed prominently. BSOs may wish to be aware that there is a DfE dedicated telephone helpline and mailbox for non-emergency advice for staff and governors: +44 20 7340 7264 and [counter-extremism@education.gsi.gov.uk](mailto:counter-extremism@education.gsi.gov.uk), but they are not required to include this information in their policies.
144. In countries where external referral processes are available, the responsibility for making decisions about external referrals may usually sit with the school's head or designated safeguarding lead (DSL). Referrals must in practice be in line with any published local referral thresholds. If permitted by host country procedures, it should be clear in the policy that anyone can make a referral, if necessary.
145. In countries where there are no welfare services and no external referrals are possible, schools should be able to demonstrate some thinking, training and systems in place to do what they can to be supportive to pupils who may need it.
146. Effective procedures will include ensuring, to the extent feasible in context, that children receive the right help at the right time to address risks and prevent issues escalating. This will entail staff being able to recognise, act on and/or refer on the early signs of abuse and neglect, or radicalisation, for example. Effective procedures will also include keeping clear records, listening to views of the child, reassessing concerns when situations do not improve, sharing information quickly and challenging inaction. For BSOs, this is all to the extent that the context permits.
147. Up-to-date definitions of safeguarding and abuse, and the signs and forms of abuse, should be included in the policy. In England, the main categories of abuse are considered to be:
  - Emotional abuse
  - Physical abuse
  - Sexual abuse
  - Neglect
148. Under international treaties on human rights, such as the highly respected [UN Convention on the Rights of the Child](#) (UNCRC), participating countries recognise that children have a right to grow up free from torture, violence, abuse, neglect and sexual exploitation, for example. FGM is generally considered a form of human rights violation and torture of or violence against girls. (All members of the UN have ratified the UNCRC except the USA, though some countries have specified reservations which permit local traditions to continue. As a treaty, the UNCRC is influential but does not have the status of domestic law when it comes to enforcement.)

149. The policy should show recognition of the particular vulnerability of children with special educational needs and/or disabilities, including to peer abuse. It should also recognise that bullying (including online, eg through social media) may be a safeguarding issue. In addition, specific, proportionate reference should be made and procedures described, as appropriate to the pupil cohort of the school, to concerns such as [children missing education](#), [female genital mutilation \(FGM\)](#), child sexual exploitation, radicalisation, so-called honour-based violence and forced marriage, so that staff and others know how to identify children in need or at risk and how to respond. Other safeguarding issues which schools in England are expected to be alert to include: domestic violence, drugs, fabricated or induced illness, faith abuse, gangs and youth violence, gender-based violence/violence against women and girls, hate, mental health, private fostering, relationship abuse, sexting, trafficking. 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. Judgements about the adequacy of the range of cover in a BSO's safeguarding arrangements are to be made in context.
150. A BSO should be an environment where staff feel able to raise concerns and feel supported in their safeguarding role. Guidance should be included in the policy on the actions that staff members should take when receiving a disclosure including explaining that confidentiality cannot be promised. Inspectors may advise that, although not a compliance requirement, it is generally considered good practice not to ask leading questions when receiving a disclosure.
151. There is an expectation that schools should hold more than one emergency contact number for each pupil or student 'where reasonably possible'.

#### **Arrangements for dealing with peer-on-peer abuse and allegations**

152. To the extent relevant to the school context and pupils, policies should include procedures for dealing with abuse by one or more pupils against another pupil.
153. The policy should include:
- the different forms peer-on-peer abuse can take: sexual violence, sexual harassment, physical abuse, sexting (youth produced sexual imagery), initiation/hazing type violence and rituals;
  - an outline of procedures to minimise the risk of peer-on-peer abuse;
  - how allegations of peer-on-peer abuse will be recorded and dealt with;
  - a clear statement that abuse is abuse and should never be tolerated or passed as mere 'banter' or 'having a laugh';
  - particularly in co-educational schools, recognition of the gendered nature of peer-on-peer abuse but be clear that all peer-on-peer abuse is unacceptable and will be taken seriously;
  - clear processes for how victims, perpetrators and any other child affected will be supported.
154. The policy may mention that the threshold for dealing with an issue of pupil behaviour or bullying under the safeguarding policy, subject to local specifics as in any other case, is: when there is 'reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm'. If procedures are available in the host country, it should be clear in the policy that appropriate use would be made of relevant 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'. For information only, advice about sexting in schools in England is available from the UK Council for Child Internet Safety (UKCCIS): [Sexting in schools and colleges](#).

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

155. BSOs must have procedures for dealing with allegations against teachers and other staff. For comparability with schools in England, these will cover internal investigation and/or, where appropriate, referrals to external agencies, if any, in line with any procedures available in the host country. (Unlike in the UK where schools are not permitted to investigate allegations before taking

external advice from the local authority, inspectors may recognise that in some host countries, BSOs may have little alternative.)

156. The procedures should set reporting criteria and be clear that all allegations which appear to meet the reporting criteria are to be reported straight away. Reports of allegations within a BSO will normally go to the head, but the designated safeguarding lead (DSL) may be identified to receive referrals if the head is kept informed. The procedures must also identify the person, usually the chair of governors, or equivalent, 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. Where an allegation is against the head, the head must not be informed of the allegation prior to contact with the chair and any external agencies available in the host country. Where the head is also a sole proprietor, it should be stated clearly that allegations should be reported directly to external authorities, if any, where appropriate. It is for the BSO to demonstrate to inspectors that they have suitable arrangements in place, equivalent to those in England.
157. As to timing of reporting, the expectation of schools in England is that the relevant external agency is informed within one working day of all allegations that come to an employer's attention or that are made directly to the police. Schools in England are, therefore, expected to include prominently any contact needed to facilitate this. It is recognised that BSOs may not have the same level of support available to them, but they should seek to emulate this approach in terms of the gravity, efficiency and efficacy of their response.
158. In the case of allegations against staff, including the head, timely risk-based decisions should be made concerning whether to suspend, supervise or otherwise manage the person who is the focus of the allegations. Such decisions should be made with the input of appropriate external advice, where available in the host country. Discussions and communications (internal/external/with parents etc) should be recorded and retained.
159. **DBS referrals** – The BSO standards do not require BSOs to report workers to the UK's Disclosure and Barring Service (DBS). However, BSOs may wish to consider so doing on a voluntary basis where appropriate, for example, where British citizens are the focus of allegations and the DBS referral criteria are met. The criteria are that the school has ceased to use a person's services because they have caused harm or posed a risk of harm to a child. The school policy should recognise any equivalent referral procedures in the host country.
160. **TRA referrals** – The BSO standards do not require BSOs to consider making a referral to the Teaching Regulation Agency in the UK (TRA) where a teacher has been dismissed (or would have been dismissed had he/she not resigned). However, BSOs may wish to consider making referrals on a voluntary basis where appropriate, for example, where there are concerns about a British teacher. The referral criteria are that the person has been dismissed, as above, and it may be appropriate for the TRA to consider prohibiting them from teaching in England. The reasons a prohibition order would be considered by the TRA 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](#) (October 2015). Further guidance is published on the [TRA website](#).

### Staff behaviour policy

161. 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. It should cover as a minimum: acceptable use of technologies, staff/pupil relationships and communications, the use of social media, and whistleblowing. When drafting the staff behaviour policy, BSOs should bear in mind that it is an offence in the UK 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. For equivalence with independent schools in England, such relationships should, therefore, not be condoned in BSOs. 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 particular BSO, for example, including guidance about access to accommodation in a boarding school, and changing arrangements in a nursery class. Other possible points for inclusion are one-to-one tuition, for example in the context of music, performing arts or sports coaching, conveying a pupil by car, engaging in inappropriate electronic communication with a pupil, and so on. The safeguarding policy should either incorporate the staff behaviour policy or signpost parents to it.

### **Whistleblowing procedures**

162. Effective safeguarding arrangements comparable to those in England will encompass clear whistleblowing procedures suitably referenced in staff training and staff codes of conduct. The key principles 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.
163. Stand-alone whistleblowing policies are not required where the safeguarding policy, or other existing policy documents cover the recommended ground. However, whistleblowing procedures should be referred to in the staff code of conduct.

### **Safer recruitment**

164. The safeguarding policy should record the school's commitment to safer recruitment processes and 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 starting at note 265 gives further details.
165. For the purposes of safeguarding pupils from the risks of radicalisation, BSOs should have 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 for this. The safer recruitment policy would be a suitable place. This does not rule out using other documentation instead.

### **Management of safeguarding**

166. For equivalence with practices in schools in England, BSOs should name an individual from the leadership team as the designated safeguarding lead (DSL) to take lead responsibility for safeguarding and child protection matters. The DSL's responsibility is to maintain an overview of safeguarding within the school, to open channels of communication with relevant external agencies, if any, to support staff in carrying out their safeguarding duties and to monitor the effectiveness of policies and procedures in practice. The senior role can be exercised in conjunction with other designated safeguarding staff within the school, but it must be clear who is the main DSL. 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.
167. The job description of the DSL and deputies should include the key activities of the role. The school should ensure that the DSL has sufficient time, funding, supervision and support to fulfil his or her child welfare and safeguarding responsibilities effectively. As a matter of good practice, 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 DSL, or, in the absence of action, to any other appropriate person or body in accordance with procedures in the host country.
168. In proprietorial schools, the DSL should be someone who can discharge the role with sufficient independence, particularly if an allegation were to be made against a family member.

## Training

169. The policy must set out the school's arrangements for safeguarding training for staff. Staff training in recognising abuse and internal safeguarding procedures will be particularly important in host countries without well-developed external support systems.
170. For direct equivalence with schools in England, the approach would be broadly as follows, but flexibility is allowed for the local context:
- All new staff should be provided with induction training that includes:
    - \*the school's child protection policy, including information about the identity and role of the DSL(s);
    - \*the staff code of conduct/behaviour policy including the whistleblowing procedure and the acceptable use of technologies policy, if separate (see above for more about the staff code);
    - the pupil behaviour policy;
    - \*the school's safeguarding response to children who go missing from education;
    - online safety; and
    - copies of the above documents, marked \*, should be provided to all 'staff' during induction. Schools should take a risk-based approach to the level of information that is provided to temporary staff and volunteers.
  - In addition to their induction, all staff must be trained/updated regularly in the basic principles of child protection. Such training should include matters such as recognising and responding to signs of abuse and neglect, lines of reporting within school, on-line safety and anti-radicalisation strategies, where appropriate. All staff should be trained in how to handle allegations of peer-on-peer abuse along lines similar to those applied when receiving any disclosure of abuse (eg do not promise confidentiality, do not ask leading questions, take notes, report to DSL). In England, the regularity of training was formerly three-yearly. This would now be seen as the outer limit; many schools in England conduct refresher training to the entire staff cohort as a group either two-yearly, or more usually, annually.
  - The DSL should receive a higher level of child protection training updated where possible at least every two years to remain up to date with best practice advice and any local protocols, and equip them to be a source of advice for colleagues. Additional designated safeguarding staff should be trained to the same level as the DSL.
  - The two-yearly training for DSLs and regular formal training for staff should be supplemented with informal updates, for example, e-bulletins and staff meetings. These should be as required but at least annually.
171. The training for the DSL should cover matters such as local child protection procedures in the host country, if any, supporting children in need or at risk, identifying abuse, identifying children at risk of radicalisation, record keeping, promoting a culture of listening to children, handling allegations (where external support is not readily accessible), safer recruitment, safer working practices, record keeping.
172. As the lead safeguarding professional in school, as a matter of best practice, it is envisaged that the DSL will also have higher-level training to be able to assess the risk of children being drawn into terrorism, including being drawn into supporting the extremist ideas that are part of terrorist ideology. Such training will be based on an understanding of the potential risk in the local area and host country. The DSL should be able to provide advice and support to other members of staff on protecting children from radicalisation.



173. There is no set frequency for formal staff refresher training. 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. Schools should 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. Additionally, while online safety and radicalisation will be relevant in safeguarding measures to all schools, the context of schools within their communities overseas 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, so-called honour-based violence, forced marriage, cyberbullying, and mental health.

#### **Oversight of safeguarding, including arrangements for reviewing policies and procedures**

174. Creation of a culture of safety is relevant to every part of each school but starts at the top.
175. A 'board-level lead' should be 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 proprietorial body as a whole. The board-level lead should have the required knowledge, skills or expertise or be sufficiently qualified and experienced for the role.
176. Proprietors are responsible for ensuring that staff are competent to carry out their safeguarding duties, for creating an environment where staff feel supported and can raise concerns and ensuring those who work with children have regular reviews of their own practice so that they have knowledge, skills and experience that improve over time. Proprietors should also ensure that there are on-going safe working practices in school.
177. A review of the school's child protection policies should take place at least annually. This entails reviewing the effectiveness of procedures and their implementation and updating the policy in line with lessons learned from experience or from any new guidance in England. In countries with local agencies which support safeguarding, proprietors should also ensure that the school communicates and co-operates effectively with these.
178. On inspection, the implementation of the policy provisions will be checked through discussion with proprietors and DSL, and by scrutiny of available evidence underpinning the review (eg any written report or information to support the review, minutes of meetings, 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, the contribution the school is making to any local discussions on safeguarding matters).
179. If there has been a substantiated allegation against a member of staff, after conclusion of events, the school should reflect, working with the relevant authorities, if any, to determine whether any improvements could be made to the school's procedures or practice to help prevent similar events in the future.
180. A school which sees these matters as part of its everyday concerns rather than an unwelcome bureaucratic requirement will be safer for all its pupils.

#### **The school's arrangements to fulfil other safeguarding responsibilities**

181. 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**

182. To operate procedures of a quality at least as high as those in schools in England, BSOs should ensure children are taught through the curriculum and PSHE to stay safe. This should include staying safe online and the dangers of cyber-bullying and sexting – even if pupils in a particular faith community are not meant to use mobile phones or have limited access to the internet.

183. 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. These practices should be age appropriate and, where possible, 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 sex and relationships education (SRE). The latest resources promoted by DfE for use in England may be of interest to BSOs. These can be found at:

- [The use of social media for on-line radicalisation](#)
- The UK Safer Internet Centre ([www.saferinternet.org.uk](http://www.saferinternet.org.uk))
- CEOP's Thinkuknow website ([www.thinkuknow.co.uk](http://www.thinkuknow.co.uk))

### Specialist settings

184. 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.

### Corporal punishment

185. As corporal punishment is banned in schools in the UK, it is not considered appropriate for BSOs and its use in a school would be considered a safeguarding issue. The prohibition applies to all 'members of staff'. This 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).

186. 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.

187. **Corporal punishment by parents is a safeguarding issue. A policy of encouraging parents to use corporal punishment on their children for misbehaviour occurring in school would be considered a breach of the safeguarding standard.**

### IT provision

188. Inspectors must also consider IT arrangements and policies in the context of safeguarding. Schools should endeavour to ensure that children are safe from potentially harmful and inappropriate material on-line, including terrorist and extremist material, when accessing the internet through school systems. Schools should, therefore, ensure an appropriate level of IT filtering is in place, without an unreasonable level of blocking. For equivalence with schools in England, BSOs are advised to consider having a whole-school approach to on-line safety and have a policy on the use of mobile technology.

189. 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. 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.

190. For information, the UK Safer Internet Centre has published guidance as to what 'appropriate' might look like: [UK Safer Internet Centre: appropriate filtering and monitoring](#). Guidance on e-security is available from the [National Education Network](#) (NEN).

191. Measures taken should be proportionate to the risks in the particular school context. Inspectors may follow-up whether appropriate IT filters are in place and explore whether a school has given consideration to a whole-school approach (without pre-judging the outcome of such a consideration),

has a strategy in relation to, for example, 3G and 4G accessibility, and includes behaviour management arrangements to supplement IT-led approaches if necessary.

## IMPLEMENTATION

192. Inspection of safeguarding is methodical as described below, but inspectors must also be alert to the overall **culture of the school**. Each organisation is responsible for **creating a culture of safety, equality and protection**, a **culture of listening to children** and a **culture that enables issues about safeguarding and child welfare to be addressed**. For the standard to be met, both the systems in place (including the policy) and the culture must be right. Inspectors with concerns about the safeguarding culture in a school must take the same evidential approach to other requirements, documenting any issues carefully in the Record of Evidence and referring to the duty team for support.
193. 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. Schools should keep records of concerns, discussions, decisions and reasons for decisions and should share information with relevant agencies, if that is appropriate to the context of the host country. Inspectors will have been provided with any relevant information available to ISI in advance of the inspection. 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 that they may contact inspectors directly.
194. In relation to the risk of radicalisation, inspectors should consider whether schools can demonstrate activity in the following key areas: risk assessment, working in partnership with authorities where appropriate, 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.
195. The DfE also recommends that schools **consider having a written policy on the use of restraint**. **NB: Locking pupils in rooms for any reason (including pupil or staff safety) is potentially illegal in the UK**; it is not just a breach of the standards. The use of isolation units has also been found to give rise to safeguarding issues and inspectors who encounter these should contact the Duty Team for advice. The standards on behaviour, risk assessment and health and safety are also relevant here.
196. **Where faith communities use ostracism of families as a way of registering disapproval, the school should minimise the impact of this upon children when they are at school, in terms of their treatment by the school or fellow pupils. The standard on bullying is also relevant to this.**
197. **Amongst issues likely to be of concerns in considering boarding welfare are: excessive isolation from families and other external influences; gender imbalance amongst pupils (though this may also be an issues in day schools); and whether pupils have sufficient free time apart from teaching, preparation and any other school requirements such as prayer.**

Boarding standard – 11 Child protection, Note B63

## Paragraph 8 – Safeguarding of boarders

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 Minimum Standards for Boarding Schools specified in Part 9 where applicable.

198. This standard effectively makes the Minimum Standards for Boarding Schools (MSB) part of the BSO safeguarding standards so that, if a school to which Part 9 applies does not meet one of the MSB, this is also a failure of paragraph 8, and the DfE can refuse to grant or maintain a school's accreditation as a BSO.

Boarding standard – 11 Child protection, Note B63

### Paragraph 9 – Behaviour

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

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

199. 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).

#### BEHAVIOUR AND SANCTIONS POLICY CONTENT

200. The written policy must include details of:

- how the school promotes good behaviour amongst pupils;
- the sanctions to be adopted in the event of pupils' misbehaviour.

### FURTHER GUIDANCE

201. The sanctions used must not include corporal punishment, as this is not permitted in schools in England.
202. Non-statutory advice *Behaviour and Discipline in schools (2016)* may be useful to schools when developing their policy. In addition to setting out rewards and sanctions, behaviour strategy and the teaching of good behaviour, the following points could also be included:
- how reasonable adjustments are made to the behaviour strategy for pupils with SEN and disabilities;
  - support systems for pupils;
  - liaison with parents and external advisors;
  - managing pupils' transition to other stages of education;
  - disciplinary action against pupils who are found to have made malicious accusations against staff.
203. 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 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 to centralise the record, so that patterns can be identified by the school and also by inspectors.
204. 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

205. 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.

Boarding standard – 12, Note B66; boarding standard 13, Note B74.

### Paragraph 10 – Bullying

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.

206. The focus of this standard is on the outcome that bullying is prevented in so far as reasonably practicable, with the aid of an effective written anti-bullying strategy which is properly implemented in practice. Inspectors will seek evidence from schools of the level and nature of any bullying and of effective strategy implementation.
207. Schools are able to develop their own approach. Any policy should be short, succinct and written in accessible language.

## FURTHER GUIDANCE

208. Non-statutory DfE advice *Preventing and Tackling Bullying (July 2017)* and *Cyberbullying: Advice for headteachers and school staff (2014)*, available to schools in England, may be useful to BSOs when developing their strategy. Supplementary advice documents for parents about tackling on-line bullying and for teachers who find themselves attracting online bullying are also available. The main points in that advice are listed below and are taken as indicative strategy content for inspection purposes. The non-statutory document *Cyberbullying: Advice for headteachers and school staff (2014)* advises that schools should also have policies in place that address acceptable use of technologies and suggests content. As these documents are non-statutory, the absence of particular elements does not of itself mean that a strategy fails to meet this standard but, if any item is of particular relevance to a school, the omission might indicate, for example, that the policy is not effective in context.
209. The purpose of the list below is to ensure common criteria are applied across inspections. Having ascertained how far the non-statutory particulars advised below are included in a strategy, inspectors evaluate whether the strategy is potentially effective.
210. Indicative content for an effective anti-bullying strategy:
- a working definition of bullying, such as that it may be 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). To be effective, a written policy will need to cover cyber-bullying and prejudice-based bullying because of a protected characteristic.
  - the seriousness of bullying, both physical and emotional (which may cause psychological damage);
  - procedures to follow – so that it is easy for pupils and others 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;

- 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;
- 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;
- 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);
- 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;
- involving parents and making sure pupils know how to deal with bullying if it occurs are clear about the part they can play to prevent bullying, including when they find themselves as bystanders.

211. 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.

212. Pupils will often have access to technologies that have both positive and negative potential. Consideration should be given to the acceptable 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:

- 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;
- 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;
- mention of the school's technical provision/infrastructure and safeguards in place to filter and monitor inappropriate content and alert the school to safeguarding issues; (schools are not required to give away detail in policies which would compromise safeguards);
- how the school builds resilience in its students to protect themselves and their peers through education and information;
- staff safeguarding professional development that includes online safety;
- reporting mechanisms available for all users to report issues and concerns to the school and how they are managed and/or escalated;
- how the school informs, communicates with and educates parents/carers in online safety;



- the management of personal data in line with statutory requirements.

## IMPLEMENTATION

213. During the inspection, the effective implementation of the strategy, 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 one element of considered evidence. It is not a requirement to centralise records of bullying, although this is useful. Records might, for example, be kept in different boarding houses. **However, 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 standard 12 – Promoting Positive Behaviour and Relationships, Note B66

## Paragraph 11 – Health and safety

The standard in this paragraph is met if the proprietor ensures that relevant health and safety laws in the host country are complied with and that a written health and safety policy is drawn up and effectively implemented.

214. The primary regulator for health and safety in the UK is the Health and Safety Executive (HSE). Similarly, other jurisdictions sometimes have a regulator dedicated to health and safety. This standard enables the DfE to refuse to accredit or to remove the accreditation of a school as a BSO if it fails to meet local requirements and/or the school lacks an effective strategic approach. ISI inspects this standard as non-experts, the main focus usually being to see that appropriate and adequate systems appear to be in place and that on site there are no obvious deficiencies or hazards.
215. Non-statutory advice, *Health and Safety: responsibilities and duties for schools (2018)*, aimed at schools in England, is available for information on the DfE website. The regulation does not require schools to have regard to any particular advice document. A written risk assessment policy is also required. Further details are provided in note 260 onwards.
216. This standard is related to the standard in Part 5 requiring premises to be maintained with a view to ensuring the health, safety and welfare of pupils.

## FURTHER GUIDANCE

217. In line with legislation in England, proprietors of BSOs should start from the position that they are responsible for the health and safety of others, though tasks may be delegated to staff. As such they should recognise a duty to take care of the pupils in the same way that prudent parents would. A proportionate common-sense approach is expected.
218. The DfE advice for schools in England suggests that a policy should cover the following core areas:
- a general statement of the policy;
  - who is responsible to do what (delegation of tasks);
  - arrangements for risk assessments and the practical control measures to reduce risk;

- how the school will establish, monitor and review its measures to meet satisfactory health and safety standards.

219. Inspectors must exercise professional judgement in assessing the adequacy of the school's documentation and may provide generalised advice as necessary to help schools in being vigilant about the welfare of pupils but should signal the need for specialist guidance where that appears to be required. In addition, the DfE advice states that schools in England may wish to include any of the following in their health and safety policy and associated risk assessment, so inspectors of BSOs should look for an equivalent approach overseas:

- line management responsibilities;
- arrangements for periodic site inspections;
- training of staff in health and safety, including assessment of risk;
- arrangements for consulting and involving employees; recording and reporting of accidents to staff, pupils and visitors;
- policy and procedures for off-site visits, including residential visits and any school-led adventure activities;
- dealing with health and safety emergencies, including procedures and contacts;
- first aid for staff and pupils and supporting medical needs (may refer to first aid policy);
- occupational health services;
- how the school will investigate accidents and incidents to understand causes;
- how the school will monitor and report performance and effectiveness of the health and safety policy.

220. Other areas and activities that schools may wish to cover include:

- workplace safety for staff, pupils and visitors – checklist for classrooms;
- school security;
- violence to staff (may cross-refer to behaviour policy);
- manual handling;
- slips and trips;
- on-site vehicle movements;
- managing asbestos;
- control of hazardous substances, including use and storage of chemicals;
- work at height;
- selecting and managing contractors;
- good estate management for schools;
- school building design and 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);
- fire safety, including testing of alarms and evacuation procedures (may refer to fire documentation).

221. The DfE has issued specific advice for schools in England about [Health and Safety on Educational Visits](#) which BSOs may find helpful. The 2018 advice distinguishes everyday, routine trips from more major

trips which will require risk assessment and extra planning. Procedures for educational visits should be covered in health and safety documentation (whether the main health and safety policy or a separate policy) in a way that is proportionate, meaningful and appropriate to the nature of the trips and risks of the particular school and country. The person managing the trip should clearly have the skills, status and competence for the role, understand the risks and be familiar with the activity. Inspectors may advise schools to be mindful of any requirements set by their insurers when planning educational visits.

222. A written risk assessment is not required for every visit; schools should make the decision about when to carry out a risk assessment and when to commit a risk assessment to writing. 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 written visit risk assessment is appropriate would include when activities need a higher level of risk management than is normal during routine activities or are outside normal school hours; for example, high-risk activities such as mountaineering, canoeing, sailing and residential visits. Trips abroad also need careful attention to duties under health and safety.
223. For children over nursery age, written consent from parents is not required for pupils to take part in the majority of off-site activities organised by the school if these 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 individual consent is usually only requested for activities that need a higher level of risk management, those that take place outside school hours or high-risk activities and residential visits. A 'one-off' blanket consent form may be used for parents to sign when their child enrolls at the school, but it is for the school to decide on how parental consent is to be sought. Even if blanket consent is relied on, the DfE advises that parents should be told of each visit and of any extra safety measures required and given the opportunity to withdraw their child from any particular visit or activity. This is likely to be a proportionate and appropriate control measure.
224. The new guidance expects schools in England to check that external activity providers have appropriate safety standards and liability insurance. This will include checking:
- their insurance
  - they meet legal requirements
  - their health and safety and emergency policies
  - their risk assessments and control measures
  - their use of vehicles
  - staff competence
  - safeguarding
  - accommodation
  - any sub-contracting arrangements they have
  - that they have a licence where needed.
225. When planning higher-risk outdoor activities such as caving, climbing, trekking, skiing or water sports (other than rowing), schools must take care to assess and manage risks appropriately and comply with any relevant laws, for example, around the licensing of activity providers. In the UK, risk management would entail putting in place sensible precautions and making sure these work in practice, knowing when and how to apply contingency plans where they are necessary, and heeding advice and warnings from others, for example, those with local knowledge and specialist expertise. Compliance with correct licensing for vehicles and drivers, when applicable, is considered part of 'relevant health and safety

laws' for the purposes of the Health and Safety standard. Health and safety considerations should also be taken into account, as appropriate, if schools arrange work experience.

226. There should be an emergency plan and communications plan, known to the trip leaders. The website of the [Outdoor Educator's Advisors' Panel](#) is a source of advice. Visits should be evaluated after completion and records kept of incidents, accidents and near misses.
227. BSOs may wish to be aware that the DfE has produced non-statutory advice for schools in England about the management of asbestos: [Managing asbestos in your school](#) (2015).

## IMPLEMENTATION

228. Inspectors should ask to see monitoring records, including any reports by competent persons, and any enforcement letters or notices.
229. During the inspection, the effective implementation of the policy is also checked through direct observation around the school (with vigilance in relation to activities carried out, lessons being taught, and matters such as access and safety in workshops, studios 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.
230. 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 material, either because in context it is a serious issue alone or because it evidences a lax culture or approach in relation to health and safety and must be reported because one or more of the regulations have not been met, or (b) is not material, such as an isolated incident that has been easily and quickly remedied, and so need not be included in the written report.

## OTHER INFORMATION

231. Workshops and labs should be obviously safe: for example, with adequate ventilation and dust/fume extraction, a clearly labelled main switch lockable in the 'off' position. In workshops, it is recommended that there is 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 an additional switch, sometimes foot/knee operated, is often recommended).
232. It is a legal requirement for schools in England to ensure that any electrical equipment which has potential to cause injury is maintained in a safe condition. The relevant regulations do not specify what needs to be done, by whom and how frequently. Inspectors may advise that Portable Appliance Testing (PAT) is good practice but should recognise that it is not a statutory requirement in those terms. The HSE has produced [FAQs about PAT](#). The presence of unsafe electrical equipment may be reported, where applicable, in terms of failure to maintain electrical equipment in a safe condition, rather than failure to conduct PAT.
233. Smoking is banned in buildings open to the public in England. While an equivalent ban is not required of BSOs, smoking by adults near to pupils should be recognised as a health and safety issue and, if it is not banned in a school, smoking should therefore be managed appropriately, for example, confined the staff room.

Boarding standard 6 – Safety of Boarders, Note B42
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## Paragraph 12 – Fire

The standard in this paragraph is met if the proprietor ensures compliance with fire standards which are at least as stringent as in the UK, for example, as set out in the Regulatory Reform (Fire Safety) Order 2005.

234. BSOs are required to meet fire safety standards which are at least as stringent as those in the UK, and which take account of any additional circumstances in the host country. Where there are potential conflicts in the practical application of the standards, schools should seek advice locally and inspectors will make a judgement as to whether the standard is met.
235. The Regulatory Reform (Fire Safety) Order 2005 ('the Order') requires the proprietor to take such fire precautions as will ensure, as far as reasonably practicable, the safety of staff or anyone else legally on the premises. The British government has produced a short guide to the Order which explains how to conduct a fire risk assessment and put arrangements in place: [Making your premises safe from fire](#). For ISI inspection purposes these requirements, when documented are termed a Fire Policy though schools may call it something else.

### FIRE PREVENTION REQUIREMENTS

236. The Order requires a fire risk assessment (formally recorded and regularly reviewed to keep it up to date) and places on the proprietor or governing body additional duties to:

- produce a fire risk (prevention) policy which includes the elimination or reduction of risks from dangerous substances;
- develop and implement fire procedures and provide staff training (repeated periodically where appropriate);
- ensure the safety of staff or anyone else legally on the school premises;
- carry out fire drills and contact emergency services when necessary;
- 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);
- have a suitable system for the provision and maintenance of: clear emergency routes and exits (with doors normally 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);
- provide staff and any others working on the school site with fire safety information.

### IMPLEMENTATION

237. The fire risk assessment should be reviewed regularly in the light of any changes that occur in the school.
238. Inspections look for effective planning, organisation, control, monitoring and review of the preventive and protective measures, including reference to the documentation listed below in addition to on-site viewing of fire safety arrangements and interviews with staff and pupils.
239. Staff are required to take 'reasonable care' in carrying out their duties. Inspectors should expect schools to act promptly on recommendations of fire experts, unless the recommendations suggest a lower priority. In order to prove that the duties are properly discharged, the school's 'responsible person' should keep records of the following:
- the fire risk assessment and its review;

- the fire risk (prevention) policy;
- fire procedures and arrangements;
- training records;
- records of inspection of escape routes;
- fire practice drills;
- certificates for the installation and records of maintenance of alarms, detectors, emergency lighting and fire-fighting systems and equipment.

## OTHER INFORMATION

240. In England, new schools cannot open until the Fire and Rescue Service (FRS) has reported that the fire safety arrangements are satisfactory. The FRS is also involved in approving new buildings and alterations and has the power to monitor ongoing compliance with safety standards. BSOs should be able to demonstrate that they have complied with any equivalent local procedures and meet local requirements in the host country.

241. 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' note above would denote good practice. Evidence of inspections by the local Fire and Rescue Service or external contractors can be taken into account when deciding whether the standard is met. Defects which are immediately apparent to inspectors, eg lack of equipment, blocked fire escapes or hazardous substances not properly stored will be reported on and may on their own constitute a breach of the standard because they constitute a breach of the 2005 Order.

242. NABSS has flagged that Spanish law now requires any fire risk assessment to be externally validated by a specialist company as there have been notable issues with poor-quality self-assessment.

Boarding standard 7 – Fire Precautions and Drills, Note B44

## Paragraph 13 – First aid

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.

243. The standard requires the timely and competent administration of first aid and the effective implementation of the first-aid policy. Effective implementation of a policy will require adequate numbers of appropriately trained staff and the provision of proper equipment, for off-site activities as well as in the school itself.

244. The standard 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

245. DfE guidance on *First aid in schools* is available to assist schools in preparing their policies. The main points in that guidance are listed below, but 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;



- at least one qualified person to be on each school site when children are present; for parity, the training or qualification must include content appropriate to age group of the children;
- 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.

246. The recent non-statutory advice, Health and Safety: responsibilities and duties for schools (2018) described in more detail above may also assist BSOs in preparing their policies. Of particular note is the new advice to cover first aid for staff as well as pupils.

## IMPLEMENTATION

247. 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 location and contents of first aid kits.

Boarding standard 3 – Boarders’ health and well-being, Note B11

## Paragraph 14 – Supervision

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

248. This standard is linked to that on the management of behaviour and is intended to ensure that staffing levels devoted to supervision, including supervision during breaks from lessons and, in boarding schools, during pupils’ leisure time, are sufficient to ensure that pupils are safe, that the school is reasonably orderly, and that emergencies can be dealt with promptly while leaving adequate staffing to supervise unaffected children. In addition to the requirement in the standard, every school has a duty of care towards its pupils and this involves, amongst other things, staff with suitable training or experience supervising pupils, including those taking part in off-site activities.

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

250. 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.

Boarding standard 15 – Staffing and supervision, Note B88

## Paragraph 15 – Admission and attendance registers

The standard in this paragraph is met if the proprietor ensures that an admission and attendance register is maintained which conforms to local regulatory requirements-

251. Local requirements should be followed. In the absence of any, BSOs may adopt a system along the lines of those used by schools in England (see Appendix 1: Checking the admission register for a suggested

format). Registers may be electronic or in hard copy. If the former, inspectors should not expect schools to print registers for inspection purposes.

## ADMISSION REGISTER

252. For each pupil, in England the admission register must contain:

- name in full;
- sex; this should be the birth sex unless the person has obtained a gender recognition certificate (not available in England under the age of 18);
- all known addresses for the parents and pupil and an indication of where the pupil usually lives;
- at least one telephone number at which the parent with whom they normally live can be contacted in an emergency; (NB - schools must have one contact number to meet the registration standard and more than one to meet the safeguarding standard in paragraph 7. They need not all be kept on the register);
- day, month and year of birth;
- day, month and year of admission or re-admission to the school;
- name and address of the school last attended, if any;
- an indication of boarding or day attendance (in schools which include boarders);
- the name of the destination school (or additional school, in the case of dual registration) notified by a parent and the first date of attendance, where it is reasonably practicable for the school to ascertain this information.

253. 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.

254. In England there are extensive regulations about when pupils can be deleted from a school register. It will not be possible for BSOs to replicate these although they might be expected not to off-roll a child without good reason or without taking into account the child's welfare.

255. Cross-referencing to the safeguarding standard, the expectation to hold more than one emergency contact number 'where reasonably possible' for each pupil, is likely to be met by schools which meet the registration standard above, though extra steps may be required to ensure there is more than one contact for pupils with fewer than two parents/carers.

## ATTENDANCE REGISTER

256. For all day pupils, 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:

- present;
- absent;
- attending an educational activity outside school approved by the 'proprietor' (eg work experience or sporting activity);
- unable to attend through exceptional circumstances (eg unavoidable closure of school site or part of it; unavailability of transport where the home is not within walking distance);
- 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);

- taking unauthorised absence (if no reason is established when the register is taken; the entry may be corrected later when the reason is established).

257. More flexibility is allowed in England in relation to the registration of children under the age of 5 and sixth form pupils. For convenience, and to act as a check on pupils' whereabouts for reasons of welfare or health and safety, it is recommended that schools should register boarding as well as day pupils, but this is not a legal requirement. It is also a welfare matter for the school to know when students are or are not on the premises. Whatever system is used should be rigorously implemented.

## KEEPING THE REGISTERS

258. In the absence of local rules, BSOs should be guided by the following which apply in England:

- register 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.
- computerised registers must be backed up regularly,
- all registers (whether computerised or in hard copy) must be retained for three years.

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

## Paragraph 16 – Risk assessment

The standard in this paragraph is met if the proprietor ensures that-

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

260. Well-run schools have proper risk assessment across the whole range of their activities affecting pupils. Risk assessment should not be an afterthought or confined to the most obvious dangers for pupils. This standard requires schools to consider risk in relation to all activities which could place pupils in serious jeopardy and, during inspections, evidence will be sought that this has been done systematically in order to inform the risk assessment policy required by the standard, and that appropriate action has been taken to reduce any risks that are identified. Just a few examples of matters for which schools in England have sometimes failed to consider risks adequately are:

- public access to the school and its pupils when the school occupies shared premises, including premises which incorporate places of worship;
- safeguarding risks posed during educational visits, either from staff or from members of the public;
- safeguarding risks arising from the presence of non-staff adults (eg adult children of boarding staff) in boarding premises;
- risks arising from pupils' access to roofs, poorly secured windows and so on;
- safeguarding risks posed by inadequate staffing cover at weekends in boarding schools;
- dangers from traffic when large numbers of pupils leave a school building immediately adjacent to a road, eg between lessons and at the end of the school day;
- dangers posed by other pupils and the risk of pupil-on-pupil abuse, including sexting.

261. The aim of this standard is not to make schools risk-averse but to ensure they take an active approach to managing risk, and thereby reduce the likelihood that pupils will be harmed through negligence and

lack of foresight or proper planning. This standard requires a written risk assessment policy. This may already be included in the health and safety policy. The regulation does not dictate whether the policy of risk assessment should be separated out from the health and safety policy. However, the procedures for risk assessment should be sufficiently detailed and cover all reasonably foreseeable welfare issues relevant to the school.

262. The policy should demonstrate that risk assessment is a constant systematic process with a view to promoting children's welfare. The following is provided to support a common approach to compliance and advice across inspections; absence of individual items will not indicate non-compliance unless, in context, the omission is material and/or the policy intention of the standard is not met. In context, it may be clear that other issues should be covered.

- Suggested areas of coverage: health and safety (eg water supply, premises and equipment, public rights of way), matters related to pupil welfare (eg medical needs, supervision and school trips), recruitment-related issues, matters related to safeguarding (eg the risk of radicalisation, bullying, peer abuse, allegations), lessons (activities, recreation, sport, boarding), other issues of relevance to the particular school.
- Suggested content: when risk assessments should be completed and by whom, any system of authorisation, recording (including any pro-forma), training for staff, implementation to ensure risks are reduced, system for monitoring and evaluating effectiveness.

263. Inspectors should not expect the policy to require all risk assessments to be in writing, but significant findings of risk assessment should be in writing and risk assessments should be suitable and sufficient.

264. 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 the risks identified so far as reasonably practicable.

## Part 4 – Suitability of staff, supply staff, and proprietors

265. The regulations relating to vetting checks are the most complex and require particularly careful consideration by inspectors.
266. 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:

	Part 4 applies?	Included on the SCR?
Staff, whether or not in regulated activity	Yes paragraph 18	Yes
Volunteer	No*	Yes
Supply Staff	Yes paragraph 19	No
Employees of contractors and other third parties (eg visiting professionals)	No*	No
Self-employed contractors controlled by the school (whether or not charged direct to parents)	Yes if effectively 'staff', otherwise, no. (See note 273 later)	Yes if effectively 'staff', but otherwise, no. (See note 273 later)
Chair of proprietors/governors	Yes paragraph 20	No (see note 322 later)
Other proprietor/governor (members of a body)	Yes paragraph 20	Yes
Non-proprietor governor	No*	No
Adults who supervise children on work experience	No*	No
Host families	No*	Not required on SCR if a 'private arrangement' between families. Otherwise, if the school is the regulated activity provider, they should be included.
* 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 from note 346 onwards at the end of this Part gives further details.		

### Regulated activity

267. Understanding regulated activity is key to understanding Part 4. The full legal definitions of regulated activity are set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.
268. 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.

## Definitions of regulated activity

- 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.

269. 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 (for which see the [glossary](#)).

## Deciding whether a person is engaging in regulated activity

270. 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?
    - 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.
- If not, are they supervised? (See DfE's **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?
  - If so, are they administering personal care or health care, as defined? [These are always regulated activity.]
  - If not, are they teaching pupils? [Regular teaching is always regulated activity.]
  - 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.

### Paragraph 18 – Appointment of staff

- (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 Safeguarding Vulnerable Groups Act 2006 where that person is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 of 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 Education and Skills Act 2008 or section 142 of the Education Act 2002, or any disqualification, prohibition or restriction which takes effect as if contained in either such direction or any equivalent order made in the host country or overseas;
  - (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 host country; and
    - (iv) where appropriate, the person's **qualifications**; and
  - (d) the proprietor ensures that, where relevant to any such person, checks are made, to the extent possible, on the person's suitability to work with children. This could include (for example) checks in the host country and any overseas countries where the person has lived (such as certificates of good conduct from the relevant embassies or police forces or a suitable criminal records check) and these are taken into account before confirming the appointment; and
  - (e) 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 (d), the proprietor checks that **standard 14 of the Minimum Standards** for Boarding Schools is complied with,

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

271. The regulations provide a detailed list of the checks which are required for each new member of staff. The definition of staff in the UK includes: *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.*

272. The three strands of the definition of staff can be applied as follows:

- Any person working at the school whether:
- *under a contract of employment* [this covers every employee, no matter what sort of work they do]
- *under a contract for services* [this covers self-employed people arranged and/or paid direct by the school. It does not include those in a contract for services with others, subject to the exception immediately below.]
- *or otherwise than under a contract* [this covers self-employed people who are arranged by the school for the purposes of the school but, for example, paid direct by parents, such as some peripatetic teachers and therapists. It does not include for example, private employees of parents permitted to enter school by agreement.]
- but does not include supply staff or a volunteer.

273. In relation to the second and third strands, the DfE permits schools to exercise professional discretion as to when self-employed people should be treated as 'staff' or as 'contractors' (see later). The inspection expectation is that, as a rule of thumb, if the person is in regulated activity in the school they should normally be treated as 'staff'. This could have the effect that an invigilator who works for a week is treated as 'staff' but a self-employed plumber who does likewise is treated as a contractor. For this grey area of worker definition, inspectors should respect the DfE policy intention to allow discretion to professionals in schools and probe, if necessary, whether a school has made a reasonable decision in context. Contemporaneous evidence of a risk-based decision by the school (eg a brief note on the SCR) which recognises regulated activity as a key risk factor, can be indicative of a reasonable approach, though individual written risk-assessments should not be considered a regulatory requirement.

274. In the light of the above, the following are included in 'staff': 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).

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

#### Staff recruitment checks over time

Date of appointment	Pre 1.1.11	1.1.11 to 1.9.17	1.9.17 to date	Pre-appointment?
Barred list	✓ Note 1	✓	✓	✓ Note 2
<b>Criminal record checks</b> , including equivalents in the host country, and other countries	✓	✓	✓	✓ Note 4
Identity	✓	✓	✓	✓
Medical fitness	✓	✓	✓	✓

Previous employment history/CV	✓	✓	✓	✓ Note 4
References	✓	✓	✓	✓ Note 3
Qualifications, where appropriate	✓	✓	✓	✓
Right to work in the host country	✓	✓	✓	✓
Prohibition from teaching orders – and/or equivalents locally or overseas			✓	✓ Note 5
Disqualification from childcare				Note 6
Prohibition from management directions (section 128 directions)			✓	✓ Note 7
<p>Note 1 BSOs are expected to make reasonable efforts to ensure that staff employed before BSO standards began, or before the school applied for BSO recognition, are vetted to a similar level as recent staff so far as practicable. See the main body of the text for more guidance.</p> <p>Note 2 Barred list checks are required, where available, for staff from the UK or who have worked in the UK, and who will be working in regulated activity in the BSO. See the main body of the text for more guidance.</p> <p>Note 3 Criminal record checks must be obtained from relevant countries, ‘to the extent possible’. See main body of text for advice about when they are available, alternatives (such as ICPCs) and risk management expectations when checks are not available before the expected work commencement date.</p> <p>Note 4 From the introduction of BSO standards in 2011 until September 2017, BSOs were expressly required to take up employment history and references. From September 2017, this approach is to be considered part of the suitability checking now expressed in generalised terms and required ‘to the extent possible’, in 18(2)(d). See main body of text for more detail.</p> <p>Note 5 Schools must seek to ensure that no staff who intend to teach are prohibited from teaching. This can be considered best practice advice for UK equivalence. See the main body of the text for more.</p> <p>Note 6 Checking for disqualification from childcare should be considered best practice advice for UK equivalence. It became a requirement for independent schools in England from February 2015 and applies to all staff working in childcare (early years) whenever appointed. It would be reported, where appropriate, under 18(2)(d).</p>				

## FURTHER GUIDANCE

276. The over-arching policy intention is that BSOs should take an approach to vetting suitability as close to that in the UK as is feasible in their own situation. In summary, checks should be carried out, where relevant to a person, to the extent possible, with a view to establishing the person’s suitability to work with children. This could include, for example, any checks and criminal background information in the host country and any overseas countries where the person has lived and according to their nationality. The results must be taken into account before confirming the appointment.
277. BSOs are expected to make reasonable efforts to ensure that staff employed before BSO standards began, or before the school applied for BSO recognition, are vetted to a similar level as recent staff so far as practicable, in order to demonstrate parity of approach with schools in England.
278. The availability and value of various checks from the countries hosting BSOs is often a matter for local enquiry primarily by the school, verified by the inspector where this is feasible.
279. The notes below give more information about the checks available in the UK. Where there is difficulty accessing the checks directly, it is acceptable for inspection purposes for checks to be carried out

through an associated school in England, for example. Certain UK checks, enhanced DBS and barred list, are only available where the recruitment decision is being made in the UK.

#### Checks for suitability to work with children, for example:

280. The 'suitability checks' of 18(2)(d) are not defined in detail but assume an equivalent approach to that prescribed in the UK, starting with criminal record checks.

#### Criminal record checks

281. Criminal record checks must be obtained from relevant countries, 'to the extent possible'.
282. For staff applicants who are British or who have lived and worked in the UK, meeting the standard will entail the school obtaining an enhanced criminal record check from the Disclosure and Barring Service (DBS) **but only if the employment decision is being made in England or Wales**. This might be the case where the BSO has an associated school in the UK, for example, which deals with the recruitment process for the school overseas. Because the Rehabilitation of Offenders Act and the exceptions order only apply in England and Wales, the majority of BSOs who make their recruitment decisions outside of England or Wales, are not legally permitted to ask an 'exempted question', and therefore cannot apply for an enhanced or standard DBS check. However, they can apply for a basic DBS check if they wish (which gives convictions that are not spent). Alternatively, a recent enhanced DBS check obtained through another employer may be taken into account alongside other information. But **the recommended course is to access information through an International Child Protection Certificate, obtained through ACRO**.
283. Staff applicants who have lived and worked in other countries, which may also include some British applicants, meeting this standard will entail any criminal record information available from other relevant countries.
284. Reaching a view about where an applicant has lived and worked including whether they have lived in the UK will be a matter of judgement for the school based on an assessment of information from other sources such as checking their identity, employment, history, references. (For more see below under '**Overseas checks**'). The role of BSO inspectors is to check that the school has acted reasonably on the basis of the available information, with a view to safeguarding children effectively. Schools in England are not required to retain copies of DBS certificates. If they choose to do so, for reasons connected with the Data Protection Act (DPA) they should not to keep them for longer than around 6 months. (ISI does not inspect DPA compliance.) The Police Act 1997 makes unauthorised disclosure of any information in a DBS certificate a criminal offence. Consequently, inspectors in England would not expect to find DBS certificates on school files or ask to read any which have been retained. Inspectors of BSOs should not require a higher standard from BSOs, although BSOs may in practice have a greater latitude in record keeping because the DPA does not apply overseas.
285. **The three-month rule** – The three-month rule which permits a degree of transferability of DBS checks when staff move between UK schools, is not referenced in the BSO standards. However, the existence of a pre-existing criminal record check or other checks (such as an ICPCs certificate – see below – or a basic DBS check) are factors which may be taken into account by BSOs when making risk-based decisions about deployment and supervision of staff before the results of a criminal record check are returned, or when a new DBS check is not possible, or about whether it would be beneficial to obtain a check from another country.
286. **International child protection certificates** (ICPCs) are a form of criminal records check for UK nationals, or non-UK nationals who have previously lived in the UK, who are seeking to work with children overseas. The ICPC is issued following a check of relevant information held by the police and other law enforcement agencies in the UK. CEOP will do extensive searches before an ICPC is issued. ICPCs do not show whether a person is barred from working with children in the UK, so if possible a separate barred list check should be obtained.

287. ICPCs are not a substitute for criminal record checks through the UK DBS where these are required and available (such as when an appointment decision is made in the UK), but they are the recommended alternative source of information when DBS checks and barring information are not available (such as when the appointment is not made in the UK). Their value can be recognised by inspectors when reaching a judgement about whether a BSO has reached the standard on suitability of staff.
288. **Overseas checks:** The UK government has published information about [criminal record checks available overseas](#). The following UK governmental advice may also be useful to schools: [DBS guidance for applicants with unusual addresses](#).
289. In the UK, previous NSPCC guidance suggested that overseas checks should be carried out where an applicant has lived and worked in a country for three months or more out of the last five years. ISI permits UK schools to apply this as a rule of thumb because checks via the DBS will also always be sought but inspectors may strongly encourage schools to adopt a more stringent approach such as checking those who have lived or worked overseas for more than six months in the last ten years. By contrast, in the absence of DBS checks, it will often be appropriate for BSOs to take a more stringent and extensive approach to checking criminal records overseas, where applicable, with a view to ensuring UK equivalence.

#### **What does the school need to do if criminal record information is delayed?**

290. In principle, checks must be obtained before a person begins work in regulated activity, but, as the timing of responses is unpredictable, inspectors may accept that a school meets the standard if checks have been applied for and the school has measures in place to manage risk pending return of the certificate.
291. A head may allow the member of staff to commence work:
- The relevant check has been applied for in advance
  - other relevant checks have been completed satisfactorily;
  - risk-based decisions are made about appropriate safeguards (for example, loose supervision) and evidence retained.
292. Inspectors may also give the following advice: schools should
- avoid confirming the appointment;
  - review safeguards at least every two weeks;
  - ensure the person in question is informed of the safeguards in place;
  - for evidential purposes, add a note to the single central register and keep evidence of the measures put in place.

#### **Barring and prohibition orders**

293. Bars or prohibitions issued under the law of England and Wales are only applicable in England and Wales. Therefore, these would only legally prevent a person working in a BSO where the recruitment decision is taken in England or Wales. Whilst such restriction/sanctions do not currently prevent the person from taking up positions overseas, as part of safer recruitment pre-appointment checks and to determine suitability for any position, schools may wish to obtain further information about the circumstances leading to any decision where this information is available (eg information on teacher prohibition in England is public as decisions are published on Gov.UK). Employers may want to contact any relevant regulator responsible for the decision to obtain more information about the reasons for imposing the sanction/restriction.
294. Inspectors should be aware that BSOs are not able to access the checks directly through [Teacher Services](#) in the same way as schools in England. If the BSO wishes to obtain the information and/or contact the regulator, this can be done by emailing a request for checks of one or more individuals to

[employer.access@education.gov.uk](mailto:employer.access@education.gov.uk) or through another organisation, such as COBIS or a partner school in the UK, which has access to the Teacher Regulation Agency (TRA).

295. For those who have taught in the EEA, the EEA lists can also be accessed on behalf of a BSO through the TRA. For those who have taught in the host country and /or other countries, any available equivalent checks must be carried out as appropriate.

### Identity

296. An application for a criminal record check always entails checking identity and in this context, the methodology for identity checking is subject to detailed guidance from the relevant service (the DBS for checks in the UK). In summary, this typically includes official documents such as a passport, a driving licence, or a birth certificate, photographic identity, together with evidence of address (for example, a utility bill, bank statement or similar). DBS [guidance](#) covers how to check the identity of those lacking the usual official documentation.
297. In other contexts, such as staff who are not in regulated activity or the arrival on-site of staff who have been checked by an agency or other employers, schools are permitted discretion in their approach to identity checking, acting reasonably in accordance with the risks inherent in the particular context (eg the role the person is to perform, the level of contact with children, supervision and so forth). Typical processes entail requesting an official document which verifies identity and address, and photographic identification.

### Medical fitness

298. The DfE advice, [Registration of Independent Schools 2016](#), 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.’ ‘Medical fitness’ includes both physical and mental health. No particular methodology is prescribed. Typical means entail 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.
299. 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. 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.’
300. The complications in the UK resulting from Equality Act provisions which prevent employers from asking health-related questions of applicants before the appointment is offered do not apply to BSO recruitment procedures overseas. However, in accordance with the ethos of British values, inspectors may encourage BSOs to recognise the important contribution that can be made by disabled employees, both as effective employees and in raising the aspirations of disabled pupils and educating non-disabled pupils about the reality of disability.

### Previous employment history/CV/References

301. As the BSO safeguarding standard (paragraph 7) does not require BSOs to have regard to UK safeguarding guidance, for BSOs the requirement to take up references or employment history is subsumed in the general requirement to check suitability ‘to the extent possible’ (18(2)(d)). References and employment history are considered essential elements of checking suitability. Though not expressly mentioned in the BSO standards, they should be considered more than ‘best practice; schools should make a good attempt and do the best they can in their situation. In appropriate cases, inspectors could deem failure to take employment history and/or references (18(2)(d)) also to be a failure to promote the well-being of pupils, under paragraph 34(c).



302. As a matter of good practice, application forms are considered the best means to gather employment history information because they support the presentation of information in a standardised and logical way which enable gaps to be spotted easily. Reasons for gaps should be ascertained. The information provided by the candidate should be checked against references subsequently received, and any discrepancies taken up with the candidate.
303. Best practice advice relating to references is that they should be taken up, ideally before interview, including a request whether the referee is aware of any reason or has any concern that the applicant may not be suitable to work with children. The usual expectation is that for suitability purposes there will be a minimum of two. If a reference is taken over the telephone, for evidential purposes detailed notes must be taken, dated and signed, and make clear who was spoken to. References should be checked on receipt to check that all specific questions have been answered satisfactorily, with appropriate follow-up where required. Inspectors may advise that, as a matter of good practice, references not received in good time before appointment should be chased by telephone and alternative referees approached if needed.
304. For compliance purposes in England, the final deadline for receipt of references is before the person starts work. This is the starting position for the inspection of BSOs, subject to the qualified: 'to the extent possible'.
305. Inspectors may remind BSOs that it is considered best practice in safer recruitment always to seek references from the candidate's current employer. Where there is no current employer, verification of the most recent period of employment and reasons for leaving should be obtained. (This recognises, in effect, that not all employers will provide a substantive reference.) References ideally should be from a senior person with appropriate authority (in a position to be aware of issues), not usually just a colleague. Any information provided directly by the candidate should be verified. Schools should verify that electronic references originate from a legitimate source.
306. Questions are often asked about the value of references which confirm only that a person worked for a certain company between certain dates. Inspectors may recognise that these do confirm an element of an applicant's employment history and their whereabouts for a period, although it is advisable for such references to be supplemented by one or more others to address the suitability question.

#### **Qualifications, where appropriate**

307. It will be 'appropriate' to check qualifications where the school stipulates or an individual claims qualifications as part of the recruitment process. Such qualifications should be checked in advance of appointment. For compliance purposes, this applies to any qualifications taken into account in making the appointment.

#### **Right to work in the host country**

308. Each BSO should adhere to the requirements applicable in their own context.

#### **Transfer of employees**

309. Where one school is bought by another, information concerning the vetting checks of employees should 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 date of the DBS checks, and adds a note to the register that the details have been accepted as a result of a transfer. There must have been no break in employment. However, if the information is incomplete, it may be necessary to undertake new checks.

#### **Paragraph 19 – Appointment of supply staff**

- (1) This paragraph relates to the suitability of supply staff at the school.
- (2) The standard in this paragraph is met if—

- (a) all reasonable steps have been taken, within the context of local requirements, to ensure that no person offered for supply by an employment business to the school begins to work at the school unless the proprietor has received written notification from the employment business in relation to that person that the checks have been made in respect of the person's identity, right to work in the host country, qualifications and suitability to work with children (as required for staff employed by the school) to the extent relevant to that person;
- (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).

310. **Who are 'supply staff'?** Paragraph 19 only applies to people 'offered for supply by an employment business' - not to all third-party staff. An [employment business](#) in England is, in effect, a supply (temping) agency. Supply staff could perform any function, not only teaching.
311. Schools must receive written confirmation from the relevant Supply staff that the required checks have been carried out to the extent relevant to that person: identity, right to work in the host country, qualifications and suitability to work with children (as required for staff employed by the school).
312. The requirement in England that a school must also see each criminal record certificate, whether or not it discloses any information, has not been carried over into the BSO standards, but can be encouraged as a matter of good practice.
313. Additionally, for parity with schools in England, see further discussion above (relating to staff) about checking references, employment history and, if applicable, check whether the person is disqualified from childcare.
314. The identity of supply staff must be checked on arrival at school to ensure that they are the same person on whom checks have been carried out.

### Paragraph 20 – Appointment of proprietors

315. The 'proprietor' is the person or body of persons responsible for the management of the school. Part 4, paragraph 20 divides proprietors into three categories:
- individuals;
  - chairs of a body;
  - members of a body.

These three categories are dealt with separately below.

316. As for staff, BSOs should endeavour to ensure that the suitability of individuals who were already proprietors when the BSO standards began, or before the school applied for BSO recognition, has been checked to the same degree as recent appointments, plugging gaps in vetting so far as practicable.

### Paragraph 20 – The individual proprietor

- (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 Safeguarding Vulnerable Groups Act 2006 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 Education and Skills Act 2008 or section 142 of the Education Act 2002 or any disqualification, prohibition or restriction which takes effect as if contained in either such direction; or any equivalent order made in the host country or overseas; and
- (b) each individual proprietor of the school, or where appropriate the chairperson of the proprietorial body, can demonstrate that he/she has met all local requirements (if there are any), and in addition has been subject to checks confirming his/her identity, right to work in the host country, suitability to work with children (including any criminal records check where appropriate); and
- (c) where appropriate, certificates of good conduct are obtained, wherever practicable, from the relevant embassies or police forces of all countries in which the proprietor has resided.
- (d) The chairperson has checked the other members of the proprietorial body (where these exist) to confirm they meet all local requirements, their identity, right to work in the host country and suitability to work with children. Where appropriate, certificates of good conduct or where applicable a criminal record check should be obtained whenever practicable, from the relevant embassies or police forces of all countries in which they have resided.

317. The first category of proprietor is the individual. Unlike in the UK where the DfE carries out the suitability checks required for individual proprietors, BSOs themselves (in the name of the proprietor/Chair) must carry out the checks on their proprietor/Chair.
318. In addition to the checks required by Part 4, paragraph 20, for parity with schools in England, as a matter of good practice the proprietor should not engage in childcare if disqualified. It would be the responsibility of the school to check, if this is relevant to the individual. See the extensive notes above as to when this applies.
319. Please see notes 276 et seq above for information about the process and considerations 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, but in the absence of good reason the wording is taken to mean that the relevant checks have at least been applied for in advance of appointment and any risks during the period before the checks are completed are properly assessed and managed.
320. New emphasis is placed in the BSO standards for 2017 on obtaining certificates of good conduct or criminal record checks from the embassies and/or police forces of **all** countries in which they have resided, where practicable. In order to demonstrate that they have met the 'wherever practicable' or 'whenever practicable' requirements, schools must be able to demonstrate that they made a good attempt to obtain these certificates.

### Paragraph 20 – The chair of a body of persons

- (4) Sub-paragraph (5) relates 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 Safeguarding Vulnerable Groups Act 2006 where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 of 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 Education and Skills Act 2008 or **section 142** of the Education Act 2002 or any disqualification, prohibition or restriction which takes effect as if contained in either such direction; and
  - (b) the chairperson can demonstrate that they meet all local requirements, confirm their identity, right to work in the host country and suitability to work with children, including where applicable an enhanced criminal record check. Where appropriate, certificates of good conduct should be provided whenever practicable, from the relevant embassies or police forces of all countries in which they have resided.

321. The second category of proprietors is the chair of a body. The notes above relating to the vetting checks for individual proprietors apply to chairs also. The chair (or the BSO acting in the name of the chair) must ensure that the chair him or herself is checked.

### Paragraph 20 – Member of a body of persons, not including the chair

- (6) The standard in this paragraph is met in relation to person who, not being the Chair of the school, but who is a member of a body of persons corporate or unincorporate named as the proprietor 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 Safeguarding Vulnerable Groups Act 2006 where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 of 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 Education and Skills Act 2008 or **section 142** of the Education Act 2002 or any disqualification, prohibition or restriction which takes effect as if contained in either such direction; and
  - (b) the Chair of the school carries out checks that they meet all local requirements, confirms their identity, right to work in the host country and suitability to work with children, including where applicable an enhanced criminal record check. Where appropriate, certificates of good conduct should be provided whenever practicable, from the relevant embassies or police forces of all countries in which they have resided.

322. The third category of proprietors consists of the members of a body. The notes above relating to the vetting checks for individual proprietors apply to members of a body also. The chair (or the BSO acting in the name of the chair) must ensure that the members of the body are checked.

**323. Recruitment checks over time – individual proprietors, chairs and members of bodies**

Date of appointment	Pre-1.1.11	1.1.11 to 1.9.17	15.9.17 to present
Barred list check	(Note 1)	✓ (Note 2)	✓
Prohibition from teaching or equivalent check in host country or overseas		(Note 3)	✓
Prohibition from management of an independent school, or equivalent check in host country or overseas		(Note 3)	✓
Local requirements			✓
Identity		✓	✓
Right to work in host country		✓	✓
Suitability checks including criminal records, where appropriate			✓
Certificates of good conduct, where practicable, from all countries where prop has resided			✓
Disqualification from childcare		(Note 4)	

Note 1 BSOs should ensure so far as practicable that pre-existing proprietors have been subject to the same suitability checks as recent appointees.

Note 2 Proprietorship is not itself regulated activity but a proprietor who will have regular unsupervised access to pupils would engage/intend to engage in regulated activity.

Note 3 Prohibition checks, where available, became an express requirement of the BSO standards from September 2017. Until then they were strongly recommended as best practice, to achieve parity with schools in England. Prohibition from teaching checks have applied in England from April 2012. Prohibition from management checks have applied in England from August 2015.

Note 4 Checking for disqualification from childcare is a best practice recommendation for UK equivalence. For parity with schools in England, proprietors should be checked for disqualification from childcare 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.

324. The limitations of certain UK checks referenced in the BSO standards have been referenced above. BSOs are expected to be taking all relevant steps to assure themselves of a person's suitability, including the other checks required by the BSO standards as well as full employment history and references. They should access whatever criminal background information is available according to the host country and the nationality of the applicant, accessed through the appropriate legal channel.

325. Checks for new appointees 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. In the absence of good reason, this is taken to mean that the check has been applied for in advance.

**Paragraph 21 – The register of appointments**

- (1) The standard in this paragraph is met if the proprietor keeps and makes available to inspectors a comprehensive register of all staff (including the proprietor, or Chair or member of a proprietorial body) and volunteers who currently work in the school, or who have worked in the school since the last inspection, showing the dates when they commenced and ceased working in the school and the suitability and other checks which have been made, and the information obtained.

326. Paragraph 21 does not create a requirement to make checks but rather a requirement to record centrally whether or not certain checks have been made and, if so, the dates of those checks. Even if required checks have not been made, if this is accurately recorded, the standard may be met.
327. The single central register (SCR) requirements for BSOs are different from those applicable to schools in England. Some matters of good practice in England have, in effect, regulatory status for BSOs, eg inclusion of start and end dates.
328. The dates when checks ‘have been made and the information obtained’ means the dates when school receives the relevant information to inform their recruitment decisions. The expectation is that the dates of all checks must, therefore, precede the start date for the relevant member of staff, although allowance can be made for delayed criminal record checks where appropriate precautions are taken. For example, if a school applies for a criminal record check, the SCR should record the date the school sees the certificate, rather than the date printed on the certificate or the date the application was made (though this can be helpful). As always, and particularly in view of the ambiguity in the wording of the standard, inspectors may take a view of the materiality of any misunderstandings around which date to record, where inspection evidence clearly indicates that rigorous processes are in place to ensure checks are undertaken in advance of appointments and recorded in a timely way.
329. It is not a requirement to initial entries on the SCR, although many schools find it helpful as part of a rigorously implemented system. It is recommended that such records are retained separately (eg on the underlying staff files) to avoid over-complicating the SCR with information that exceeds requirements.
330. BSOs are required to include volunteers. ISI interprets this, broadly in line with guidance to schools in England, ie that this extends only to those who are regular or unsupervised. Inspectors may allow schools some discretion over the vetting and inclusion of volunteers who are not in regulated activity, infrequent or appropriately supervised.
331. The SCR must contain an entry for all current members of **staff, proprietors and volunteers** at the school, and any others back to the date of the last inspection. It is not a requirement to include supply staff or employees of other organisations, although schools may include them on the SCR if they wish, and this is considered to be good practice.
332. Although all staff, proprietors and volunteers must be recorded on the SCR, the standard does not prescribe how they are identified. BSOs, therefore, have some leeway. ISI recommends simply name and job title. Schools may if they wish for their own convenience to add information such as addresses and dates of birth, but this level of detail is not a requirement and ideally should not be passed on to the inspectorate.
333. In England, the SCR consists of a series of dates. An ostensible difference for BSOs is the requirement to include the information obtained. This need not be extensive, where obtained. It is acceptable to reduce the information to a minimum and refer to where more detail is available. For example, where the SCR indicates that checks have been done (eg by recording a date) and no other information has been included, inspectors may take this to imply that the check was returned clear in the absence of counter-indications. Anomalies could then be referenced in a notes column, either explicitly or as ‘see file’.
334. The SCR must show the date of the following checks where applicable:
- sufficient information to identify the individual (eg name and post/job title);
  - start date;
  - end date;
  - identity check – date;
  - criminal record checks (whether from UK or other countries) – date and information;



- right to work in the host country (staff, proprietors and volunteers if so required in the host country) – date and information (eg restrictions);
- professional qualifications (staff) – date and information;
- prohibition from teaching check, or equivalents, where relevant and available – date and information;
- medical fitness (staff)– date and information.

335. Checks of:

- employment history (eg application form/CV);
- references;
- disqualification from childcare (where applicable)

are not required on the SCR but many schools find it convenient to include them in order to have a record of all checks in one place.

## IMPLEMENTATION

336. Where the register is not kept at the school but elsewhere (for example, in the offices of a body of trustees), arrangements must be made by the school for it to be inspected on the school premises.
337. The format for the register is not specified, though a table format is most commonly used. Other means include, for example, creating a page for each individual listing relevant personal information and the details of the checks carried out. Schools may include additional information, if they wish, subject to local data protection regulations.
338. [Appendix 2](#) of this Commentary provides BSOs with a suggested format for an SCR. Although the BSO standards ostensibly require the results of checks to be included in the SCR, inspectors may advise schools of the advantages of including a notes column to signpost the existence and whereabouts of any additional information. This assists to maintain confidentiality and ensure that the SCR remains a manageable administrative task and an accessible management tool.
339. For BSOs, the SCR must include all those (staff, volunteers and proprietors) who work or have worked in the school at any time since the last inspection. Although not a requirement, it is good practice to also include any supply staff.
340. Inspectors should aim to check all recent appointments on the SCR though for the largest schools sampling may be used if necessary. If so, the sample should include individuals from each regulated category (staff, supply, proprietors and volunteers, where checked) and both teaching and non-teaching staff within the staff categories and other sub-groups that are relevant to the particular setting.
341. Inspectors will also check a sample of underlying 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 and questions asked to ensure that the omissions are appropriate for the individual in view of the nature of their work, the definitions of regulated activity and the efforts made to obtain checks. Interviews with staff involved in the recruitment process will also be used to gather evidence.
342. Minor administrative errors do not constitute a material 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, individual entries which are illegible, one or two omissions where it is clear that the school has the evidence but has not yet transferred it to the SCR.
343. For parity with schools in England, copies of identity documents, right to work, and qualifications should be retained, as a minimum. Retention of copies of criminal record certificates is not a requirement.

344. 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**

345. Several categories of people fall outside the main regulations concerning appointments but may still need checks as a matter of good practice and for parity of standards with independent schools in England. The main groups are described below.

### **Visiting speakers**

346. The [Prevent](#) statutory guidance for schools in England does not have direct application to BSOs but can be seen as good practice. Schools in England are required 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.
347. Schools are strongly advised to keep a central record of visiting speakers and any checks which have been carried out, either as a dedicated list or as part of the SCR. Where they are paid, they may be considered staff, and this may become a requirement (rather than best practice) in appropriate cases. Failure to ensure the suitability of relevant visiting speakers may be reported under paragraphs 7 and/or 34(1)(c) where material and appropriate.

### **Volunteers**

348. 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.
- When volunteers are supervised, they do not fall within the definition of regulated activity in England, 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.
  - An unsupervised volunteer, whose presence is frequent and regular, is in regulated activity, and the school should carry out suitability checks, such as a criminal record check with barred list information or equivalent checks from the host country or other countries where they have lived.
349. The diagram in [Appendix 3](#) of this document sets out the requirements for new volunteers.
- The DfE has provided advice on when volunteers can be said to be ‘supervised’:
    - there must be supervision by a person who is in regulated activity (eg 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).
350. BSOs may be advised to make decisions about the need for additional, discretionary checks for volunteers on the basis of a 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. Risk assessments for volunteers should be recorded.

351. 'One-off' volunteers, for day outings, school concerts and such would not require vetting checks but, for parity with England, they should not be unsupervised and/or must not undertake any kind of personal care.

### **Drivers**

352. Driving a vehicle just for children is regulated activity in England if it is done frequently or regularly on behalf of the school. Other considerations apply as usual. So, in an example of parental lifts for children:

- Is it arranged by parents? If so, it would be a personal arrangement and, therefore, outside of the legislation. If arranged by the school, it may be regulated activity.
- Is the parent a volunteer? If so, are they supervised (ie accompanied by another adult who is in regulated activity)? A supervised volunteer is not in regulated activity.
- Does the parent provide lifts frequently or regularly? If the lifts are arranged by the school, frequently or regularly and the person is unsupervised, this is regulated activity.

353. Another example: taxis arranged by school – frequent or regular drivers who are alone with pupils are in regulated activity and should be fully checked, whether by the school or taxi service. In the latter case, they would confirm in writing to the school that the relevant checks have been done.

### **Contractors and employees of third-parties (other than supply agencies)**

354. For parity with schools in England, BSOs may wish to check the suitability of contractors and their employees, although the BSO standards do not refer to this group. BSOs should be encouraged to take reasonable steps in their own context to ensure suitability, subject to the usual considerations such as the type of work they will be doing and the expected level of contact with pupils.
355. Employers in England can only run direct vetting checks on their own employees. Each employer is, therefore, responsible for the vetting of their own staff. Where there is interaction between a school and the employees of another organisation or person, the school should ensure that relevant checks (see below) have been carried out. The usual way to 'ensure' is through obtaining written confirmation from the employer. This would normally be retained for inspection purposes, in England, although for BSOs it cannot be considered a direct regulatory requirement. Schools are not required to include employees of other organisations on their SCR, though they may choose to do so.
356. Relevant checks a BSO might require from a contractor when appropriate would include:
- appropriate criminal record checks, from relevant countries;
  - identity check on arrival;
  - any other role specific checks, where applicable eg prohibition from teaching.
357. Schools have discretion to seek further suitability checks or assurances from contractors/third parties in order to satisfy themselves of the safety of the children (eg references). A proportional risk-based approach is recommended.

### **Visiting professionals**

358. The suitability of professionals who may visit schools (eg therapists) is often checked by their own professional organisation. Again, this area is not regulated under the BSO standards; inspectors may advise BSOs that it would be best practice to take advantage of whatever suitability procedures are available in their host country and to check their identity on arrival.

### **Supervision of contractors**

359. 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.

### **Those who do not require vetting checks**

360. 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 notes 347 and 348 above); visitors carrying out repairs or servicing equipment; pupils aged under 16 on work experience or similar; supervised volunteers (including pupils aged 16 and those on work experience in other schools) unless they undertake personal care; those on the school site when pupils are not present; and students (pupils) aged 18 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 re-checked on each occasion.
361. Where individuals falling within the above groups are identified, inspectors will discuss the relevant procedures with the school and review a sample of records.

### **FAQ – IMPACT OF HISTORIC OMISSIONS**

362. 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 recent appointments have been correctly completed and recorded and that reasonable efforts have been made to complete previously omitted checks that were required by the BSO Standards at the time of appointment. Failings already identified in earlier inspection reports will not be reported again, unless they have not been corrected so 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 so far as practicable. (BSOs are strongly encouraged to fill gaps in relation to checks which were not required at the time of the relevant appointment.)
  - Secondly, there must be a clear track record in relation to recent appointments of properly completed checks demonstrating that the current recruitment process is effective and thorough. Reference will be made in the report to both historic issues and the current track record.

## Part 5 – Premises of and accommodation at schools

363. Parents who choose to send their children to a BSO should be able to rely on them providing premises and accommodation which meet high standards, as set out in the text box below.
364. 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 in England. This does not stop BSOs from taking additional measures indicated by local conditions or law.
365. 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.
366. Advice on [Standards for school premises](#) has been published by the DfE and relevant information has been included below. This does not apply directly to BSOs, but may be helpful.
367. The fact that a school’s premises at present cannot physically meet a requirement of the standards does not exempt the proprietor from meeting the requirement, if necessary by adaptation of the premises. In some cases (eg space for physical education) it may be possible to make the necessary arrangements through off-site facilities. But if, for example, a school building even when adapted cannot provide the facilities needed for the number of pupils who attend, it would be necessary for a school to either find other suitable premises or reduce the registered number of pupils so that the premises are compliant.

### Paragraph 23 –Toilets and changing accommodation

- (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.

368. 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 may provide a helpful ‘rule of thumb’ but no more and can be applied flexibly where there are no concerns apparent with the facilities available.
369. 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.
370. Unisex provision permitted under regulation 23(1)(b) should ensure the privacy of the occupant by, for example, having a full-height door.

371. 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.
372. 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.
373. 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.
374. It would be permissible for inspection purposes for schools to allow pupils who are undergoing gender reassignment to use the toilets that accord with the gender role in which they identify, if they wish to do so. Whether this will be appropriate in all cases would be a sensitive judgement to be made by the school in discussion with relevant pupils and parents, as appropriate, and in the light of any alternatives available. Inspectors should be alert to whether the interests and safety of all affected pupils have been considered, whether the toilet accommodation affords sufficient privacy, and, if appropriate, whether risk assessments are in place and action has been taken to mitigate any risks. The reporting inspector may refer to the duty team for support via the ISI office.

#### Paragraph 24 – Medical accommodation

- (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).

375. 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. As a matter of best practice, the basin should be plumbed in and have running water; but a jug and basin may be adequate in the short term for a day school though inspectors should not encourage a minimalist approach to compliance. Schools in this situation would be expected to have realistic plans to improve their provision within a reasonable time scale.
376. 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.
377. 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.

Boarding standard 3 – Boarders' health and well-being, Note B11

## Paragraph 25 – Maintenance

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.

378. 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 (eg 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.
379. 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 paragraph.
380. This standard links to that on health and safety. See: [Health and Safety: responsibilities and duties for schools](#) for more guidance on school security. 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. If a school is found not to meet the standard on account of site security, a separate letter providing all necessary detail must be written to the head and proprietor, copied to ISI.

Boarding standard 5 – Boarding accommodation, Note B27

## Paragraph 26 – Acoustics

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.

381. 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).
382. The regulation requires suitability 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 – Lighting

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.

383. 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.

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

Boarding standard 5 – Boarding accommodation, Note B36

### Paragraph 28 – Water supply

- (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.

385. The onus is on BSOs to identify and remedy any hazards which might cause their water supply to compromise pupils' health.

386. In many overseas schools drinking water is supplied only from stations of bottled water around the school. This is acceptable. If potable water is available from the mains, which should not be assumed, it is generally better to connect directly to the cold-water main than to use tanked water as the latter is difficult to keep clean and maintain. Whatever means is used, drinking water facilities should be clearly marked as such and kept clean and in good working order.

387. The standard does not require all BSO premises to have hot water; on a correct reading it requires a school to have an adequate supply of hot water. The adequacy of the supply is to be judged in context. 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.

388. Distribution temperatures and *legionella* controls must meet local requirements. In relation to risks, such as legionella, the HSE guidance such as "[Managing legionella in hot and cold water systems](#)" contains some basic information but should not be assumed to be complete or appropriate for all host countries.

Boarding standard 8 – Provision and preparation of food and drinks, Note B46

### Paragraph 29 – Outdoor space

- (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.

389. '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.

### Paragraph 30 – Boarding accommodation

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 Minimum Standards for Boarding Schools.

390. The MS contain additional detailed premises requirements, and these are described separately in this Commentary.

Boarding standard 5 – Boarding accommodation, Note B27

### Paragraph 31 – Definitions

For the purposes of this Part –

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

## Part 6 – Provision of information

391. Certain information must be ‘provided’ or ‘made available’ to parents of pupils and prospective pupils, meaning parents of children who are already registered pupils or parents who might be interested in putting their child into the school. ‘Make available’ is defined in the BSO standards, but ‘provided’ is not, unlike in the regulations for England. Inspectors may accept any effective means of active provision.

### Interpretation of standards

Where the standards require a school to make available information or a document, the requirement is satisfied by placing a copy on the school’s website (if a website exists) or placing a copy in the school for examination and informing parents of the availability of the information or document or supplying an electronic (email) or paper copy to parents on request.

### Paragraph 32 – Provision of information

- (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 school’s 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.

392. This information above must be automatically provided to parents of pupils and parents of prospective pupils. This may be, for example, as part of a prospectus or information booklet. *It means that if the recipient has provided an email address, then the information required may be sent to that address either in electronic form or with a link to a website containing the information and from which it can be downloaded (provided that in either case the information is available for inspection at the school’s premises during the school day); or alternatively in any case, by sending or giving the person a hard copy, eg as a prospectus or information booklet. The same information is to be provided on request to ISI and DfE.*

393. 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 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.

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

## Boarding standard 1 – Statement of Boarding Principles and Practice, Note B4

- (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 school's 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 special educational needs and pupils for whom English is an additional language;
  - (c) particulars of the policy referred to in paragraph 2; **[the curriculum policy]**
  - (d) particulars of arrangements for meeting the standards contained in paragraphs 9, 10, 11 and 13; **[arrangements for behaviour, anti-bullying, health and safety, and first aid]**
  - (e) particulars of the school's academic performance during the preceding school year, including the results of any public examinations; and
  - (f) details of the complaints procedure referred to in paragraph 31, and the number of complaints registered under the formal procedure during the preceding school year;

395. 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 in England both parents, 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.

396. 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 special educational needs and pupils for whom English is an additional language; it is for the school to decide what details to include;
- 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.

- (1) (c) particulars of the arrangements for meeting the standard contained in paragraph 7 [safeguarding] are published on the school's internet website or, where no such website exists, are provided to parents on request;

397. 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 on request. Related 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. It is possible to meet the safeguarding standard while failing the publication standard, and vice versa.

- (1) (d) following an inspection a copy of the report of the latest inspection against the BSO standards (if it has been sent to the proprietor) is published and maintained on the school's internet website, and made available to the parents of each registered pupil;

398. The school must publish the last BSO inspection report on its website, if it has one.

- (1) (e) 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;

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

- (1) (f) any information reasonably requested in connection with BSO inspection 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;

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

401. This standard is intended to facilitate inspection of a school so that inspectors can reach a proper conclusion as to whether the standards are met. There are a number of things to note about this obligation. 'Information' is not narrowly defined. Therefore, requests can cover different types of information such as information recorded or held in different ways. In addition, the obligation under para 32(1)(f) is for the proprietor to ensure that all information reasonably requested is provided and, therefore, the obligation here may in practice involve making arrangements with third parties, such as staff, pupils or parents, to provide the information. For instance, something may be asserted in the course of an inspection by a proprietor or member of staff which raises an issue that it is appropriate to investigate further, or which it is appropriate to corroborate, through someone else providing additional information. A proprietor's obligations will extend to ensuring that this additional information, where it is reasonably requested, is provided.

402. The information must be reasonably requested, so the standard would not be failed if a school refused to provide information which had no connection to compliance with the standards. Examples of this might be payroll details, or personal data relating to admissions examinations. Information in scope would, however, include information relating to staff suitability checks, and personal safeguarding data on pupils. The requirement to give inspectors access to the admission and attendance registers is a separate one and does not need to be reasonably requested, because of the separate standard on registers in paragraph 15.

403. Where inspectors encounter difficulty obtaining information required for the purpose of inspection – such as, when schools fail to distribute staff, pupil or parental questionnaires fully or at all, or when other necessary information is not produced despite clear request, confirmed in writing if necessary – this should be reported under this standard. This includes instances where the inspection process is or

may be prejudiced by late distribution of questionnaires or late production of information, such that time for full consideration or follow-up of lines of enquiry is compromised.

## Part 7 – Manner in which complaints are to be handled

### Paragraph 33 – Complaints

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 has regard to local regulatory requirements and circumstances and which deals with the handling of complaints from parents of pupils and which—

#### COMPLAINTS POLICY CONTENT

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

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

406. 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.

407. The primary purpose and requirement of the policy is that it deals with complaints. The standard does not distinguish between ‘concerns’ and ‘complaints’. Any matter about which a parent of a pupil is unhappy and seeks action by the school is a complaint, and in the scope of the procedure, whatever the school labels it as.

408. 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

409. The complaints standard does not require exclusions to be covered by the complaints process. Schools should certainly have a process for exclusions. 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. 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

410. 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;
- (b) is made available to parents of pupils;



411. The policy will self-evidently be in writing. 'Made available' has a specific definition in the BSO standards, see Part 6 on Provision of Information.
412. The complaints process is not required to be available to the world at large but only to 'parents of pupils', meaning current registered pupils. The procedure need not apply to parents of prospective pupils although schools can extend its ambit. Therefore, it does not have to cover failure to admit pupils. The complaints procedure need not be available to parents of former pupils unless the complaint was initially raised when the pupil was still registered. It does not cover exclusions, unless the school has indicated otherwise.
413. There is no provision for complaints from pupils, even those who are adults, although the school may have such a process. (But see the additional requirements under the NMS for complaints from boarders.)

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

414. 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.
415. Experience suggests that it is generally not realistic for schools to set a timescale of ten days or less for arranging a panel. Inspectors may wish to advise against an over-optimistic approach which can lead to a failure of implementation later.

(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;

416. 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.
417. 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 headteacher;

418. The requirement for a panel member who is independent of the management and running of the school means that the independent member should not only be outside the school's workforce, and not a member of the governing/proprietary body, but also should not be otherwise involved with the management of the school – for example, this might well be the case with a solicitor who regularly acts for a school.
419. 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.'*
420. The provision requiring a complaint procedure to allow a parent to be accompanied at a panel hearing does not confer a right on a parent to have a legal representative to make representations on their behalf at the hearing, although the school can allow this if it wishes.
421. The DfE is clear that parents' right to request and attend a panel is not forfeit because they have threatened or initiated legal proceedings. (School insurers cannot require their insured schools to default on their legal obligations as a condition of cover – so inspectors should not accept the involvement of insurers as relevant to this issue.)
422. Where the parent is not satisfied with the school's response to their complaint at stage two and indicates a wish to continue to stage three, a panel hearing should take place unless the parent later indicates that they are now satisfied and do not wish to proceed further. If a parent does not exercise the right to attend a panel hearing, this does not remove the school's obligation to hold the hearing in conformity with its complaints policy. The school's arrangements for the panel hearing should be reasonable in order to facilitate the parents exercising the right of attendance.
423. Stage three should be a full-merits hearing of the complaint, not merely a review that process was followed.
424. Inspectors may wish to advise schools to provide panels with clear terms of reference, a clear process, and a direction to reach a final decision within a specified timescale. These steps have been found to promote an effective process.
425. It should be noted that if it is found that this standard has not been met because of the way a particular complaint has been handled, the Secretary of State has no power to compel the school to alter its decision on the complaint, only to take regulatory action to address the failure to meet the complaints standard, so that future complaints are dealt with promptly.

- (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 local legal requirements permit access.

426. The policy should contain these stipulations and, when implementing the policy, schools should be mindful of these provisions.
427. 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 only, 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. Inspectors may advise that many proprietors

wish to ensure records are kept, even of informal complaints, for management purposes to enable patterns of low-level concern to be monitored, though this is not a requirement.

Boarding standard 18 – Complaints, Note B105
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## Part 8 – Quality of leadership in and management of schools

### Paragraph 34 – Leadership and management

- (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 BSO standards are met consistently;
  - (b) fulfil their responsibilities effectively so that the BSO 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 as 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.

428. BSOs do not always have the clear distinction seen in the UK between governance and executive leadership. RIs should consider whether local arrangements permit proprietors/governors to have an adequate overview of compliance with the BSO standards and to hold leaders to account uncompromised by personal involvement in day-to-day operational matters.

429. The leadership and management standard is outcomes-based, the required outcome being that the other standards are consistently met and the well-being of pupils actively promoted. The DfE has written:

It is not the intention to tell schools how to govern or manage themselves – ie about how they are to go about achieving the required outcomes. But recent experience has shown that repeated, multiple and/or serious failures to meet the standards are often the result of a failure in the school’s management structure or processes, and inability or unwillingness to take appropriate corrective action. If any other standard is not met, then this is evidence pointing to the leadership and management standard not being met.

#### Consistency

430. It will be noted that there is emphasis in this standard related to meeting the BSO standards consistently. The standards are not intended as something to be met every few years when an inspection takes place; the standards should be met continually, and this standard is intended to ensure that the quality of leadership and management at a school is sufficient for that purpose.

#### Skill, knowledge and fulfilling responsibilities

431. If it appears that a failure to meet other BSO standards is attributable to a lack of skill or knowledge in those responsible for leading or managing a school or the way in which such people discharge their responsibilities, or a failure by school leaders to correct a lack of capacity by the school to meet other standards consistently, then this standard is likely not to be met (in addition to those other, more specific standards).

#### Actively promoting well-being

432. The last limb of the leadership and management standard is intended to ensure that the underlying ethos of any independent school should be to develop and nurture the well-being of its pupils, and that therefore, the well-being of pupils should be actively promoted by those who are leading or managing it.

433. 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.

434. The duty to actively promote the well-being of pupils underlines the safeguarding responsibilities of proprietors, working through their leadership and management team. The introduction of the broad 2004 definition into the BSO sector will entail BSOs taking the broadest approach to the promotion of well-being of pupils. Examples of not taking a broad approach would include failure to prioritise the well-being of pupils over the interests of the institution. Failure to note, assess and formally manage conflicts of interest on the proprietorial board could be considered failures to actively promote the well-being of children.
435. It is possible to fail this last limb of the leadership and management standard even though the other standards are being met.

### Governors and proprietors

436. The scope of the standard is capable of covering members of governing and proprietorial bodies as well as employees in management positions. It relates to anyone with leadership or management responsibilities at a school (and, therefore, regardless of the title of their position). When a school is run by a trust then ordinarily each of the trustees will be considered to have leadership and management responsibilities in relation to the school.

### Inspection

437. The evidence gathered by inspectors in relation to other standards will usually be sufficient to make the necessary inspection judgements under this heading. Other potentially relevant considerations might be access to appropriate effective support and training for leaders and managers and whether suitable systems for performance management are in place.
438. The DfE has advised that **any** material failure to meet the BSO standards, should lead to consideration by inspectors of whether there has been a commensurate failing of leadership (including governance) and management. Materiality in this context is to be judged primarily by reference to the effect of the failing on pupils, or the potential for effect on pupils whether or not any detriment is evident at the time of the inspection. Safeguarding deficiencies, in particular, are likely to be considered 'material' unless purely administrative, and to lead to corresponding reporting in relation to Part 8. Inspectors should contact the duty team via the ISI office for advice where it appears that Part 8 may be engaged.
439. For illustrative purposes only, occasional mis-recording of vetting checks which have been carried out satisfactorily pre-appointment, as required, could potentially be considered to be immaterial administrative errors. So, too, could limited cases of deficiencies in policies which can be clarified or other errors which can be corrected by immediate remedial action, provided that practice already reflects the intention of the policy. In considering whether the standard in Part 8 is met, inspectors will not only consider current compliance but also the findings of previous inspection reports. In particular, where specific regulatory failings identified previously have not been remedied or have recurred, this will be taken into account with the likely result that the standard in Part 8 would not be met. Judgements of materiality would be made in the context of the frequency, severity or extent of the shortcomings and of all other relevant information pertaining to the school. For example, a case where the inspection identified (and supported the school in correcting) numerous policy shortcomings could be considered 'material'. Omission to undertake one or more vetting checks when clearly required would be considered 'material' unless picked up by the school and rectified outside of inspection, or a system is in place to do so.

Boarding standard 13 – Management and development of boarding, Note B74

## Part 9 – Minimum standards for boarding

- B1 The 2017 BSO standards incorporate Minimum Standards for Boarding. Adopting the guidance for schools in England, ISI approaches inspection on the basis that the boarding standards apply 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.
- B2 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, eg a host family or landlord. If the accommodation arrangements are made by the child's parent(s) or the parents' agents, the welfare responsibility rests with the parents. In all cases where accommodation is arranged or provided by the school, or agents for the school, the boarding standards will apply.
- B3 The boarding standards do not apply to:
- 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;
  - the children of staff working at the school and living in their household.

### Boarding standard 1 – Statement of boarding principles and practice

1.1	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.
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- B4 The statement 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.
- B5 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 noticeboard and/or in a boarders' handbook or planner/diary.

### Boarding standard 2 – Boarders' induction and support

- B6 This standard covers important areas of support for boarders.

2.1	There is an appropriate process of induction and guidance for new boarders.
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- B7 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.
- B8 Standard 2.1 does not require a written induction process but many schools will provide the required information in the form of a pupil handbook or booklet, or a diary/planner. 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.
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- B9 This may 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 boarding standard 17). The crucial issue is that boarders should be free to consult whichever adults they feel comfortable with and be able to indicate a range of approachable people.

2.3	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, to contact in case of problems or distress.
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- B10 The 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’. 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’, which might include those for agencies in the host country equivalent to ChildLine in the UK, should be freely and easily available to boarders, and are likely to appear on a house noticeboard, 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. It is good practice if boarders are regularly reminded who the independent listener is, and how they may contact him/her.

### Boarding standard 3 – Boarders’ health and well-being

- B11 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.

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.
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- B12 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 note 245 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.

- B13 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.
- B14 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.
- B15 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.
- B16 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 and subject to any local restrictions. Such issues may well be covered through a personal, social, health and economic education (PSHE) programme.
- B17 In the context of this standard concerning promoting the emotional well-being of boarders, 'well-being' means the same as in Part 8, above.
- B18 When considering their provision for the physical and mental health and emotional well-being of boarders, BSOs may wish to be aware of the most recent DfE advice. These are non-statutory documents meaning that schools are not required to have regard to them:
- [\*Mental health and behaviour in schools \(March 2016\)\*](#)
  - [\*Counselling in schools: a blueprint for the future \(February 2016\)\*](#)
  - [\*Reasonable adjustments for disabled pupils 2015\*](#)
  - [\*Supporting pupils at school with medical conditions \(September 2014\)\*](#)

3.2	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.
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- B19 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.
- B20 Where male and female accommodation is separate, it is permissible (but not obligatory) for inspection purposes for schools to allow pupils who are undergoing gender reassignment to use the accommodation that accords with the gender role in which they identify, if they wish to do so. Whether this would be the best approach in a particular situation or country will be a sensitive judgement to be made by the school in discussion with relevant pupils and parents, as appropriate. Inspectors should be alert to whether the interests, safety and privacy of all affected boarders have been considered and, if appropriate, whether risk assessments and risk mitigation measures are in place. The reporting inspector may refer to the duty team via the ISI office for support and advice as usual.

3.3	In addition to any provision on site, boarders have access to local medical, dental, optometric and other specialist services or provision as necessary.
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B21 The school should confirm that boarders have ready access to nearby specialist medical, dental and optical services. Boarding schools in England often have arrangements with a specific local surgery for prompt attention by a doctor, irrespective of whether a school doctor attends the school to carry out routine surgeries. It is not a requirement to provide access to both male and female doctors, although this is recommended. Where boarders are competent to make such decisions for themselves, it is recommended that they be permitted to choose whether or not to be accompanied by school staff when visiting a doctor's or dentist's surgery.

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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B22 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.

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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B23 'Gillick competence' is used in medical law in England 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 said to be '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.

B24 Respecting confidentiality rights 'appropriately' does not mean always maintaining complete confidentiality at the request 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. BSOs should follow local procedures, if any, for referring concerns to other agencies.

B25 BSOs may find the guidance available to schools in England informative as they seek to create comparable ways of working: [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. However, inspectors should recognise that these are for information only in the BSO context.

#### Boarding standard 4 – Contact with parents/carers

4.1	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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B26 There is no specific requirement to provide a landline telephone, although in the UK schools usually do so as an additional means for boarders to contact home in case alternative methods of 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. BSOs may also permit boarders to contact home by email or through the internet. BSOs should have a suitable policy on preventing misuse of electronic communication systems and countering cyber-bullying under standard 12.

### Boarding standard 5 - Boarding accommodation

B27 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.

B28 The standard of accommodation across boarding houses should 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.
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B29 The standards for school premises do not set out specific numerical standards to be met, so issues such as overcrowding in dormitories should be a matter for reasonable professional judgement for the school, 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, previous regulations in England 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 1.6m<sup>2</sup> plus 4.2m<sup>2</sup> for each boarder, and the distance between any two beds must not be less than 0.9m;
- a cubicle for a single pupil must have its own window and a floor area of no less than 5.0m<sup>2</sup>;
- a bedroom for a single pupil must have a floor area not less than 6.0m<sup>2</sup>.

B30 The requirement to carry out risk assessment of sleeping accommodation is typically included in a general assessment of risk in each boarding house, but sometimes specific issues arise which clearly require risk assessment. Risk assessments should cover not only physical risks in dormitories and bedrooms (broken windows and fittings, window restraints, ventilation etc) but also consider aspects affecting boarders' welfare, such as overcrowding, mixed-age usage, supervision, potential for unchecked bullying, access to staff and to bathrooms/toilets and so on.

B31 The standard imposed by 5.1 ostensibly does not cater for transgender children. It is permissible (but not obligatory) for inspection purposes for schools to allow transgender pupils to use the accommodation that accords with the gender role in which they identify, if they wish to do so. Whether this is the appropriate decision in the case of particular pupils or accommodation will be a sensitive judgement to be made by the school in discussion with relevant pupils, parents, and advisors as

appropriate. Inspectors should be alert to whether the interests, safety and privacy of all affected boarders have been considered and, if appropriate, risk assessments and safeguards put in place. The reporting inspector may refer to the duty team via the ISI office for support and advice as usual.

5.2	Suitable living accommodation is provided for boarders for the purposes of organised and private study outside school hours and for social purposes
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B32 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 may 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.
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B33 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. Hand-washing provision (eg adequate hot water, where appropriate to the host country, soap and drying facilities) adjacent to every WC or urinal should be considered a requirement for basic hygiene. WCs should be distributed around the house to provide reasonable access by day and night. The following may assist as a general (non-compulsory) guide:

- 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).

B34 Although these ratios are not 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.

B35 It is permissible (but not obligatory) for inspection purposes for schools to allow pupils who are undergoing gender reassignment to use the accommodation that accords with the gender role in which they identify, if they wish to do so. Whether this is the appropriate decision in the case of particular pupils or accommodation will be a sensitive judgement to be made by the school in discussion with relevant pupils and parents as appropriate. Inspectors should be alert to whether the interests and safety of all affected boarders have been considered and, if appropriate, risk assessments put in place. The reporting inspector may refer to the duty team via the ISI office for support and advice as usual.

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
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B36 This has to be established by observation and professional judgement, and by 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 or cool as appropriate to the climate.
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B37 See above for guidelines on space and potential over-crowding. Resident staff should not have to share boarders' kitchen and bathroom facilities. Appropriate separation by gender of sleeping and bathroom areas typically entails complete separation, while that between different ages is largely achieved by the natural staggering of access to showers: for example, by different bedtimes. Where uncommon circumstances advocate a different approach to separation by gender (such as transgender issues) inspectors should look for a risk-assessed, sensitive approach which ensures the appropriate protection of all boarders. Inspectors should contact the ISI office for support, if necessary. 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. As a general principle, double bunks should only exceptionally be used for boarders over 12 years of age. 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.
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B38 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.
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B39 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.

B40 Use of other school facilities by outside visitors is largely addressed under standards 6.1 and 14.4.

5.8	Any use of surveillance equipment (eg CCTV cameras) or patrolling of school buildings or grounds for security purposes does not intrude unreasonably on children's privacy.
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B41 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.



**Boarding standard 6 – Safety of boarders**

6.1	The school ensures compliance with relevant health and safety laws by drawing up and effectively implementing a written health and safety policy.
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B42 The requirement is self-evident and further guidance is available earlier in this Commentary under Welfare, Health and Safety. Inspectors will also use the judgements under 6.2 and Part 5 of the BSO standards, above, when judging compliance and implementation of the policy.

6.2	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.
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B43 Again, refer to guidance under Welfare, Health and Safety, and judgements made under boarding standard 5.

6.3	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.
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**Boarding standard 7 – Fire precautions and drills**

7.1	The school complies with fire standards which are at least as stringent as the Regulatory Reform (Fire Safety) Order 2005.
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B44 The same requirements apply as for day schools under the ISSR, Part 3, paragraph 13. Further information is included from note 234 onwards.

7.2	In addition, fire drills are regularly (at least once per term) carried out in 'boarding time'.
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B45 '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, although failure to do this would not necessarily indicate non-compliance. Boarders could be asked about the procedure, and staff asked about the arrangements for weekly and flexi-boarders, or pupils who arrive mid-term.

**Boarding standard 8 – Provision and preparation of food and drinks**

B46 This standard covers the provision and quality of food for boarders, whether centrally organised or house-based.

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.
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B47 The requirement for boarding standard 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.



B48 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
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B49 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 furthestmost 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.

B50 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 junior 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.

### Boarding standard 9 – Boarders' possessions

B51 This standard covers boarders' laundry arrangements, the storage of their belongings, and their access to necessary personal items.

9.1	Adequate laundry provision is made for boarders' clothing and bedding. Boarders' clothing is satisfactorily stored and issued to the right boarder following laundering.
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B52 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.

B53 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.

9.2	Boarders are able to obtain necessary personal and stationery items while accommodated at school.
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B54 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.

9.3	Reasonable protection is provided for boarders' personal possessions and for any boarders' money or valuables looked after by the school.
9.4	Any search of boarders' personal belongings should be carried out in accordance with local regulations, where these exist.

B55 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.

B56 Other valuables such as money or passports should be securely stored by boarding staff if necessary, and appropriate records kept.

B57 The relevant advice on searching referred to in boarding standard 9.4 is [Searching, screening and confiscation: Advice for headteachers, school staff and governing bodies](#).

### Boarding standard 10 – Activities and free time

B58 This standard covers the organisation and availability of boarders' free time, including school-based activities programmes.

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.
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B59 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.
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B60 See above under boarding standard 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.
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B61 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. It might also apply to schools that operate a farm where boarders need to get up very early to assist in the milking of cows before breakfast. The school should be able to demonstrate, especially for junior 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.
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B62 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.

### Boarding standard 11 – Child protection

11.1	The school ensures that arrangements are made to safeguard and promote the welfare of pupils at the school.
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B63 Guidance on the drawing up of a compliant policy and its effective implementation is given above from note 136 onwards.

B64 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.

B65 Children can be particularly vulnerable in residential settings and 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.

### Boarding standard 12 – Promoting positive behaviour and relationships

B66 This standard covers the school’s pastoral arrangements and their implementation for promoting good behaviour and relationships, and for dealing with disciplinary issues.

12.1	<p>The school has and consistently implements a written policy to promote good behaviour amongst pupils. This policy includes:</p> <ul style="list-style-type: none"> <li>• measures to combat bullying and to promote positive behaviour;</li> <li>• school rules;</li> <li>• disciplinary sanctions;</li> <li>• when restraint, including reasonable force, is to be used and how this will be recorded and managed; and</li> <li>• arrangements for searching pupils and their possessions.</li> </ul>
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B67 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 Commentary sets out the necessary content for an effective anti-bullying (from note 206 onwards) and behaviour/discipline policy (note 199 onwards). It should be self-evident that, for consistent and effective implementation, the procedures should be known to staff and understood by boarders.

B68 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.

- B69 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, 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 with-holding 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.
- B70 In the boarding standards, '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](#).
- B71 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](#).
- B72 The BSO standard 9 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 has regard to relevant guidance and is understood by staff and pupils.
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- B73 Earlier sections of this Commentary refer to current government advice for some of the above areas – [Behaviour and discipline in schools \(2016\)](#) and [Preventing and tackling bullying \(2014\)](#).

### Boarding standard 13 – Management and development of boarding

- B74 This standard covers the way boarding across the school and within individual houses is organised, managed and developed.

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.

- B75 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.
- B76 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.
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13.4	The school's leadership and management consistently fulfil 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.

B77 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 boarding 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 relevant policies.
13.8	Relevant records are maintained and monitored by the school and action taken as appropriate.
13.9	Relevant issues are monitored, and action is taken to improve outcomes for children as appropriate.

B78 The school should have an efficient system of record keeping, whether as a central record (required, 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. Inspectors may refer BSOs to the Appendices to the [National Minimum Standards for boarding schools](#) in England for information about the sort of records kept in England. The same level of detail has not been carried over into the BSO standards but BSOs should strive for equivalence appropriate to their own context.

#### Boarding standard 14 – Staff recruitment and checks on other adults

B79 This standard covers the school's arrangements to ensure safe staff recruitment, and includes all adults coming into contact with boarders.

B80 A finding that NMS 14.1 in relation to staff is 'not met' triggers a consequential failure of BSO paragraphs 8(a) and (b).

14.1	Schools operate safe recruitment and adopt recruitment procedures.
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B81 The requirements for this standard involve compliance with BSO standards Part 4, paragraphs 18 to 21 (as for day schools). Full guidance on the process and the checks required is given earlier in this Commentary from note 265 onwards. Boarding staff may start work pending return of criminal records checks on the same conditions as for day staff, though in practice the risks may be assessed to be more severe and the mitigating measures more extensive.

B82 There is no direct equivalent in the BSO boarding standards to the UK requirement to carry out enhanced criminal record checks on all persons aged 16 and over who live on the same premises as boarders but are not employed by the school. This recognises the difficulty of obtaining criminal record checks for this group outside of the UK. BSOs should use their professional judgement to assess and manage the risks appropriately.

14.2	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.
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B83 This standard applies to those ‘living’ in the same premises as boarders, not to visitors. As a rule of thumb, this could be applied as a minimum to those staying once a week, although a school may risk assess that it should be applied more widely. 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.

14.3	All persons visiting boarding accommodation (eg visitors, outside delivery and maintenance personnel) are kept under sufficient staff supervision to prevent them gaining substantial unsupervised access to boarders or their accommodation.
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B84 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.

14.4	The school regularly monitors the suitability of any arrangements it makes for the appointment of guardians.
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B85 There is no requirement for an educational guardian (as distinct from a legal guardian) to be appointed to look after the interests of boarders whose parents are resident in another country, although many schools in the UK include it as a condition of entry by pupils overseas 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 parents from other countries do not make unsuitable choices. Where the school has clearly not made or facilitated the arrangement of guardianship or host family accommodation, boarding standard 14.4 and 14.5 are not applicable.

B86 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 boarding 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). A decision to permit a member of staff to be a guardian for pupils should be taken with caution and stringently risk-assessed, with risk mitigation measures put in place including clear guidelines agreed with the staff member.



14.5	Any guardians appointed by the school are subject to the same recruitment checks as staff, and their care of pupils is monitored.
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B87 A member of staff should visit the host family periodically to ensure that the arrangements are working effectively, and regularly check that the boarders lodged there remain happy with the arrangements.

### Boarding standard 15 – Staffing and supervision

B88 This standard covers the deployment and development of staff and other adults working with boarders, and the arrangements for effective supervision of boarders.

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.
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B89 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.

B90 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.

B91 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 COBIS or 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.
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B92 If any adult members of housemaster/mistress's 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.
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B93 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 junior 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.
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B94 The principle that held in the original standards is probably still good guidance – 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.
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B95 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 boarders leave 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.
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B96 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.
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B97 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.
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B98 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.
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B99 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.
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B100 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/mistress'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.

### Boarding standard 16 – Equal opportunities

16.1	Boarders are not discriminated against, paying particular regard to the <a href="#">protected characteristics</a> 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.
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B101 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.

B102 Schools are also required to comply with the Equality Act, although the specific requirement for a three-year accessibility plan is not included within this standard.

### Boarding standard 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
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	decisions about the running of the school. Boarders are not penalised for raising a concern or making a complaint in good faith.
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B103 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.

B104 The pupils' complaints policy may well be written more as a means of providing support and resolving problems or worries (see boarding 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.

### Boarding standard 18 – Complaints

18.1	The school has, and follows, an appropriate policy on recording and responding to complaints that is compliant with the relevant standards.
18.2	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).

B105 The same provisions apply as for day schools.

B106 Note that this standard is intended as a complaints procedure for parents. It is not a requirement under this standard for schools to have a separate complaints policy for boarders although doing so can provide evidence of meeting boarding standards 2 and/or 17. Some schools try to make the formal policy under Part 7 of the standards applicable to boarders as well as parents, but it is not usually an appropriate procedure for children and young people.

### Boarding standard 19 – Prefects

19.1	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.
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B107 This standard requires loose interpretation of the term 'prefect'. Some junior 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.

B108 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.

**Boarding standard 20 – Lodgings (long-stay)**

B109 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 boarding standards 14.4 and 14.5.

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.
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B110 School documentation and records, and interviews with boarders in lodgings, should provide sufficient evidence for compliance.

20.2	It is clearly stated to parents whether any lodgings accommodating pupils are to be arranged by the school or by parents themselves.
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B111 The matter in 20.2 should be clearly stated in pre-arrival and other documentation to parents. See also boarding standard 14.4.

20.3	Any lodgings provided or arranged by the school are of a comparable standard to accommodation provided by the school.
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B112 Details of the accommodation provided should be included in the school documentation and records referred to above under standard 20.1. Boarders accommodated in lodgings should not be expected to share a bedroom with a member of the host family, except when living with a member of staff whose own child is also a member of the school and of similar age and the same gender as the boarder. Boarders lodged should not usually share bathroom facilities used by adult members of the family. Accommodation requirements in boarding standard 5 apply.

20.4	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.
20.5	The school ensures that all adults providing lodgings for pupils on its behalf have undergone safeguarding training that is updated regularly, and that they understand the school's policy in relation to pupils going missing and their role in implementing that policy.

B113 The requirement in 20.4 is self-explanatory and requires that appropriate written evidence and records are kept.

B114 As regards the training requirement in 20.5, 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.

20.6	The school has a satisfactory written agreement with each adult providing lodgings for pupils on its behalf.
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B115 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.

20.7	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.
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B116 See above under standard 20.4. 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.

20.8	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.
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440. This should be recorded in writing and should be corroborated by interviews with boarders accommodated in lodgings.

## Appendix 1: Checking the admission register

Suggested format in line with England - but local regulatory requirements, if any, should be preferred.

**NB** For schools which include day and boarding pupils, it should be indicated whether each pupil is boarding or day.

Full name <i>(Check a sample of entries)</i>	Sex	Date of birth	Name and address of all parents / guardians* and one telephone number	Address of new or additional place(s) of residence of child, and date child began to reside there	Full name of parent the pupil lives with	Date of admission / re-admission	Name and address of last school (if any)	Name of destination school (if known)	Start date at destination school (if known)
1									
2									
3									
4									
5									

Does the school have a monthly printout or backup (if electronic)?

Are these kept for at least three years?

\* For electronic systems, it is acceptable to have one address on the back-up/print-out, with any others kept in the system.

\* More flexible timing is allowable for sixth-form students, provided that a suitable system is rigorously implemented.

## Appendix 2: Example of single central register of appointments

For a number of years, ISI has offered a sample template for the single central register of appointments (SCR), but there has been a growing trend for schools' SCRs to become ever more complex and confusing. Many SCRs contain much information which is not required by the regulations, and this surfeit of information obscures the primary purpose of providing a central record of when appointment checks were carried out.

A better solution, now adopted by many schools, is to keep the SCR as simple as possible, recording only the dates on which checks have been undertaken, and keeping a cover sheet in each member of staff's file, on which any additional information is recorded, such as the name of the person who has undertaken each check and any notes relevant to the checks made.

We suggest a simple spreadsheet on which the following information is recorded for each member of staff:

	Staff	Supply (best practice to include)	Proprietors
Name of member of staff	Yes	Yes	Yes
Post to which appointed	Yes	Yes	Yes
Date on which appointment started	Yes	Yes	Yes
Date on which identity was checked	Yes	Yes – Note 1	Yes
Date on which qualifications were checked (or N/A if not applicable)	Yes, if applicable	Yes, if applicable – Note 2	No
Date on which criminal record information was received	Yes	Yes	Yes
Date on which barred list was checked, if available	Yes	Yes – Note 2	Yes, if required
Date on which right to work was checked	Yes	Yes – Note 2	Yes, if applicable
Date on which overseas checks were received (or N/A if not applicable)	Yes, if applicable	Yes, if applicable – Note 2	Yes, if applicable
Date on which prohibition from teaching was checked (or N/A if not applicable or not available)	Yes, if applicable	Yes, if applicable – Note 2	Yes, if required
Date on which prohibition from management was checked (or N/A if not applicable or not available)	Yes, if applicable	Yes, if applicable – Note 2	Yes
Date on which references were checked	Yes	Yes – Note 2	No
Date on which employment history was checked	Yes	Yes – Note 2	No
Date on which medical fitness was checked	Yes	Yes – Note 2	No
Date on which disqualification from childcare was checked	Yes, if applicable	Yes, if applicable – Note 2	Yes, if required



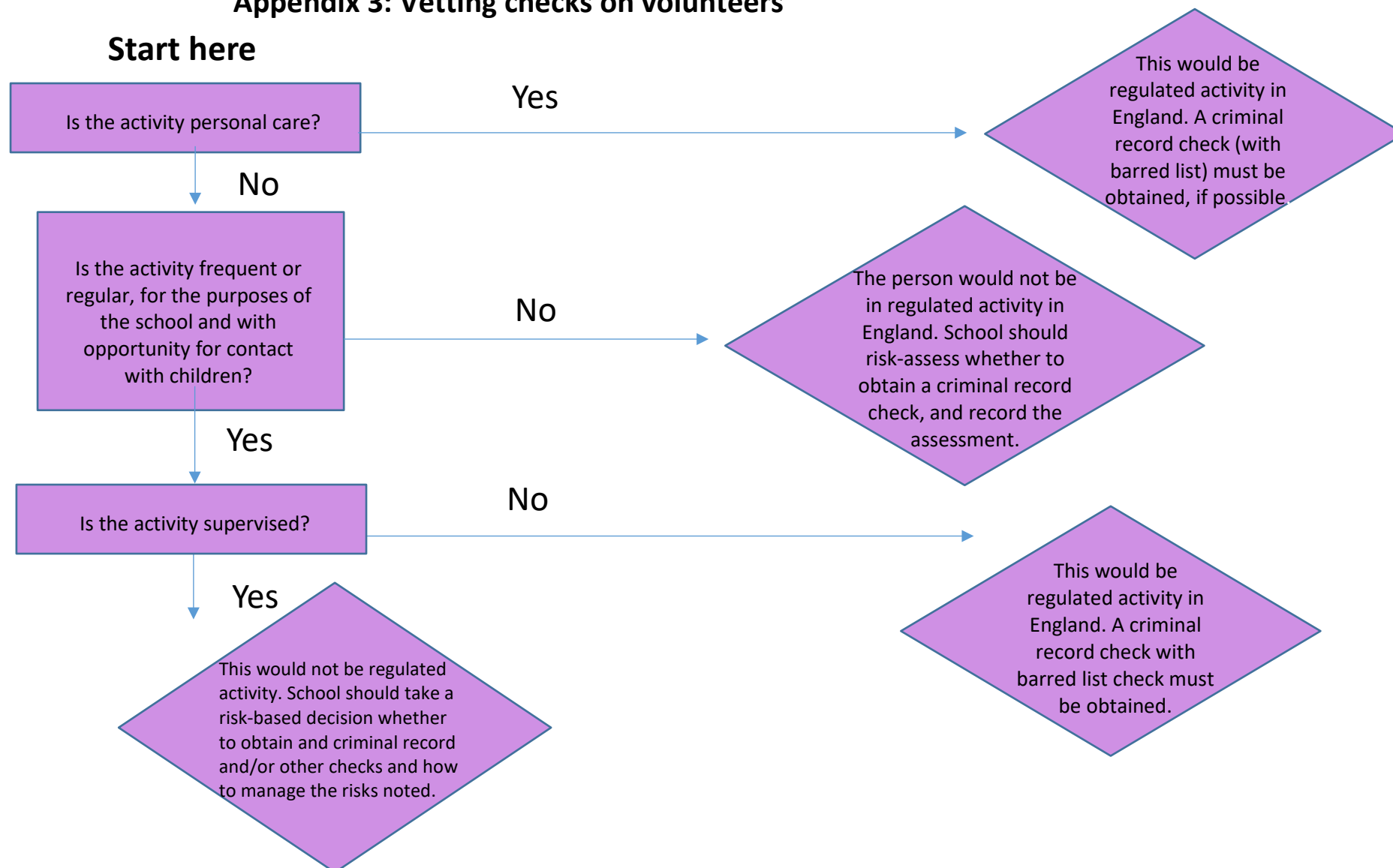
**Yes = a check which should be undertaken. No = a check which is not required for this particular category.**

Note 1: This should be the date on which the school has checked the member of staff's identity when the person first arrives at the school.

Note 2: This should be the date on which the school has received written notification from the supply agency confirming that the agency has carried out this specific check for this specific person.

NB1: Where a school records information for the SCR within its Information Management System (IMS), the IMS must be capable of producing a simple printout which contains the above information.

## Appendix 3: Vetting checks on volunteers



## Appendix 4 – Criminal Record Checks

UK CHECK	WHAT IT FLAGS in UK		HOW TO DO IT	HOW BSOs CAN APPROACH [NB – the BSO standards require suitability checks to be made TO THE EXTENT POSSIBLE <sup>1</sup> ]
<b>Criminal record check for people from UK</b>	Enhanced with barring information	Check of 1) the Police National Computer: Convictions, cautions, reprimands, warnings ( including spent convictions, cautions etc) PLUS 2) Additional police information (aka soft information at the discretion of the chief constable) eg allegations PLUS 3) the barred list	DBS	<ul style="list-style-type: none"> <li>• DBS as usual, where possible eg through a linked school in the UK which is the employer for the group<sup>2</sup></li> <li>• Use ICPC instead if necessary</li> <li>• Other information which may be taken into account where the best information (above) is not available:               <ul style="list-style-type: none"> <li>○ Recent pre-existing check</li> <li>○ DBS basic check (where ‘enhanced’ not available)</li> </ul> </li> </ul>
	Enhanced	Check of 1) the Police National Computer (including spent - see above) PLUS 2) Additional police information (see above)		
	Standard	Check of 1) Police National Computer (including spent - see above)		
	Basic	Unspent convictions and cautions		

<sup>1</sup> Where a check is not possible then BSOs should explore what other checks are available and make those, eg additional references from former employers in other countries etc

<sup>2</sup> For this to be lawful, the school in the UK needs to be the body making the employing decision. It has been suggested that if schools require individuals to join the DBS Update Service before they leave the UK, the BSO will then be able to obtain updates via the Update service. NB this is not lawful because the person making the employment decision must be in the UK. Also, if the check were to reveal a change such that a new check were needed, the school overseas would not be entitled to run it.

<b>Criminal record checks from other relevant countries</b>	Whatever the local system discloses	<ul style="list-style-type: none"> <li>• Embassies</li> <li>• Local police</li> </ul>	<ul style="list-style-type: none"> <li>• Use local criminal record info eg certificates of good conduct from relevant embassies and police forces, or other suitable criminal records checks available locally.<sup>3</sup></li> </ul>
<b>Children's Barred list check</b>	Whether the person has been barred from working with children in the UK <sup>4</sup>	TP Online Service	TP Online Service <sup>5</sup>
<b>ICPC – International child protection certificate</b>	<p>Produced by ACRO<sup>6</sup></p> <p>Does not show if person is on the barred list.</p> <p>The ICPC is a criminal records check against police and intelligence databases held by police and other law enforcement agencies in the UK. CEOP<sup>7</sup> will do extensive searches before an ICPC is issued. It is produced in a 2-part Certificate.</p> <p>NB- does not include all police information because they operate a 'step-down' model (ie filtering system) which takes into account</p> <ol style="list-style-type: none"> <li>1) type of offence</li> <li>2) age of offender at time of sentencing</li> <li>3) sentence given.</li> </ol>	ACRO	<a href="#">ACRO</a>

<sup>3</sup> The DfE's list of what may be available is [here](#). Information about vetting checks may also be available through the British Council and locally in the host country.

<sup>4</sup> A bar or prohibition in the UK does not prevent a person from working in a BSO – but will be important information to take into account when making employment decisions, if available.

<sup>5</sup> BSOs can sign up for this in practice. Costs £60 per annum (2019). But its use is only lawful where the employment decision is being made in the UK.

<sup>6</sup> 'ACRO Criminal Records Office' is run by the National Police Chiefs Council - Full details of all the certificates and disclosures ACRO can provide is on the ACRO website: [www.acro.police.uk/](http://www.acro.police.uk/)

<sup>7</sup> CEOP – Child Exploitation and On-line Protection Command

<b>Prohibition from teaching</b>	Professional prohibitions restrictions and sanctions - in addition to crime (see above) will include professional misconduct which is not criminal eg interfering with exam papers. <sup>8</sup>	TRA (Teacher Regulation Agency)	BSOs cannot access the TRA checking system direct but can: <ul style="list-style-type: none"> <li>• Use an agent such as COBIS</li> </ul> Or <ul style="list-style-type: none"> <li>• Email a request for checks to : <a href="mailto:employer.access@education.gov.uk">employer.access@education.gov.uk</a></li> </ul>
<b>Prohibition from management</b>	Whether person is prohibited from management of a school in UK.	TRA	<ul style="list-style-type: none"> <li>• For people in regulated activity, can be done as part of a DBS check, if available (see above)</li> <li>• For people not in regulated activity, can be done through the TRA (see above).</li> </ul>
<b>European checks</b>	Whether professional sanctions have been imposed in another member state.	TRA	<ul style="list-style-type: none"> <li>• See above for options for accessing the TRA checking system.</li> </ul>

COUNTRY	INFORMATION ON CRIMINAL BACKGROUND CHECKS
BELGIUM	<p>There used to be no direct DBS-equivalent in Belgium, but every Commune held details about any criminal convictions you had and they were ported from Commune to Commune if you moved house. You could always ask for a ‘Certificate of Good Conduct’ (‘Verklaring Omtrent het Gedrag, VOG’ / ‘certificat de bonne conduite, vie et moeurs’) which the Commune would provide and which listed any convictions or that you had none. You can no longer obtain these.</p> <p>On 1 Jan 2018, the law changed: there is now one central criminal record, from which anyone living in the country can ask for a print-out. It’s common for lots of employers to ask for this. In Dutch-speaking communes, you would request an ‘uittreksel uit het strafregister – Model 595’ or, in French-speaking communes, ‘un extrait de casier judiciaire’.</p>
SPAIN	<p>Spanish law only allows a check of a staff member’s suitability to work with children, not a full criminal background check. This is called a ‘Certificado de Delitos de Naturaleza Sexual’ – see <a href="https://spainwise.net/criminal-record-checks/">https://spainwise.net/criminal-record-checks/</a></p> <p>The DfE’s view is clear that we cannot expect schools in Spain to do any more than their law would allow and, therefore, if schools did find themselves in this position they would not fail to meet BSO standards. However, the DfE position is that that BSOs in Spain should do everything they can do ensure that the staff they appoint are fit and proper people to be working with children and they would expect the inspectors to judge the quality of the safeguarding culture in schools.</p>

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<sup>8</sup> A bar or prohibition from working in the UK does not prevent a person from working in a BSO but will be important information to take into account when making employment decisions, where available.

## Appendix 5 – Letter from Lord Agnew



Lord Agnew Kt DL

Parliamentary Undersecretary of State for the School System

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT tel.' 0370 000 2288 [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

October 2018

Dear Colleague

### **BSO policy update: October 2018**

I am writing to update you on the Department for Education's policy on British schools overseas.

As you know, we introduced revised standards for BSOs in September 2017. We were aware that these standards would be challenging, but it was clear from our public consultation that schools wanted to be recognised for the high-quality provision on offer and so consequently we introduced these more robust standards, which are on a par with standards for independent schools in England.

We knew that some standards would be difficult to meet in some countries and so undertook to keep the situation under review and we have done so now that we have had a full year's experience of inspections being carried out according to the revised standards. At particular issue are the standards relating to fundamental British values and protected characteristics as follows:

### **Curriculum policy and plans**

*Part 1: 2(1)(b)(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*

*Part 1: 2(2)(d)(ii) encourages respect for other people, paying particular regard to the protected characteristics of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation as set out in the Equality Act 2010*

### **Teaching**

*Part 1: 3(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*

*Part 1: 3(j) does not discriminate against pupils because of their protected characteristics as set out in Part 6 of the Equality Act 2010*

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

*Part 2: 5(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*

*Part 2: 5(b)(vi) encourage respect for other people, paying particular regard to the protected characteristics as set out in the Equality Act 2010*


*Part 2: 5 (b)(vii) encourage respect for democracy and support for participation in the democratic processes, including respect for the basis on which the law is made and applied in England"*

Already some schools judged to be outstanding in all other aspects have been unable to meet one or more of the above because to do so would contravene the laws of their host country. Thus far our position has been to acknowledge this situation on our website but not to grant BSO accreditation.

Having carefully considered the situation again, we clearly do not wish to do anything to undermine the absolute commitment to uphold fundamental British values and respect for those with protected characteristics. However, we have come to the position that we should acknowledge the quality of schools which meet all the BSO standards other than those which would set them against local laws.

We will therefore be granting BSO accreditation to schools that cannot meet one or more of the standards listed above, but meet all the other standards, provided that they can evidence that meeting one or more of the standards above cannot be achieved lawfully in their host country. Where such evidence is forthcoming, we will acknowledge on our website that the school meets all the standards that it is able to meet in that country and therefore should be granted BSO accreditation in that country.

I can therefore confirm that our policy is now to accredit schools in countries where to meet certain standards would be in breach of host country laws, as long as there is evidence to substantiate this, and all the other standards are met.

Yours Sincerely  
  
THEODORE AGNEW



## Glossary

Complex needs	For the purposes of premises sub-paragraph 24(1)(c), a pupil has ‘complex needs’ if the pupil has profound and multiple learning difficulties in addition to other significant difficulties, such as a physical disability or sensory impairment, which require provision which is additional to or different from that generally required by children of the same age in schools other than special schools or by children with special requirements.
Contractors	Staff working for a company engaged by the school under a contract to provide services, for example catering, cleaning or undertaking building works.
Department for Education	The regulator of independent schools in England.  Address: Independent Education and Boarding Team, Department for Education, Level 3, Bishopsgate House, Feethams, Darlington, DL1 5QE.
Disclosure and Barring Service	The UK body created from the merger of the Criminal Records Bureau and the Independent Safeguarding Authority.  Email: <a href="mailto:customerservices@db.s.gsi.gov.uk">customerservices@db.s.gsi.gov.uk</a>  Telephone helpline: 03000 200 190  International telephone helpline: +44 151 676 9390  Address for referrals: PO Box 181, Darlington DL1 9FA  Telephone for referrals: 01325 953 795
Employer Online service (now known as Teacher Services)	For checking QTS, prohibitions from teaching and from management, EEA checks
Employment business	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.
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.
Have regard to	Following the spirit and main features of the guidance in the absence of good reason to divert from it.

Health and Safety Executive	Agency in England with statutory responsibility for health and safety.
Made available	Where information or a document is to be ‘made available’, ‘the requirement is satisfied by placing a copy on the school’s website (if a website exists) or placing a copy in the school for examination and informing parents of the availability of the information or document, or supplying an electronic (email) or paper copy to parents on request’.
Material change	<p>Material changes to registration are defined in sections 160(2)(a)-(e) and 162 of the Education Act 2002. (Section 101 of the Education and Skills Act 2008 has not yet been brought into force.) Material changes are changes in:</p> <ul style="list-style-type: none"> <li>• Proprietor (but not merely a change in Chair)</li> <li>• Address (but not merely adding a new site unless it increases number)</li> <li>• Age range of pupils</li> <li>• Maximum number of pupils</li> <li>• Single sex to co-ed or vice versa</li> <li>• Addition or removal of boarding</li> </ul> <p>Whether the school admits pupils with SEN.</p>
The Teaching Regulation Agency (TRA)	The agency in the UK which deals with professional misconduct by teachers
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.
Proprietor	The person or body of persons responsible for the management of the school – includes individual proprietors and formally constituted boards of governors, directors or trustees.
Protected characteristics	<p>Under the Equality Act 2010, the following are ‘protected characteristics’:</p> <p>age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation.</p>
Regular (for the purposes of regulated activity)	<p>For the purpose of assessing whether a person is working in regulated activity, ‘regular’ includes ‘frequent’ and these are defined together as follows:</p> <ul style="list-style-type: none"> <li>• frequently (once a week or more often),</li> <li>• or on 4 or more days in a 30-day period,</li> </ul>

	<ul style="list-style-type: none"> <li>• or overnight (between 2am and 6am).</li> </ul>
Regulated activity	<p>The definition of regulated activity (ie work that a barred person must not do) in relation to children comprises, in summary:</p> <ul style="list-style-type: none"> <li>(i) regular (see above) work in schools with opportunity for contact with children. Not work by supervised volunteers;</li> <li>(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);</li> <li>(iii) relevant personal care, eg washing or dressing; or health care by or supervised by a professional; Applies to any child, even if done only once.</li> </ul>
Special educational needs (SEN)	Pupils should be considered to have SEN if they have greater difficulty in learning than the majority of children of their age, or a disability which prevents or hinders them from making use of the facilities provided by the school.
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.
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.
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.
Teacher Services	Service in the UK for checking qualified teacher status (UK only) and teacher sanctions and restrictions

	<a href="https://www.gov.uk/guidance/teacher-status-checks-information-for-employers">https://www.gov.uk/guidance/teacher-status-checks-information-for-employers</a>
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.