WELSH STATUTORY INSTRUMENTS

2003 No. 3234 (W.314)

EDUCATION, WALES

The Independent School Standards (Wales) Regulations 2003

Made - - - - 9th December 2003

Coming into force - - 1st January 2004

In exercise of the powers conferred on the National Assembly for Wales by sections 157(1) and 210(7) of the Education Act 2002(**1**), the National Assembly for Wales makes the following Regulations:

Name, commencement and application

1.—(1) These Regulations are called the Independent School Standards (Wales) Regulations 2003 and come into force on 1st January 2004.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**2**);

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002(**3**);

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (School Premises) Regulations 1999(**4**);

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

"fire authority" ("*awdurdod tân*") means the statutory body defined in section 4 of the Fire Services Act 1947(**5**);

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"proprietor" ("*perchennog*") has the same meaning as in section 579 of the 1996 Act;

(**1**) 2002 c. 32; *see* section 212(1) for the definition of "regulations", by virtue of which these Regulations made by the National Assembly for Wales apply only in relation to Wales. Section 212(1) also defines "prescribed".
(**2**) 1996 c. 56.
(**3**) 2002 c. 32.
(**4**) S.I.1999/2002.
(**5**) 1947 c. 41.

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

"staff" ("*staff*") means those people working at the school whether under a contract of employment, a contract for services, or as a volunteer; and

"statement" ("*datganiad*") means a statement of special educational needs made under section 324 of the 1996 Act.

3. The requirements set out in the Schedule are the independent school standards for the purposes of Part 10 of the 2002 Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**6**).

D. Elis-Thomas
9th December 2003 The Presiding Officer of the National Assembly

(**6**) 1998 c. 38.

SCHEDULE Regulation 3

THE INDEPENDENT SCHOOL STANDARDS

Quality of education provided

1.—(1) The quality of education provided by the school meets the standard if the requirements in sub-paragraphs (2) to (5) are met.

(2) The school must draw up and implement effectively a written policy on the curriculum supported by appropriate plans and schemes of work, which provides for —

(a) full-time supervised education for all pupils of compulsory school age, which gives pupils experience in the following areas: linguistic, mathematical, scientific, technological, human and social, physical and aesthetic and creative education;

(b) subject matter appropriate for the ages and aptitudes of pupils, including those pupils with a statement;

(c) pupils to acquire skills in speaking and listening, literacy and numeracy;

(d) where the principal language of instruction is a language other than English or Welsh, lessons in written and spoken English or Welsh, except that this requirement will not apply in respect of a school or part of a school which provides education for pupils who are temporarily resident in Wales and which follows the curriculum of another country;

(e) where a pupil has a statement, education which fulfils its requirements;

(f) personal, social and health education which reflects the school's aims and ethos;

(g) appropriate careers guidance for pupils receiving secondary education;

(h) where the school has pupils below or above compulsory school age, a programme of activities which is appropriate to their respective needs;

(i) the opportunity for all pupils to learn and make progress; and

(j) appropriate preparation of pupils for the opportunities, responsibilities and experiences of adult life.

(3) The teaching at the school must —

(a) enable pupils to acquire new knowledge and make progress according to their ability so that they increase their understanding and develop their skills in the subjects taught;

(b) foster in pupils the application of intellectual, physical or creative effort, interest in their work and the ability to think and learn for themselves;

(c) involve well planned lessons, effective teaching methods, suitable activities and wise management of class time;

(d) show a good understanding of the aptitudes, needs and prior attainments of the pupils and ensure these are taken into account in the planning of lessons;

(e) demonstrate appropriate knowledge and understanding of the subject matter being taught;

(f) utilise effectively classroom resources of an adequate quality, quantity and range;

(g) demonstrate that a framework is in place to assess pupils' work regularly and thoroughly and use information from such assessments to plan teaching so that pupils can progress; and

(h) encourage pupils to behave responsibly.

(4) The school must have in place a framework for pupil performance to be evaluated, by reference either to the school's own aims as provided to parents or national norms, or to both.

(5) The school must provide effective education for all pupils within a class to make progress, including pupils with statements and those for whom Welsh or English is an additional language.

Spiritual, moral, social and cultural development of pupils

2. The spiritual, moral, social and cultural development of pupils at the school meets the standard if the school promotes principles which —

(a) enable pupils to develop their self-knowledge, self-esteem and self-confidence;

(b) enable pupils to distinguish right from wrong and to respect the law;

(c) encourage pupils to accept responsibility for their behaviour, show initiative and understand how they can contribute to community life;

(d) provide pupils with a broad general knowledge of public institutions and services; and

(e) assist pupils to acquire an appreciation of and respect for their own and other cultures in a way that promotes tolerance and harmony between different cultural traditions.

Welfare, health and safety of pupils

3.—(1) The welfare, health and safety of pupils at the school meet the standard if the requirements in sub-paragraphs (2) to (9) are met.

(2) The school must draw up and implement effectively a written policy to —

(a) prevent bullying, which has regard to National Assembly circular 23/03 "Respecting Others: Anti-bullying Guidance";

(b) safeguard and promote the welfare of children who are pupils at the school which complies with Welsh Office circular 52/95 "Protecting Children from Abuse : the Role of the Education Service";

(c) safeguard and promote the health and safety of pupils on activities outside the school which has regard to National Assembly circular 2/99 "Health and Safety of Pupils on Educational Visits: A Good Practice Guide"; and

(d) promote good behaviour amongst pupils and set out the sanctions to be adopted in the event of pupil misbehaviour.

(3) Where the school provides boarding accommodation, that provision must have regard to the National Minimum Standards for Boarding Schools 2003(**7**) or, where applicable, the National Minimum Standards for Residential Special Schools 2003(**8**).

(4) The school must have regard to any National Assembly guidance on health and safety responsibilities and powers of schools.

(5) The school must have a satisfactory level of fire safety, identified by—

(a) the school's risk assessment under regulation 3 of the Management of Health and Safety at Work Regulations 1999(**9**) insofar as it relates to obligations under Part II of the Fire Precautions (Workplace) Regulations 1997(**10**); and

(b) any report from the Fire Authority.

(6) The school must have and implement effectively a satisfactory policy on First Aid.

(7) School staff must be deployed to ensure the proper and effective supervision of pupils.

(**7**) ISBN 0 7504 3077 X available at http://www.wales.gov.uk/subisocialpolicycarestandards/content/regulationsfinal-e.htm.
(**8**) ISBN 0 7504 3076 1 http://www.wales.gov.uk/subisocialpolicycarestandards/content/regulationsfinal-e.htm.
(**9**) S.I. 1999/3242.
(**10**) S.I. 1997/1840, amended by S.I. 1999/1877.