

STATUTORY INSTRUMENTS

2003 No. 1910
EDUCATION, ENGLAND

The Education (Independent School Standards) (England)
Regulations 2003

*Made - - - -
Laid before Parliament
Coming into force - -*

*25th July 2003
5th August 2003
1st September 2003*

As amended by SI 2004/3374 (came into force 17th January 2005); SI 2007/1087 (came into force 1st May 2007); SI 2008/3253 (came into force 9th February 2009); and SI 2009/1924 (came into force 12th October 2009).

In exercise of the powers conferred on the Secretary of State by sections 157(1) and 210(7) of the Education Act 2002¹, the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Education (Independent School Standards) (England) Regulations 2003 and shall come into force on 1st September 2003.
2. These Regulations shall apply only in relation to England.
3. These Regulations shall apply to any independent school, except that—
 - (a) paragraphs 1 and 6(3)(b), (c), (e) and (g) and (8) of the Schedule do not apply to an Academy; and
 - (b) paragraphs 1, 3(9) and 6(3)(b), (c), (e) and (g), (6) and (8) do not apply to a city technology college or a city college for the technology of the arts.

Interpretation

4. (1) In these Regulations—

“the 1996 Act” means the Education Act 1996²;

“the 2002 Act” means the Education Act 2002;

“city technology college” or “city college for the technology of the arts” means a school established under section 482 of the 1996 Act³ before 26th July 2002 which is not an Academy; “employment business” has the meaning given in section 13(3) of the Employment Agencies Act 1973⁴ and includes a local authority and a person carrying on an employment business;

¹ 2002 c.32; by virtue of the definition of “regulations” in section 212(1), these Regulations made by the Secretary of State apply only in relation to England.

² 1996 c.56

³ Section 482 was substituted by section 65 of the 2002 Act.

⁴ 1973 c.35; section 13 was last amended by sections 59 and 174(2) of, and paragraph 19 of Schedule 4 and Part 2 of Schedule 17 to, 2005 c. 15.

“enhanced criminal record certificate” means an enhanced criminal record certificate within the meaning of section 113B of the Police Act 1997 which includes suitability information relating to children within the meaning of section 113BA(2) of that Act;

“fire authority” means the statutory body defined in section 4 of the Fire Services Act 1947⁵, in Act 1985⁶;

“school” means an independent school;

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

“statement” means a statement of special educational needs made under section 324 of the 1996 Act; and

“supply staff” means any person working at the school supplied by an employment business.

(2) For the purposes of these Regulations an “enhanced criminal record check” is made if -

- (a) an application for an enhanced criminal record certificate is made under Part V of the Police Act 1997; and
- (b) the application is countersigned by a registered person (within the meaning of section 120 of the Police Act 1997) or an application is countersigned on his behalf, and (in either case) the application is submitted in accordance with Part V of that Act.

(3) In these Regulations, the “National Minimum Standards for Boarding Schools” and the “National Minimum Standards for Residential Special Schools” mean the standard published respectively under those titles in March 2002 by the Secretary of State for Health under section 23(1) of the Care Standards Act 2000⁸.

“(4) In these Regulations, where a school is required to “make available” information or a document, the requirement is satisfied where—

- (a) the information or a copy of the document is published on the school’s internet website, where such a website exists;
- (b) the information or a copy of the document is available for inspection on the school’s premises during the school day; and
- (c) the school ensures that parents of pupils, and parents of prospective pupils who request it, are made aware that the information or document is published or available and the form in which it is published or available.

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

25th July 2003

David Miliband
Minister of State
Department for Education and Skills

⁵ 1947 c.41

⁶ 1985 c.51

⁷ Section 120 was last amended by sections 163(3) and 178(4) of, and paragraphs 1 and 6 of Schedule 14 to, 2005 c. 15.

⁸ 2000 c. 14; there are amendments to section 23 not relevant to these Regulations.

SCHEDULE

Regulation 5

THE INDEPENDENT SCHOOLS 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 (4) are met.

(2) The school shall 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 pupils of compulsory school age, which gives pupils experience in 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 skills;
- (d) where the principal language of instruction is a language other than English, lessons in written and spoken English, except that this requirement shall not apply in respect of a school which provides education for pupils who are all temporarily resident in England and which follows the curriculum of another country;
- (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 above compulsory school age, a programme of activities which is appropriate to their needs;
- (i) all pupils to have the opportunity to learn and make progress; and
- (j) adequate preparation of pupils for the opportunities, responsibilities and experiences of adult life.

(3) The teaching at the school shall—

- (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 that assessment to plan teaching so that pupils can progress; and
 - (h) utilise effective strategies for managing behaviour and encouraging pupils to act responsibly.
- (4) The school shall 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.

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 in England; 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 meets the standard if the requirements in sub-paragraphs (2) to (9) are met.

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

- (a) prevent bullying, which has regard to DCFS Guidance "Safe to Learn: Embedding anti-bullying work in schools"⁹;
- (b) safeguard and promote the welfare of children who are pupils at the school, which complies with "Safeguarding Children and Safer Recruitment in Education"¹⁰;
- (c) safeguard and promote the health and safety of pupils on activities outside the school, which has regard to DfES Guidance "Health and Safety of Pupils on Educational Visits"¹¹; and
- (d) promote good behaviour amongst pupils and set out the sanctions to be adopted in the event of pupil misbehaviour.

⁹ ISBN 978-1-84775-027-3.

¹⁰ ISBN 978-1-84478-854-5.

¹¹ HSPV2

(3) Where a school provides accommodation, it shall have regard to the National Minimum Standards for Boarding Schools¹² or where applicable the National Minimum Standards for Residential Special Schools¹³.

(4) The school shall have regard to the DfES guidance “Health and Safety: Responsibilities and Powers”¹⁴.

(5) The school shall comply with the Regulatory Reform (Fire Safety) Order 2005.¹⁵

(6) The school shall have and implement a satisfactory written policy on First Aid.

(7) School staff shall be deployed to ensure the proper supervision of pupils.

(8) The school shall keep a record of the sanctions imposed upon pupils for serious disciplinary offences.

(9) The school shall maintain an admission and attendance register in accordance with the Education (Pupil Registration) (England) Regulations 2006¹⁶.

Suitability of staff, supply staff and proprietors

4.—(1) This paragraph applies to the appointment of a member of staff at an independent school, other than a proprietor and supply staff.

(2) The suitability of a member of staff appointed to a position at the school meets the standard if –

(a) the proprietor carries out appropriate checks to confirm in respect of each such person—

(i) his identity;

(ii) his medical fitness;

(iii) his right to work in the United Kingdom;

(iv) his previous employment history;

(v) his character references;

(vi) where appropriate, his professional references; and

(vii) where appropriate, his qualifications.

(b) an enhanced criminal record check is made by the proprietor in respect of any such person and the enhanced criminal record certificate which is the subject of the application is obtained before or as soon as practicable after his appointment;

(c) in the case of any person for whom, by reason of his living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish his suitability to work in a school, such further checks are made as the proprietor considers appropriate, having regard to any guidance issued by the Secretary of State;

¹² ISBN 0113225415 available at www.doh.gov.uk/ncsc

¹³ ISBN 011322544X available at www.doh.gov.uk/ncsc

¹⁴ DfES publication number 0803/2001

¹⁵ S.I. 2005/1541.

¹⁶ S.I. 2006/1751; amended by S.I. 2007/603.

- (d) no such person is barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006, or carries out work, or intends to carry out work, at the school in contravention of any direction made under section 142 of the Education Act 2002 or any disqualification, prohibition or restriction which takes effect as if contained in such a direction; and
- (e) in the case of staff who care for, train, supervise or are in charge of children for whom accommodation is provided, in addition to the requirements of paragraphs (a) to (d), a check is made by the proprietor that Standard 38 of the National Minimum Standards for Boarding Schools or, where applicable, Standard 27 of the National Minimum Standards for Residential Special Schools is complied with.

(3) The checks referred to in sub-paragraphs (2)(a) and, subject to sub-paragraph (4), (2)(c) shall be completed before a person's appointment.

(4) The checks specified in sub-paragraphs (2)(b), (2)(c) and (2)(e) do not need to be carried out where the new member of staff has worked in—

- (a) a school in England in a position which brought him regularly into contact with children or young persons;
- (b) a maintained school in England in a position to which he was appointed on or after 12th May 2006 and which did not bring him regularly into contact with children or young persons; or
- (c) an institution within the further education sector in England in a position which involved the provision of education or which brought him regularly into contact with children or young persons;

during a period which ended not more than three months before his appointment.

4A.—(1) This paragraph applies to the appointment of supply staff at an independent school.

(2) The suitability of supply staff at the school meets the standard if the following requirements are satisfied.

(3) No person supplied by an employment business to the school may begin work at the school unless the proprietor has received—

- (a) written notification from the employment business in relation to that person—
 - (i) that the checks referred to in paragraph 4C(4)(a)(i) have been made;
 - (ii) that an enhanced criminal record check has been made, or an enhanced criminal record certificate has been obtained in response to an enhanced criminal record check by that or another employment business;
 - (iii) whether, if the employment business has obtained such a certificate before the person is due to begin work at the school, it disclosed any matter or information, or any information was supplied to the employment business, in accordance with section 113B(6) of the Police Act 1997¹⁷; and

¹⁷ Section 113B was inserted by section 163(2) of 2005 c. 15 and amended by section 63(1) of, and paragraph 14 of Part 2 of Schedule 9 to, 2006 c. 47.

(b) where the employment business has obtained an enhanced criminal record certificate before the person is due to begin work at the school, and it discloses any matter or information, or any information was provided to the employment business in accordance with section 113B(6) of the Police Act 1997, a copy of the certificate.

(4) Except in the case of a person to whom sub-paragraph (5) applies the certificate referred to in sub-paragraph (3)(a)(ii) shall have been obtained not more than three months before the date on which the person is due to begin work at the school.

(5) This sub-paragraph applies to a person who has worked in—

- (a) a school in England in a position which brought him regularly into contact with children or young persons;
- (b) a maintained school in England in a position to which he was appointed on or after 12th May 2006 and which did not bring him regularly into contact with children or young persons; or
- (c) an institution within the further education sector in England in a position which involved the provision of education or which brought him regularly into contact with children or young persons;

during a period which ended not more than three months before the date on which he is due to begin work at the independent school.

(6) Before a person offered for supply by an employment business may begin work at the school his identity shall be 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).

(7) The proprietor shall in the contract or other arrangements which they make with any employment business require it, in respect of any person whom the employment business supplies to the school—

- (a) to provide the notification referred to in sub-paragraph (3); and
- (b) if any enhanced criminal record certificate which the employment business obtains contains any matter or information, or if any information was supplied to the employment business in accordance with section 113B(6) of the Police Act 1997, to provide a copy of the certificate.

(8) Except for those persons to whom sub-paragraph (5) applies, in the case of supply staff who care for, train, supervise or are in charge of children for whom accommodation is provided, a check is made by the proprietor that the relevant parts of Standard 38 of the National Minimum Standards for Boarding Schools or, where applicable, Standard 27 of the National Minimum Standards for Residential Special Schools are complied with.

4B.—(1) This paragraph applies to the proprietor of an independent school.

(2) The suitability of any proprietor who is an individual or the Chair of any body of persons named as the proprietor of the school in the register or in an application to enter a school in the register, meets the standard if—

- (a) an enhanced criminal records check, which is countersigned by the Secretary of State, is made in respect of each such person and the enhanced criminal record certificate which is the subject of the application is obtained before that person commences acting as a proprietor, in the case of an individual proprietor, or that person's appointment in the case of a Chair;

- (b) the identity of any such person is checked and a check is made of his right to work in the United Kingdom; and
 - (c) in the case of any such person for whom, by reason of his living or having lived outside the United Kingdom, obtaining such an enhanced criminal record certificate is not sufficient to establish his suitability to work in a school, such further checks as the Secretary of State considers appropriate are made.
- (3) The checks referred to in sub-paragraph (2) shall be completed by the Secretary of State, in the case of an individual proprietor, before that individual commences acting as such, or in the case of a Chair, before the person takes up his appointment as a Chair, for the standard to be met.
- (4) The suitability of any member of a body of persons named as the proprietor meets the standard if—
- (a) an enhanced criminal record check in respect of each such person is made and the enhanced criminal record certificate which is the subject of the application is obtained before his appointment;
 - (b) the identity of any such person is checked and a check is made of his right to work in the United Kingdom; and
 - (c) in the case of any such person for whom, by reason of his living or having lived outside the United Kingdom, obtaining such an enhanced criminal record certificate is not sufficient to establish his suitability to work in a school, such further checks as the Chair considers appropriate are made, having regard to any guidance issued by the Secretary of State.
- (5) The Chair of any such body of persons named as the proprietor is responsible for ensuring that the checks referred to in sub-paragraph (3) are completed and that a copy of the enhanced criminal records certificate is obtained before appointment.
- (6) The suitability of any person mentioned in sub-paragraph (2) or (4) of this paragraph meets the standard if no such person-
- (a) is barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006, or
 - (b) carries out work , or intends to carry out work, at the school in contravention of any direction made under section 142 of the Education Act 2002 or any disqualification, prohibition or restriction which takes effect as if contained in such a direction
- (7) In this regulation, a reference to a Chair of a body of persons includes a reference to a similar officer.

4C.—(1) The proprietor shall keep a register which meets the following requirements.

(2) In relation to each member of staff appointed on or after 1st May 2007, the register shall show whether—

- (a) his identity was checked;
- (b) a check was made to establish whether he is barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006 or is subject to any direction made under section 142 of the Education Act 2002 or any

disqualification, prohibition or restriction which takes effect as if contained in such a direction;

- (c) checks were undertaken to ensure, where appropriate, that he had the relevant qualifications;
- (d) an enhanced criminal record certificate was obtained in respect of him;
- (e) checks were made pursuant to paragraph 4(2)(c);
- (f) a check of his right to work in the United Kingdom was made; and
- (g) checks were made pursuant to paragraph 4(2)(e), and the register shall include the date on which each such check was completed or the certificate obtained.

(3) In relation to each member of staff in post on 1st August 2007 who was appointed at any time before 1st May 2007, the register shall show whether each check referred to in sub-paragraph (2) of this paragraph was made and whether an enhanced criminal record certificate was obtained, together with the date on which any check was completed or certificate obtained.

(4) In relation to supply staff, the register shall show whether—

- (a) written notification has been received from the employment business that—
 - (i) it has made checks corresponding to those which sub-paragraphs (2)(a) to (c), (e) and (f) of this paragraph requires to be recorded in relation to staff at a school;
 - (ii) it or another employment business has made an enhanced criminal record check; and
 - (iii) it has obtained an enhanced criminal record certificate in response to an enhanced criminal record check made by that or another employment business;

together with the date the written notification that each such check was made, or certificate obtained, was received; and

- (b) a check has been made in accordance with paragraph 4A(8) together with the date the check was completed.

(5) Where written notification has been received from the employment business in accordance with a contract or other arrangements made pursuant to paragraph 4A(7) that it has obtained an enhanced criminal record certificate which disclosed any matter or information, or that information was provided to it in accordance with section 113B(6) of the Police Act 1997, the register shall also show whether the employment business supplied a copy of the certificate to the school.

(6) In relation to each member of a body of persons named as the proprietor appointed on or after 1st May 2007, the register shall show whether—

- (a) a check was made of his identity and his right to work in the United Kingdom; and
- (b) checks were made pursuant to paragraphs 4B(4)(a) and (c),

and the register shall include the date on which each such check was completed and the certificate obtained.

(7) In relation to each member of a body of persons named as the proprietor in post on 1st August 2007 who was appointed at any time before 1st May 2007, the register shall show

whether each check referred to in sub-paragraph (6) was made and whether an enhanced criminal record certificate was obtained, together with the date on which any check was completed or certificate obtained.

(8) It is immaterial for the purposes of sub-paragraphs (2), (3), (4), (6) and (7) whether the check was made or certificate obtained pursuant to a legal obligation.

(9) The register required to be kept pursuant to this paragraph may be kept in electronic form, provided that the information so recorded is capable of being reproduced in legible form.

Premises of and accommodation at schools

5. The premises of and accommodation at the school meet the standard if—

- (a) the water supply meets the requirements of the Education (School Premises) Regulations 1999¹⁸;
- (b) there is an adequate drainage system for hygienic purposes and the disposal of waste water and surface water;
- (c) each load bearing structure complies with the Education (School Premises) Regulations 1999;
- (d) the school has adequate security arrangements for the grounds and buildings;
- (e) premises which are used for a purpose other than conducting the school are organised to ensure that the health, safety and welfare of pupils are safeguarded and their education is not interrupted by other users;
- (f) the school buildings provide reasonable resistance to penetration by rain, snow, wind and moisture from the ground;
- (g) there is sufficient access so that emergency evacuations can be accomplished safely for all pupils, including those with special needs;
- (h) access to the school allows all pupils, including those with special needs, to enter and leave the school in safety and comfort;
- (i) the premises have not been condemned by the Environmental Health Authority;
- (j) having regard to the number, age and needs (including any special needs) of pupils, classrooms are appropriate in size to allow effective teaching, and all areas of the school do not compromise health or safety;
- (k) there are sufficient washrooms for staff and pupils, including facilities for pupils with special needs, taking account of the Education (School Premises) Regulations 1999;
- (l) there are appropriate facilities for pupils who are ill in accordance with the Education (School Premises) Regulations 1999;
- (m) where food is served, there are adequate facilities for its hygienic preparation, serving and consumption;
- (n) classrooms and other parts of the school are maintained in a tidy, clean and hygienic state;

¹⁸ SI 1999/2

- (o) sound insulation and acoustics allow effective teaching and communication;
- (p) lighting, heating and ventilation in classrooms and other parts of the school are satisfactory in accordance with the Education (School Premises) Regulations 1999;
- (q) there is a satisfactory standard and adequate maintenance of decoration;
- (r) the furniture and fittings are appropriately designed for the age and needs (including any special needs) of all pupils registered at the school;
- (s) there is appropriate flooring in good condition;
- (t) there are appropriate arrangements for providing outside space for pupils to play safely; and
- (u) where the school provides accommodation, it has regard to Standards 40-52 of the National Minimum Standards for Boarding Schools or, where applicable, Standards 23- 26 of the National Minimum Standards for Residential Special Schools.

Provision of information

6.—(1) The provision of information by the school meets the standard if the requirements in subparagraphs (2) to (9) are met.

(2) The school must provide to parents of pupils and of prospective pupils and on request to the Chief Inspector, the Secretary of State or a body approved for the purposes of section 162A(1) of the 2002 Act—

- (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 at all times, or
 - (ii) where the proprietor is a corporation, a Scottish firm or 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.

(3) The school must make available to parents of pupils and of prospective pupils and provide, on request, to the Chief Inspector, the Secretary of State or a body approved for the purposes of section 162A(1) of the 2002 Act—

- (a) particulars of the school's policy on and arrangements for admissions, discipline and exclusions;
- (b) particulars of educational and welfare provision for pupils with statements and pupils for whom English is an additional language;
- (c) particulars of the policy prepared under paragraph 1(2);

- (d) such parts of the policy prepared under paragraph 3(2) as are drawn up for the purposes of paragraph 3(2)(a), (c) and (d);
 - (e) particulars of the school's academic performance during the preceding school year, including the results of any public examinations;
 - (f) details of the complaints procedure set out in accordance with paragraph 7, and the number of complaints registered under the formal procedure during the preceding school year; and
 - (g) the number of staff at the school, including temporary staff, and a summary of their qualifications.
- (4) The school must publish on its internet website or, where no such website exists, the school must send to parents of pupils and of prospective pupils on request, a copy of so much of the policy prepared under paragraph 3(2) as has been drawn up for the purposes of paragraph 3(2)(b).
- (5) Following an inspection under section 162A(1) of the 2002 Act, the school must send to the parents of every registered pupil, by a date to be specified by the body who conducted the inspection, a copy of the report of the inspection.
- (6) The school must send to the parents of each registered pupil an annual written report of the pupil's progress and attainment in the main subject areas taught, except that no report need be sent to a parent who has agreed otherwise with the school.
- (7) The school must provide any body conducting an inspection under section 162A(1) of the 2002 Act with—
- (a) any information reasonably requested in connection with it that is necessary for the purposes of the inspection; and
 - (b) access to the school's admission and attendance registers.
- (8) Where a pupil wholly or partly funded by a local authority is registered at the school, an annual account of income received and expenditure incurred by the school in respect of that pupil must be submitted to the local authority and on request to the Secretary of State.
- (9) Where a pupil with a statement is registered at the school, the school must supply such information to the responsible local education authority as may reasonably be required for the purpose of the annual review of the statement.

Manner in which complaints are to be handled

7. The manner in which a school handles complaints meets the standard if it draws up and implements effectively a complaints procedure which—
- (a) is in writing;
 - (b) the school makes available to parents of pupils and of prospective pupils at the school;
 - (c) sets out clear time scales for the management of a complaint;
 - (d) allows for a complaint to be made and considered initially on an informal basis;

- (e) where the parents are not satisfied with the response to the complaint made in accordance with paragraph (d), establishes a procedure for the complaint to be made in writing;
- (f) where the parents are not satisfied with the response to the complaint made in accordance with 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 person will be independent of the management and running of the school;
- (h) allows for parents 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) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
 - (ii) available for inspection on the school premises by the proprietor and the head teacher;
- (j) provides for a written record to be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing;
- (k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 163 of the 2002 Act requests access to them; and
- (l) where the school provides accommodation, complies with Standard 5 of the National Minimum Standards for Boarding Schools or where applicable Standards 4 of the National Minimum Standards for Residential Special Schools.