

SL(6)443 – The Independent School Standards (Wales) Regulations 2024

Background and Purpose

The Independent School Standards (Wales) Regulations 2024 (“the Regulations”) prescribe the standards that are to be met by independent schools for the purposes of registration, reporting and inspection in accordance with the Education Act 2002 (“the 2002 Act”).

The Regulations revoke and replace the existing Independent School Standards (Wales) Regulations 2003.

The Schedule to the Regulations sets out the standards in accordance with the categories specified in section 157(1) of the 2002 Act:

- Quality of education provided,
- Spiritual, moral, social and cultural development of pupils,
- Welfare, health and safety of pupils,
- Suitability of proprietors, staff and supply staff,
- Premises of and boarding accommodation at independent schools,
- The provision of information,
- The manner in which complaints are to be handled.

Among other things, these standards:

- Increase the frequency of DBS checks to every three years,
- Require independent schools to actively promote knowledge and understanding of Part 1 of the United Nations Convention on the Rights of the Child,
- Make it clear that the proprietor of an independent school is ultimately responsible for compliance with the standards, and
- Require independent schools to make specific information such as term dates and inspection reports available to parents and, where appropriate, local authorities.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.



Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

According to the Explanatory Memorandum, the Regulations are part of a package addressing deficiencies in the current legislative framework. In particular, paragraph 20 of the Explanatory Memorandum provides:

These deficiencies in the regulatory framework and the way the Standards can be enforced have been acknowledged by Welsh Ministers through responses to the Children's Commissioner for Wales's review of the exercise of functions of the Welsh Government under section 72 of the Care Standards Act 2000, where the need for fundamental reform to update the regulatory system for independent schools was acknowledged. The same commitment to review the Independent Schools Regulations was made in the Welsh Government's response to recommendations in the Children's Commissioner for Wales's Annual Report 2020-21 and in the response to the Independent Inquiry into Child Sexual Abuse (IICSA).

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

24 January 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee