



Department  
for Education

**Consultation response form**

**Consultation closing date: 17 February 2016**

**Your comments must reach us by that date**

**ISI response filed: 10 February 2016**

## **British schools overseas: standards and inspection arrangements**

**If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>**

We are seeking to bring the standards for inspection of British Schools Overseas (BSOs) into line with the standards for independent schools in England, where revised standards were introduced in January 2015. We think that the essence and values of a British education should be evident in the way a BSO operates. It is important that parents can rely on the BSO 'brand' as a measure of quality, comparable with the education provided by independent schools in England. We understand this proposed alignment will bring challenges for some schools because of the cultural and legal context of their host country.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

<b>Please tick if you want us to keep your response confidential.</b>	<input type="checkbox"/>
Reason for confidentiality:	

Name:	
Please tick if you are responding on behalf of your organisation.	<input checked="" type="checkbox"/>
Name of organisation (if applicable): Independent Schools Inspectorate	
Address:	
CAP House, 9-12 Long Lane, London EC1A 9HA	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by email: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk) or by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

Please insert an 'x' into one of the following boxes which best describes you as a respondent.

<input type="checkbox"/> School	<input checked="" type="checkbox"/> Inspectorate	<input type="checkbox"/> Representative organisation
<input type="checkbox"/> Parent	<input type="checkbox"/> Other	

<p>Please specify:</p> <p>The Independent Schools Inspectorate (ISI) is approved by the Secretary of State for the inspection of independent schools in England which are in membership of the associations which make up the Independent Schools Council. ISI is also approved for the inspection of British Schools Overseas.</p>
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The Independent School Standards (ISS) which apply to independent schools in England have recently been revised to raise the bar on education and to make them generally more rigorous than the previous standards.

1 Do you support applying the same standards for BSOs regarding quality of education as for independent schools in England?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not sure
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Comments:

We agree that if the BSO “brand” is to have value to parents and children overseas, the quality of education should self-evidently be comparable to that provided by independent schools in England, and that British values should not be undermined.

As a general principle, the standards in this form may be difficult for people to understand if they have English as an additional language. They may need to be made more accessible.

**2(1)(b)(ii) and 3(i)** There may need to be an adjustment to the reference to “the rule of law” to clarify which law is being referred to ie the law of England and Wales or the law of the local host country.

**2(1)(b)(ii) and 3(i)** refer to “democracy”. This has different meanings and practical interpretations in different countries. For example, there are countries in which women are not permitted to vote but which might nonetheless consider themselves to be democracies. In para 5(vii) the usual meaning appears to be expanded. It might be helpful to carry that explanation over to the references to democracy in other paragraphs.

**2(2)(d)(ii)** This is similar to the SMSC standard discussed below, although the latter goes further because it requires active promotion. These values are not universally shared outside of the EU and could present a challenge for some existing schools if they are not already promoted.

If introduced as new from a future date, this could cause conflict between schools and parents of existing pupils if the parents were not aware of what they were buying into. It may also cause difficulty for some staff if they are required to encourage respect for certain groups protected in the UK.

Publication of such values may make all members of the school community a focus of unwanted attention in those host countries which do not share these values.

We would suggest that if these sensitive issues are to be introduced in schools overseas, there should be a reasonable lead-in period to allow for parents and staff to make choices and other arrangements, if necessary.

The new SMSC standard for independent schools in England requires schools to “actively promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs”.

The ISS also require schools to “actively promote principles which...encourage respect for other people, paying particular regards to the protected characteristics set out in the Equality Act 2010,” (Part 2, paragraph 5(b)(vii)). The protected characteristics are:

- (a) age
- (b) disability
- (c) gender reassignment
- (d) marriage and civil partnership
- (e) pregnancy and maternity
- (f) race
- (g) religion or belief
- (h) sex
- (i) sexual orientation

2 Having regard to the local context of host countries do you see issues with applying the same SMSC standards for BSOs as for independent schools in England? Please comment on what are they and how might they be overcome.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not sure
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Comments:

Part of the value of the BSO brand for parents and children is that the attitudes promoted, as much as the quality of education, are fundamentally British and there is an ethos of respect and toleration.

There may be difficulties in some host countries, particularly those outside of the EU, in actively promoting positive, non-discriminatory attitudes and principles in relation to some personal characteristics which are protected in the U.K., because these principles are at odds with the values of the host country.

Suggestions:

- re-formulate the requirement to “actively promote” for school overseas as a more passive requirement not to undermine the values

- allow for a length lead in period to enable parents and staff to make alternative arrangements, if necessary.

Again , references to the “rule of law” may need to be clarified (5(a))

Standard 3, relating to the welfare and safety of pupils, makes the same expectations of BSOs as of independent schools in England.

3 Do you support applying the same welfare, health and safety standards for BSOs as for independent schools in England?

Yes

No

Not sure

Comments:

**Paragraphs 7 and 8** - There is some repetition between paragraphs 7 and 8(a) and (b) in that they both refer to boarders, unlike in the standards for schools in England.

In the absence of a duty to have regard to KCSIE, it may be helpful to add a direct reference to certain safeguarding essentials eg pastoral care , clear reporting procedures for allegations, a duty to protect children and young people from being drawn into terrorism.

**Paragraph 9** could also incorporate the ban on corporal punishment.

Fire safety – we want fire safety in BSOs to be at least as good as in independent schools in England.

4 Does the proposed wording “ensures compliance with fire standards which are at least as stringent as the Regulatory Reform (Fire Safety) Order 2005” make that clear?

Yes

No

Not sure

Comments:

The reference to UK legislation may not be accessible to schools overseas. A short summary could be provided in plain English and/or a link.

5 Is this workable for your school?

N/A

Yes

No

Not sure

Comments:

Part 4 the ISS contains detailed requirements on checking the suitability of staff. Some of this is not applicable to BSOs, while there are other considerations relating to the recruitment of staff overseas. The revised standards are intended to ensure a rigorous but practicable approach

6 Do you agree that the revised standards regarding suitability of staff, supply staff and governors are appropriate and can be delivered?

Yes

No

Not sure

## Comments:

We agree that stringent checks are necessary to safeguard the welfare of the children but it is not clear that they need to be any more stringent than they already are. There is also an issue that approved inspectorates do not all inspect these requirements with the same rigour. This risks encouraging BSOs to choose the inspectorate most likely to award them high grades, thereby undermining the standards.

**Para 18** – There is no definition of “staff”. This will cause confusion about which of these checks, if any, are only for people who work with children and which are for everyone.

**18(2)(a)** – This draft sets no threshold or criteria and therefore seems to imply that BSO's will have to do barred list checks for all staff in regulated activity, whether or not they have lived or worked in the UK. It would be useful to explain “regulated activity” or put this in plainer English for colleagues overseas eg : Schools must check that no member of staff employed to work with children regularly, who has lived in the UK for longer than 3 months, is barred from working with children in England. We suggest including a threshold of, say, a three month stay in the UK.

**18(2)(b)** – As drafted, the independent school standards are difficult for English people to understand. There is particular difficulty when vetting checks are referenced by their underpinning legislation, that people do not know which check is being referred to. There is the added complication that the titles for various different checks have the same meaning in common parlance eg barred, prohibited, disqualified.

We would therefore suggest that these checking requirements should be expressed in plainer English.

It would be helpful also to ensure that the facility for schools to check whether a person has been prohibited from teaching anywhere in Europe is also available to schools overseas, and possibly to make reference to that check here, limiting it to those who have lived in Europe. “Lived” needs a threshold definition again, such as three months.

**18(2) (d)** - We would suggest that it is made explicit that the new International Child Protection Certificates are an acceptable alternative to DBS checks, for staff who have lived in the UK. It should be made clearer that UK DBS checks/ICPCs, when required, are only required for those who have lived in the UK.

The current formulation proposed, “where possible”, is likely to lead to disputes with inspectors about what is possible.

The criterion “where relevant”, is not defined .

The need to do criminal record checks “in the host country and any countries overseas where the person has lived...” will raise questions about what constitutes living somewhere. A threshold is needed. Also “overseas” is a word we use as an island nation, but it may cause confusion in other countries which may be landlocked by other countries.

As the requirement to have regard to KCSIE is not included in the draft, this means that there will be no duty to obtain references, employment history or seek assurances relating to disqualification by association, for example. This will be less stringent than the current standard which mentions references. It is not clear whether this is intended.

**Para 19(2)(a)** - “to the extent relevant” is not defined. “Employment business” is not defined but this may be less problematic.

**Para 20(3),(5) and(6)** – The comments above apply. It would appear that barred list, prohibition from teaching and from management checks are for all, whether or not people have lived in the UK.

The requirement for certificates of good conduct from **all** countries where the proprietor has **resided** could be onerous and will give rise to questions as to what constitutes residence.

Part 5 was written with schools in England in mind but should be applicable to BSOs wherever they may be located.

7 Do you support applying the same premises and accommodation standards for BSOs as for independent schools in England?

Yes

No

Not sure

Comments:

The standards as proposed impose high standards which may not always be attainable overseas. It may be that there needs to be more focus on meeting local standards (for example, in relation to water) as it may be that parents choose “British schools” for the values, ethos and quality of the education.

Standard 6, relating to the provision of information for parents, carers and others, largely replicates the ISS although references to children with education and health care plans, which only apply in England, have been removed.

8 Do you support applying the same standards on provision of information for BSOs as for independent schools in England?

<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure
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Comments:

Schools in England have difficulty understanding these regulations as presented. A tabulated presentation of the information may make them more accessible.

Standard 7, the manner in which complaints are handled, also mirrors the ISS.

9 Do you support applying the same standards for BSOs as for independent schools in England?

Yes

No

Not sure

**Comments:**

We presume that this question relates to complaints.

**Para 33(k)** - It is not clear as drafted what is meant by “ local legal requirements permit access”; “permit” could be wider than intended.

An alternative might be: “... are to be kept confidential except when the proprietor is required to allow access to these documents”.

BSOs already had a leadership and management standard. This part brings it in line with the new leadership and management standard for independent schools in England

10 Do you support applying the same standards of leadership and management for BSOs as for independent schools in England?

Yes

No

Not sure

**Comments:**

ISI supports preserving the value of the BSO brand by applying equivalent standards to independent schools in England, in leadership as in other areas.

However, we believe that this could be achieved without losing the benefit of the plain English approach of the current standards. There is considerable scope for simplifying the proposed standards while retaining the same essential meaning as the current independent school standards. The use of plain English has very much supported promotion of the brand over the last five years and assisted both schools and inspectors. By contrast, the approach proposed will inevitably complicate compliance for the schools without necessarily a great deal of benefit for the pupils.

We would not wish there to be pressure to carry over deficiencies in relation to other standards to a finding of failure to meet the standards in Part 8. We anticipate that there could again be discrepancies between approved inspectorates in relation to the rigour

with which they inspect and this could lead to schools inspected by some inspectorates being more likely to have shortcomings in relation to Part 8 also.

This part only applies to BSOs which have boarding provision. We have largely replicated the National Minimum Standards for Boarding Schools in England to afford a similar level of quality for boarding provision in BSOs.

11 Do you support applying the same boarding standards for BSOs as for independent schools in England?

Yes

No

Not sure

Comments:

We support this in principle, subject to comments against other paragraphs.

12 Are there any standards which are not clear and which inspectors would find it difficult to find evidence for?

Yes

No

Not sure

Comments:

**Para. 3.5** – The reference to Gillick competence will not be understood, and in fact can give rise to discussion in England due to confusion as to how it is intended to relate to the Fraser guidelines.

**Para. 7.1** – This again references UK legislation with which British Schools Overseas may not be familiar and which they may find linguistically inaccessible.

**Para.s 13.7,8 and 9** – Guidance will be required about what the “relevant” policies, records and issues are in the absence of the usual schedules detailing these.

**Para. 16** – The anti-discrimination requirements could present challenges in some cultures but it is for schools to explain their difficulties, if any.

**Para 20** – In countries without a tradition of boarding , it may be more important to explain the difference between a boarding house and “lodgings” , and the effect of this on the application of the other NMS (1-19). Even in England, situations occur where the dividing line is not immediately clear.

13 Are there any standards which would be difficult to meet because of the local context of the country in which the school operates and how might they be overcome?

Yes

No

Not sure

Comments:

This is a question best answered by schools themselves. However, provided that the standards allow the inspectors latitude for local difficulties, this would not present a problem.

Schools may currently use a BSO logo once they have passed their inspection.

14 Do you have any comments on the logo or its use?

Yes

No

Not sure

Comments:

It is important to maintain the high quality of the BSO scheme and it is the inspection regime which provides the assurance that schools are meeting the robust standards.

15 Are the arrangements for the inspection of BSOs satisfactory? Do you have any comments based on your experience of being inspected as a BSO which would help improve the inspection regime?

Yes

No

Not sure

Comments:

The difficulty with current arrangements we receive verbal reports from schools and inspectors that the rigour of inspections differs widely between inspectorates with the effect that schools seeking the BSO logo are attracted to inspectorates offering a cheaper less thorough approach. It will be important in future for Ofsted to fulfil its monitoring role if the BSO brand is to maintain its value.

We want to strike the right balance between assuring that BSO standards are being maintained and that burdens on schools are not excessive.

16 Do you think that the inspection frequency for BSO recognition purposes should be (a) 3 years; (b) 4 years; or (c) 5 years?

<input checked="" type="checkbox"/>	3 years	<input type="checkbox"/>	4 years	<input type="checkbox"/>	5 years
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Comments:

If schools in England are to be inspected within every three year period, this should be the starting point for discussions about the future of inspection of British Schools Overseas.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

<b>Please acknowledge this reply.</b>	
Email address for acknowledgement: Alison.buckley@isi.net	

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
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All DfE public consultations are required to meet the Cabinet Office [consultation principles](#).

The key consultation principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

### **Completed responses should be sent by 17 February 2016**

Send by post to: Elaine Haste, Independent Education and Boarding Team, Level 3 Bishopsgate House, Feethams, Darlington, DL1 5QE

Send by email to: [BritishSchools.OVERSEAS@education.gsi.gov.uk](mailto:BritishSchools.OVERSEAS@education.gsi.gov.uk)

If you have any comments on how DfE consultations are conducted, please email: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk)

**Thank you for taking time to respond to this consultation.**

