



Department
for Education

Standards for boarding schools and residential special schools

Government consultation

Launch date: 2 December 2020

Respond by: 23 February 2021

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Introduction

The Department for Education is consulting on revised standards for boarding schools and residential special schools in England. These standards are proposed to be published under section 87C of the Children Act 1989 as statements of national minimum standards, and will replace the current national minimum standards which were published in 2015.

Who this is for

- Proprietors, governors, leaders and staff of boarding schools and residential special schools in England
- Parents of children attending or who are likely to attend boarding schools or residential special schools in England
- Local authorities in England
- Ofsted
- Independent Schools' Inspectorate
- Representative bodies and other bodies or individuals with an interest in the welfare of children in residential schools

Issue date

The consultation was issued on 2 December 2020.

Enquiries

If your enquiry is related to the policy content of the consultation you can email:

- IEBT.CONULTATION@education.gov.uk

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

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

Consultation events

The Department for Education intends to meet with relevant stakeholder groups within the consultation period.

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in Spring 2021, with the intention for the final standards to come into force in September 2021.

About this consultation

All boarding schools and residential special schools in England must meet the relevant set of national minimum standards. Those standards have been reviewed and this consultation proposes changes to the structure of the standards, and changes to the standards themselves designed to raise the bar in terms of the minimum standard of quality offered by residential school provision, in order to achieve better outcomes for pupils.

We would like to hear your views on our proposals.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

Other ways to respond

If, for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system or you do not have access to an online account, you may download a word document version of the form and email it or post it.

By email

- IEBT.CONULTATION@education.gov.uk

By post

Independent Education and Boarding Team
Department for Education
Level 3, Bishopsgate House,
Feethams, Darlington, DL1 5QE

Deadline

The consultation closes on 23 February 2021.

Proposal: revised standards for boarding schools and residential special schools

Background

The report *Good Intentions, Good Enough?* by Dame Christine Lenehan and Mark Geraghty, published in November 2017 included a number of recommendations. One of these was that the department should replace the national minimum standards for residential special schools with national quality standards. The rationale in the report was given as follows:

“Ofsted told us that they felt the national minimum standards for residential special schools meant they were less able to set exacting standards and drive improvement than they would be were quality standards in place. They felt that introducing quality standards would see residential special schools improve their quality of care to meet them, as had happened for children’s homes. We agree with this assessment, and believe quality standards could help to remove much of the complacency written about [in Good Intentions, Good Enough?]. It could also bring consistency with the children’s homes quality standards, meaning that all children with SEND placed away from home could expect the same level of support”.

Following discussions with Ofsted, the department decided that the same outcome could be achieved, and achieved faster, by conducting a review of the national minimum standards. There are no current plans to change the statutory frameworks, but the government will keep this under review.

The standards we are consulting on have been drafted with the input of Ofsted and other stakeholders, and designed to help schools improve their quality of care.

The department further considered that the standards for residential special schools should not be looked at in isolation, and that we should aim for similar standards to apply for mainstream boarding schools as well. Therefore this consultation covers both sets of standards. The current standards are on Gov.UK at <https://www.gov.uk/government/collections/national-minimum-standards>

Proposal and rationale

Revised standards

We propose to replace the current national minimum standards for boarding schools with the standards for boarding schools at Annex A.

We propose to replace the current national minimum standards for residential special schools with the standards at Annex B.

Both annexes contain a table outlining a summary of the substantive changes we are proposing.

The key changes for both sets of standards are set out below.

- The standards have been restructured into several parts, with an aim for each part which shows schools the expected outcome
- Quality terms have been introduced throughout the document, raising the bar to 'good' in several standards, rather than using terms such as 'suitable' or 'adequate'
- More emphasis is placed on the individual needs of children.
- Separating out standards on behaviour and bullying
- A new standard on promoting good relationships
- A new standard on guardianship arrangements

Notifications

We have not included a standard requiring notifications of serious incidents to be made to the department and/or inspectorates. However, we know that Ofsted in particular would like to see this introduced, perhaps mirroring the standard that was contained in the 2002 version of the national minimum standards for residential special schools. This standard said:

The school has a system in place to notify promptly the National Care Standards Commission, the local social services authority, the Department for Education and Skills, the placing authority, and for maintained schools, the responsible local education authority of the following events:

- *The death of a child whilst at, or immediately following, being at the school, and on such details of the circumstances as are known*
- *Inappropriate conduct by a staff member such that he/she might not be a suitable person for work involving children*
- *Suffering of serious harm by a child at the school or during school arranged activities. This would include where an allegation has been made which indicates that abuse of a child may have occurred*
- *Any serious illness or accident involving a child at the school*
- *The outbreak in the school of any notifiable infectious disease.*

The rationale for inclusion of such a standard would be that such notifications provide regulators and inspectors with information about providers' assessments of serious incidents and how they keep children safe. This information could be used to inform inspection and regulation practice.

Conversely, the argument against such notifications would be that schools' focus should be referring information to the agency that is responsible for investigating (such as the local authority for safeguarding concerns), and that by requiring additional notifications, confusion can occur as to who is responsible for investigating concerns.

The department has no fixed view on this issue, and is therefore seeking views from interested parties on whether a requirement for notifications should be added to the standards.

Qualifications for heads of boarding/heads of care

The NMS for boarding schools do not require any particular qualification for those working in boarding settings. Instead, the proposed amended standards require that "any staff member or volunteer 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", and that "the staff supervising boarders outside teaching time are sufficient in number, training and experience for the age, number and individual needs of boarders, and the locations and activities involved".

The NMS for residential special schools, with the proposed amendments, will require that "All existing care staff have attained a relevant minimum level 3 qualification or have qualifications which demonstrate the same competencies. All new staff engaged following the commencement of these standards hold these qualifications or begin working towards them within three months of confirmation of employment and complete the qualification within two years".

The question has been raised as to whether those in a position of head of care, or head of boarding, should be required to have a specific qualification as is the case for registered persons in children's homes. The Children's Homes (England) Regulations 2015 require that registered managers have or attain a Level 5 Diploma in Leadership and Management for Residential Childcare, or an equivalent qualification. There is no such requirement in the NMS for either boarding schools or residential special schools.

We recognise that senior boarding or care staff in boarding and residential special schools may hold level 5 or above qualifications, but that may not necessarily be a qualification that is directly equivalent to the qualifications that are required for managers of children's homes. Requiring a similar qualification for heads of care or

boarding would seek to achieve parity in residential settings for children. We would therefore like to seek views on whether interested parties think there should be a minimum qualification, or minimum level of qualification for the post of head of boarding or head of care, and if so what that qualification should be.

Consultation Questions – NMS for boarding schools

Notifications

- 1) Do you think that a standard should be brought in to require notifications of serious incidents to the department and/or inspectorates? If so, what benefit would you see from such notifications?

Qualifications for heads of boarding/heads of care

- 2) Do you think that there should be a minimum qualification, or level of qualification, for heads of boarding and/or heads of care? If so, what should that be?

Proposed standards for boarding schools

- 3) Do you agree with the overall structure of the standards?
- 4) Do you agree with the overall aim of raising the bar in terms of the minimum standards of quality of residential provision for children, to promote better outcomes for children?
- 5) Do you agree with the aim of part A: governance, leadership and management?
 - a. Do you have any comments on the content of standards 1, 2 or 3?
- 6) Do you agree with the aim of part B: boarding provision?
 - a. Do you have any comments on the content of standards 4, 5 or 6?
- 7) Do you agree with the aim of part C: health and wellbeing?
 - a. Do you have any comments on the content of standard 7?
- 8) Do you agree with the aim of part D: safeguarding, health and safety?
 - a. Do you have any comments on the content of standards 8, 9 or 10?
- 9) Do you agree with the aim of part E: boarders rights, advocacy and complaints?
 - a. Do you have any comments on the content of standards 11, 12, 13 or 14?
- 10) Do you agree with the aim of part F: promoting positive behaviour and relationships?
 - a. Do you have any comments on the content of standards 15, 16 or 17?
- 11) Do you agree with the aim of part G: boarders' development?
 - a. Do you have any comments on the content of standard 18?
- 12) Do you agree with the aim of part H: staffing?
 - a. Do you have any comments on the content of standards 19, 20, 21 or 22?

- 13) Do you agree with the aim of part I: children accommodated off-site?
 - a. Do you have any comments on the content of standard 23?
- 14) Do you have any comments on the content of appendices 1 and 2?
- 15) Do you have any further comments that you would like to make?

Consultation Questions – NMS for residential special schools

Notifications

- 16) Do you think that a standard should be brought in to require notifications of serious incidents to the department and/or inspectorates? If so, what benefit would you see from such notifications?

Qualifications for heads of boarding/heads of care

- 17) Do you think that there should be a minimum qualification, or level of qualification, for heads of boarding and/or heads of care? If so, what should that be?

Proposed standards for residential special schools

- 18) Do you agree with the overall structure of the standards?
- 19) Do you agree with the overall aim of raising the bar in terms of the minimum standards of quality of residential provision for children, to promote better outcomes for children?
- 20) Do you agree with the aim of part A: governance, leadership and management?
- a. Do you have any comments on the content of standards 1, 2, 3, 4 or 5?
- 21) Do you agree with the aim of part B: care and placement planning?
- a. Do you have any comments on the content of standards 6, 7 or 8?
- 22) Do you agree with the aim of part C: residential provision?
- a. Do you have any comments on the content of standards 9, 10 or 11?
- 23) Do you agree with the aim of part D: health and wellbeing?
- a. Do you have any comments on the content of standard 12?
- 24) Do you agree with the aim of part E: safeguarding, health and safety?
- a. Do you have any comments on the content of standards 13, 14 or 15?
- 25) Do you agree with the aim of part F: children's rights, advocacy and complaints?
- a. Do you have any comments on the content of standards 16, 17, 18 or 19?
- 26) Do you agree with the aim of part G: promoting positive behaviour?
- a. Do you have any comments on the content of standards 20, 21 or 22?

- 27) Do you agree with the aim of part H: children's development?
 - a. Do you have any comments on the content of standard 23?

- 28) Do you agree with the aim of part I: staffing?
 - a. Do you have any comments on the content of standard 24, 25, 26 or 27?

- 29) Do you agree with the content of appendices 1 and 2?

- 30) Do you have any further comments that you would like to make?



Department
for Education

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