



Department
for Education

Further education residential accommodation: national minimum standards

Government consultation response

March 2018

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Introduction

The government has proposed a revision of the National Minimum Standards for Residential Accommodation for under 18s in further education colleges, sixth form colleges, institutions designated under section 28 of the Further and Higher Education Act 1992 as being within the further education sector (“designated institutions”), 16-19 Academies, and independent specialist colleges. The standards were last revised in 2002, and much has changed in terms of the safeguarding and promotion of the welfare of students since then. By revising and updating the standards we aim to make it easier both for the relevant institutions and for Ofsted to provide protection and reassurance for students and their parents / guardians.

The proposed new standards follow the more concise format of the parallel boarding school standards which were updated in 2015, but have been adapted to fit an FE context. They are less prescriptive than the existing standards, but they continue to set clear expectations of providers in order to ensure effective and proportionate arrangements for the protection of students. They are designed to be used flexibly in a variety of institutions, for inspection purposes, to facilitate self-assessment of services, and for induction and training of staff. The draft standards were developed in consultation with Ofsted, and with providers to which the standards will apply.

On 7 November 2017, we launched an online 11 week public consultation on the proposed changes, and wrote to key representative bodies to ensure that colleges were alerted. The consultation closed on 26th January 2018. We received 17 written responses from colleges, 3 from representative organisations, and another from Ofsted. The summary of responses to the consultation and what we intend to do is set out below. A list of organisations which responded to the consultation can be found at Annex A.

The proposed standards were welcomed as providing clarity in a more concise format, whilst leaving flexibility for each college to apply them in the way best suited to their students. We are therefore publishing the new National Minimum Standards alongside this document, after making some minor amendments in response to the consultation.

Summary of responses received and the government's response

The proposed standards were broadly welcomed, with the majority of respondents judging them to be comprehensive, clear, appropriate for the target age group, and applicable across the full range of institutions. However, some respondents had queries or comments about certain detailed aspects of the standards. We have considered these points carefully, and made a number of drafting changes to increase clarity for users. Additional changes have also been made in response to advice from Ofsted.

Main findings of the consultation

- Almost two thirds of respondents said that the standards were comprehensive and clear. However, a significant minority suggested drafting changes to increase clarity.
- 81% of respondents said that the standards were appropriate for students in post-16 institutions
- 81% of respondents said that the standards were suitable for the full range of colleges and 16-19 academies.
- Two thirds of respondents said that there would be no disproportionate effect on particular students, but one third expressed some concern about the impact on students with disabilities and LGBT students.

Question analysis

Question 1

Are the standards comprehensive and clear? If you have answered No, please explain your answer, with reference to the relevant Standard and paragraph numbers

	Total	Percent
Yes	13	61.90%
No	8	38.10%
Not answered	0	0%

The majority of responses agreed that the standards were both comprehensive and clear. A significant minority sought greater clarity on certain standards, and on their scope. The key areas of on which clarification was sought were:

- The scope of the standards: some respondents sought a clearer statement about the inclusion of independent specialist colleges, and consistency when referring to the target age group.
- How certain provisions should be interpreted or implemented in independent specialist colleges, or where students are accommodated in private lodgings.
- Standard 2: The arrangements for students to access independent help or advice: Responses asked for more guidance on appropriate persons and organisations.
- Standard 3: The arrangements for medical treatment and administration of medication: Some queries were raised about the level of facilities required, the requirement for parental consent, and safe storage of medication.
- Standard 5: Gender issues with regard to sleeping accommodation, toilets etc: Some responses sought guidance on provision for transgender students, and others felt that the language used was insufficiently inclusive. Others suggested that some small specialist colleges would be unable to separate male and female accommodation.

Government response

We have amended the wording of the introduction to the standards (and Standard 1) to provide further clarity on their scope, especially with regard to particular age groups, and to independent specialist colleges.

We have amended the main text of the standards to provide greater clarity on the requirements with regard to: students' access to independent help and advice (Standard

2); medical care, medication and medical consent (Standard 3); sleeping accommodation (Standard 5); fire precautions for students with disabilities (Standard 7); and certain aspects of safeguarding and supervision (e.g. Standards 10.3, 11.1, 15.9).

We have also sought to clarify how other standards might be applied in special circumstances, such as for students with significant disabilities (e.g. Standards 2.5, 11.1 and 18.2), or those accommodated in private lodgings (e.g. Standards 7.2, 11.1, 15.2).

Question 2

Are the standards set at the right level, and are they appropriate for students in post-16 institutions? If you have answered No, please explain your answer, with reference to the relevant Standard and paragraph numbers

	Total	Percent
Yes	17	80.95%
No	2	9.52%
Not answered	2	9.52%

Government response

A large majority of respondents agreed that the new standards are set at the right level for post 16 students. However, we received comments seeking clarity on which age group was in scope, and highlighting certain instances where the standards might not be suitable for students with learning difficulties and/or disabilities. We have made drafting changes in response to these concerns (see previous question).

Question 3

Are they suitable for the full range of colleges and 16-19 academies to which they apply?

	Total	Percent
Yes	17	80.95%
No	2	9.52%
Not answered	2	9.52%

Government response

Respondents generally welcomed the less prescriptive nature of the revised standards, and the consequent flexibility for colleges to adapt them for their particular context and ethos. Two respondents commented that particular standards might be difficult to apply in small specialist colleges, and we have amended the text to reflect this. For example, we have removed the requirement at Standard 3.1 for separate male and female accommodation within a sick bay, because some small specialist colleges do not have this flexibility.

Question 4

Do you think that any of our proposals could have a disproportionate impact, positive or negative, on specific students, in particular those with relevant protected characteristics (including disability, gender, race and religion or belief)? Please provide evidence to support your response.

	Total	Percent
Yes	5	23.81%
No	14	66.67%
Not answered	2	9.52%

More than two thirds of respondents were confident that the proposed standards would have no disproportionate impacts, with responses pointing to the flexibility for colleges to adapt them to their own ethos or circumstances, and to the clear statement on equality and diversity at Standard 16. However, some respondents commented that the references to male and female students might be omitted or extended to ensure inclusivity for transgender, binary or transitioning students. Others mentioned concerns about students with disabilities.

Government response

In response to these concerns we have worked with the Government Equalities Office and with Ofsted to include text at 5.2 (and accompanying footnote) on providing for transgender and gender questioning students. We have amended the wording of Standards 3.2, 5.1, 5.3 (now 5.4), and 5.5 (now 5.6) to ensure greater clarity and inclusivity with regard to the accommodation that should be provided for students. We have also made changes to certain standards to clarify how they should be applied for students with disabilities (as explained in our response under Question 1).

Question 5

Do you have any other comments on the standards?

	Total	Percent
Yes	9	42.86%
No	11	52.38%
Not answered	1	4.76%

Government response

There were no substantive new comments in response to this question. Respondents either restated questions and comments already made, or took the opportunity to express their approval of the new standards.

Supplementary Amendments to the text of the Standards

In response to advice from Ofsted, we have also made some other minor additions, for example with regard to emergency medication (Standard 3.4 and Appendix 2), student and parent information (Standards 3.1 and 5.7), management qualifications, and staff meetings (Standards 13.3 and 15.1).

Next steps

We are publishing the new National Minimum Standards at the same time as this response. The Standards will come into force on 1 September 2018. From that date the governing bodies of colleges and the proprietors of 16-19 academies must comply with the Standards, and Ofsted will take them into account in deciding whether or not an institution has complied with its duty to safeguard and promote the welfare of children for whom accommodation is provided.

Annex A: List of organisations that responded to the consultation

- ASCL
- Askham Bryan College
- Association of Colleges
- Chichester College
- Eastleigh College
- Hadlow College
- Hartpury College
- Highbury College
- Kingston Maurward College
- Moulton College
- Natspec
- Newton Rigg
- Ofsted
- Reaseheath College
- Richard Huish College
- South Tyneside College
- Sparsholt College
- The Cornwall College Group
- Warwickshire College
- York College
- One other College



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