

# **National minimum standards for boarding schools and national minimum standards for residential special schools**

**Government consultation response**

**May 2022**

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## Introduction

On 2 December 2020, the Department for Education published a consultation on updating the National Minimum Standards (NMS) for Boarding Schools and the National Minimum Standards for Residential Special Schools (RSS). The consultation provided respondents with an opportunity to comment on proposed revisions made across all parts of the NMS.

The consultation closed on 23 February 2021.

Publication of the consultation response was delayed due to the Covid-19 pandemic.

Since the consultation launched the department has responded to the Ofsted report into sexual abuse in schools [Review of sexual abuse in schools and colleges - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/review-of-sexual-abuse-in-schools-and-colleges) and updated its statutory safeguarding guidance [Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/keeping-children-safe-in-education). In addition, a number of Independent Inquiry into Child Sexual Abuse (IICSA) reports have been published, most notably the report into residential schools. [Residential Schools Investigation Report | IICSA Independent Inquiry into Child Sexual Abuse](#).

We believe the consultation and our proposed changes are an important step in strengthening the NMS to ensure children attending Boarding Schools and RSS are safeguarded and their welfare promoted. However, there is clearly more work to be done and we will consult again, with a view to further strengthen the standards in September 2024, in order to further reflect the findings from the Ofsted review into child sexual abuse, explore the IICSA recommendations relating to NMS and consider any recommendations from the final IICSA report (especially those relating to mandatory reporting).

## Summary of responses received and the government's response

The responses have been important in shaping and strengthening the NMS and we are grateful to respondents for sharing their views. We have reflected carefully on the responses and in some cases made changes to the NMS as a result.

A total of 108 responses were received to the NMS for Boarding Schools, while there were 36 responses to the NMS for RSS. These responses came from a range of schools and organisations and are broken down below:

### Responses by group type – boarding school questions.

Independent boarding school	83
Guardian service provider	8
Other	13
Inspectorate	2
National representative body	2

### Responses by group type – RSS questions.

Charity	7
Residential special school	13
National association related to SEN	2
Independent school or independent boarding school	7
Other	6
Inspectorate	1

## Summary of main findings

The key messages from the consultation responses were:

1. For both sets of standards the support from respondents for the aims and layout of standards was high. Whilst we expected this, given that the aims focus on protecting and improving the outcomes of children within both types of school, we are still pleased at the overwhelmingly positive nature of responses.
2. There remains an obvious tension in getting the balance right between how prescriptive and directive the standards should be, versus how much should be left open to the person reading the standards own interpretation and providing individual schools the scope to do what is best for their pupils, based on the needs of those pupils, and the circumstances of their school.
3. The need to reduce ambiguity and what is open to interpretation (where the policy or legal levers allow us to do so) around certain words in both standards was a key theme. Some respondents wanted greater clarity on what the expectations were around descriptors like 'suitable', 'appropriate', 'good' and 'experienced' and how that could be demonstrated/evidenced so they knew they would be meeting any form of Ofsted or ISI requirement(s).
4. Questions on the reporting of serious incidents garnered most responses, and most diversity of opinion across both sets of standards. No obvious position of support for, or against, emerged. This is also now an IICSA recommendation and something we will give further thought to, especially in the context of the final IICSA report which will address mandatory reporting.
5. Similarly, to serious incidents, the questions around the possible requirement for standard qualifications generated a high number of diverse responses. The biggest issue faced when implementing any qualification was the range of settings across the sector and whether any qualification could be applied that would cover the variety of staff roles and different cohorts of pupils and different types of school.
6. There was a feeling from some that schools should be provided with more guidance on when or under what circumstances they can use physical intervention or restrict children's liberty to keep them safe. The standards link to DfE guidance on this matter.

7. We recognise that gender identity can be complex and sensitive topic for schools to navigate, and we will be working with the Equalities and Human Rights Commission to determine our next steps to develop guidance for supporting schools in this area. We will consider any relevant updates to the NMS following publication of the guidance.
8. Guardianship continues to be an issue where opinion is divided, and we have noted the IICSA recommendation in this space and will give further thought to our policy position.
9. Generally, the RSS standards were seen as a positive improvement on the existing standards, though there were concerns that some of the standards remained ambiguous and lacked aspiration. We have noted the IICSA recommendation for RSS to be inspected against children's homes quality standards and will give further thought to this.

# Individual question analysis – Boarding Schools

## Question 1

**Do you think that a standard should be brought in to require notifications of serious incidents to the department and/or inspectorates?**

Yes	No	Not Answered
42	55	6

## Consultation findings

Respondents are split on a standard to notify DfE and/or inspectorates of serious incidents (43% supportive and 57% not).

Positive responses were generally supportive due to the additional transparency and accountability it should bring. However, they recognised the need for changes to be articulated carefully and that there would be a confusion risk due to different reporting processes for serious incidents.

The negative responses had similar concerns around confusion. In addition, there were concerns it would be overly bureaucratic and complicated given the system already has processes for notification and reporting in relation to early help, children at risk of harm, the police, local authority designated officer, local authority serious incident notifications, DBS and Teaching Regulation Agency.

## Government response

We recognise the importance of ensuring serious incidents are reported to the right professionals. Consultation responses, the Ofsted review into sexual abuse in schools and recent IICSA recommendations reinforce this.

There is already a well-established process for schools to follow when they have a concern about a child and or where a child is harmed/abused. These processes are set out in detail in Working Together to Safeguard Children and Keeping Children Safe in Education and can include making a report to children’s social care, the police, the local authority designated officer and other support services as required.



As it stands, we feel the NMS are not the place for an additional reporting requirement that would only apply to boarding schools and RSS. The issue is a much broader one and additional work needs to take place to ensure all schools are clear on how to report abuse and what the benefits of another reporting mechanism would be.

We will carefully consider IICSA's recommendations in relation to mandatory reporting, which are closely linked to this issue; and consider next steps on the question of serious incidents, in boarding and RSS, as part of the wider DfE and Government consideration of mandatory reporting and any future updates to Working Together to Safeguard Children and Keeping Children Safe in Education.

## Question 2

**Do you think that there should be a minimum qualification, or level of qualification, for heads of boarding and/or heads of care?**

Yes	No	Not Answered
43	55	5

## Consultation findings

Respondents are split on a minimum qualification (44% supportive and 56% not). Those who said no were keen to highlight experience in settings often meant more and the different types of boarding settings meant there was no 'one size fits all' qualification available. There were also concerns that this would create an additional cost burden on schools. In the answers supportive of introducing qualifications, there was no consistent reference to a specific qualification, and they also raised concerns about the different types of boarding settings and avoiding a one size fits all approach.

## Government response

Our assessment, at the moment, is that schools are best placed to make decisions on whether heads of boarding/heads of care require a minimum qualification and which qualification that should be. The variations within the sector in terms of type of boarding/residential school, different cohorts of pupils and varying SEND requirements would make it difficult for the government to identify a specific level of qualification that should apply.

### Question 3

Do you agree with the overall structure of the standards?

Yes	No	Not Answered
95	4	4

#### Consultation findings

The vast majority of responses were positive (96%) and welcomed the new structure of the standards.

#### Government response

We are pleased to see such a high level of agreement with the new overall structure of standards.

Given the overall positive nature of responses on the new structure we will go ahead with the new structure on which we consulted.

### Question 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?

Yes	No	Not Answered
97	4	2

#### Consultation findings

The aim of raising the bar was widely supported (96% supportive and 4% not).

#### Government response

We are pleased to see the high level of agreement with the overall raising the bar aim. Given the overall positive nature of responses on the aim to raise the bar we will go ahead with the new wording, so the focus is now on 'good' where appropriate in the standards.

## Question 5

**Do you agree with the aim of Part A: governance, leadership and management?**

Yes	No	Not Answered
98	2	3

### Consultation findings

The vast majority of responses were positive (98%) and supportive of the aim of Part A.

### Government response

Given the overwhelmingly positive response we will go ahead with the aim of Part A as per our consultation.

## Question 5a

**Any comments on the content of standards 1, 2 or 3 (governance, leadership, and management)?**

### Consultation findings

Overall, the majority of comments were supportive. Some comments specific to individual settings and circumstances were received. There were requests for a definition of 'appropriate training'.

### Government response

We are pleased to see the majority of respondents supported our proposed changes.

Standard 1

Whilst we have logged school specific comments, as they are useful in our policy development, we have not made changes to the NMS on the back of comments about individual schools, as we must ensure the NMS can be applied fairly across all boarding schools.

Some consultation responses noted the high volume of international boarders in some schools and importance of the statement (standard 1.1) being accessible to all parents, carers and boarders. We agree. As such, we have been clear via a footnote that individual schools are best placed to determine, on a case-by-case basis, the best way to ensure the statement of principles and practice is accessible to those for whom English is not their first language.

## Standard 2

We have taken the opportunity to align the wording with the requirements in KCSIE when it comes to safeguarding and welfare and been clear the leadership and management should undertake 'appropriate' training (standard 2.2). As with KCSIE we are of the view that individual schools are best placed to identify and secure appropriate training based on the needs of their staff, their pupils and any local circumstances.

## Question 6

**Do you agree with the aim of Part B: Boarding provision?**

Yes	No	Not Answered
91	7	5

## Consultation findings

The vast majority of respondents (93%) agreed with our aims for Part B.

## Government response

We agreed with consultation responses that an important element of good boarding/residential is respecting pupils' privacy and as such have added to the aim of Part B.

## Question 6a

**Any comments on the content of standards 4, 5 or 6 (Boarding provision)?**

### Consultation findings

Letting boarders decide who to share a room with was not supported (standard 4.1). Respondents noted the impractical unintended consequence of a standard that did not allow the boarding school to go against the wishes of boarders where they had good reason to do so. A minority were confused as to what 'good' should or needs to look like (standard 4.2). In relation to toilet and washing facilities (standard 4.3), some did not agree with the loss of the 'reasonably' qualifier from '*accessible from the sleeping accommodation*' due to different layouts of boarding accommodation.

### Government response

Standard 4

The wording of standard 4.1 has been updated, based on consultation responses which we agreed with, to say boarders should be 'able to express a preference' rather than have a choice over sharing rooms. This allows schools the flexibility to not comply with that preference where it may not be appropriate. We are clear at the start of the standards as to what good means and will ensure we work with the inspectorates to be consistent on this point. The qualifier 'readily' (standard 4.3) has been added to '*accessible from the sleeping accommodation*' in relation to toilet and washing facilities. This sets a higher bar than 'reasonably' but does allow some flexibility for schools and their individual layouts.

Outside of the consultation we have considered how KCSIE reflects supervision and updated 4.7 to align with supervision requirements in KCSIE.

Outside of the consultation we have considered recent updates to DfE guidance regarding biometrics and updated 4.8 to provide schools hyperlinks to additional areas of support and legal duties.

## Question 7

**Do you agree with the aim of Part C: health and wellbeing?**

Yes	No	Not Answered
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96	4	3
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## Consultation findings

The vast majority of respondents agreed (96%) with our aim as set out for Part C.

## Government response

Given the high number of respondents who agreed with the aim as drafted we will retain this drafting.

## Question 7a

**Any comments on the content of standard 7 (health and wellbeing)?**

## Consultation findings

Whilst generally supportive, there were a number of suggestions for improvement to the health and wellbeing standard.

## Government response

Reflecting consultation responses, we have included a link to guidance from the Royal Pharmaceutical Society and Royal College of Nursing.

We have also updated standard 7.5 (based on lessons learned whilst drafting guidance for schools throughout the COVID pandemic) to be clear that as well as having access to services it's important to be clear as to who is responsible for booking health appointments for boarders.

## Question 8

**Do you agree with the aim of part D: safeguarding, health and safety?**

Yes	No	Not Answered
94	4	3

## Consultation findings

The vast majority of respondents (96%) agreed with our aim in Part D. It was suggested we should separate safeguarding from health and safety as, while they can be related, they are distinct and sit under their own legislative and regulatory regimes.

## Government response

Given the overwhelming positive response we are retaining our aim for safeguarding, but we have separated health and safety to accommodate the consultation suggestion, with which we agree, which is now Part E.

## Question 8a

**Any comments on the content of standards 8, 9 or 10 (safeguarding, health, and safety)?**

## Consultation findings

The most common issue raised was that of fire-alarm testing and the appropriateness of having it at night. Those that raised it were roughly split in advocating it or disagreeing with such an approach. A number of respondents suggested this was the best standard to be clear about the school's ongoing duty to protect children when outside the school on an educational visit. Some felt this section should be more specific for international borders and the unique challenges that can exist to keep them safe such as language barriers and distance from parents and carers.

## Government response

Standard 8

NMS, Keeping Children Safe in Education and Working Together to Safeguard Children are clear **all** children should be protected, and this includes international children. Schools should be aware of additional challenges facing international boarders, in the same way they should be aware of specific challenges faced by any pupil on roll. As such, we do not believe the NMS is the place to add more detail on the safeguarding risks associated with international boarders over and above other groups who may face specific challenges.

We have, since the consultation, updated the NMS for safeguarding (8.1-8.4) to reflect the Ofsted review into sexual abuse in schools and ensure consistency with revisions to Keeping Children Safe in Education.

## Standard 9

Based on consultation feedback, which suggested an explicit standard would be useful, we have added at 9.5 an additional line to tie the NMS into existing health and safety requirements where pupils are off site, especially in relation to organised visits.

## Standard 10

Based on consultation feedback, which we agreed with, an additional line (10.4) has been added post-consultation to ensure schools with flexi boarders know how to evacuate safely. This isn't a new requirement - as under current requirements all children should know how to be evacuated - but based on consultation response we feel making this clear will be a helpful prompt.

## Question 9

**Do you agree with the aim of part E (now Part F): boarders' rights, advocacy and complaints?**

Yes	No	Not Answered
96	3	4

### Consultation findings

The vast majority (97%) of respondents agreed with our aims at Part E (now Part F).

### Government response

Given the high number of positive responses we will publish our aim for Part E (now Part F) as consulted on.

## Question 9a

**Any comments on the content of standards 11, 12, 13 or 14?**

### Consultation findings

A number of respondents questioned the need and rationale for an 'independent person', as it assumes a level of comfort in talking to the person even though a boarder will likely never have met them and it being unlikely the boarder would reach out to a stranger in this way. Respondents argued a



boarder is more likely to go online or phone one of the national helplines such as Childline or Samaritans. Others advanced the importance of reflecting advocacy services. Some suggested that given the person is widely known as the 'independent person' in the sector it would make sense to be explicit on that point in the standards.

Some respondents suggested we should be clearer on the issues that can exist for international pupils when contacting their parents or carer, especially time differences.

A number of respondents suggested the complaint section was made less clear by the inclusion of the word 'parental' and also questioned what the regulatory standards related to.

## **Government response**

### Standard 11

Outside of the consultation we have added a new line (11.2), particularly driven by issues identified through the COVID pandemic, to be clear on the importance of agreement on who is responsible for collection and transport of pupils. For most schools this is part of safeguarding and welfare considerations already, however we feel the new standard will be a useful prompt to ensure all boarding schools are making suitable arrangements.

We agreed with responses that it makes sense to be clear at 11.4 that reference here is to the 'independent person'.

It's clear that historically some boarding school pupils have felt uncomfortable disclosing concerns to school staff or their parents. While we are clear that pupils should have a means of reporting any concerns internally and we fully support boarding pupils using organisations such as Childline or Samaritans (and this is clear at 11.5), the independent person is an option that will be right for some children and some schools and will provide an additional level of protection to some boarders.

We have added a new line (at 11.6) which reflects the importance of advocacy services.

### Standard 12

We have strengthened the standard on the back of consultation responses to reflect the importance of considering time zone differences for international boarders. While in the main we have avoided creating standards relating to individual groups of children, we do think this is a uniquely boarding-related

issue that it is reasonable to reflect and, in the best interests of children, to expect schools to have regard to.

We have also, based on consultation responses, added a line to remind boarding schools of the importance of being sensitive to and complying with any restrictions that are placed on boarders' contact with their families.

### Standard 13

Outside of the consultation we have considered the findings from the Ofsted review of child sexual abuse in schools and the most recent update to Keeping Children Safe in Education and updated 13.1. This now reflects the importance of the systems in place for boarders to express their views being 'clear and easily accessible'.

### Standard 14

We agreed with consultation feedback that the complaints section was not as clear as it could be. We have updated this standard at 14.1 to be clear where the complaints process for parents links into regulatory requirements and what those requirements are. We also set at 14.2 that there should be a clear and easily accessible route for boarders to raise complaints.

## Question 10

**Do you agree with the aim of part F (now Part G): promoting positive behaviour and relationships?**

Yes	No	Not Answered
98	1	4

### Consultation findings

The response to this was nearly universally positive (99%).

### Government response

Given the positive nature of responses we will publish the aim as per our consultation.

## Question 10a

**Any comments on the content of standards 15, 16 or 17?**

### Consultation findings

High levels of agreement with our proposed changes.

### Government response

Standards 15 and 16

The changes to standards 15 and 16 we have made post consultation are to reflect wider DfE behaviour and bullying policy development and updated guidance, to ensure the NMS align.

Standard 17

Post consultation the statutory framework for RSHE has been introduced. We have updated standard 17.1 to reflect this.

## Question 11

**Do you agree with the aim of part G (was H): boarders' development?**

Yes	No	Not Answered
97	1	5

### Consultation findings

The response to this was nearly universally positive (99%).

### Government response

Given high level of support we will retain and publish the wording we consulted on.

## Question 11a

**Any comments on the content of standard 18?**

### Consultation findings

A number of responses suggested how we might go further on what we ask boarding schools to provide their boarders in terms of activities to access in their free time, both on- and off-site.

## **Government response**

While a number of consultation responses were appealing in terms of improving the experience for boarders, they would if implemented create a cost burden on some boarding schools. As such we want to explore what the likely cost burden might be. If we are minded to explore going further in this standard in the future we will consult on cost implications.

## **Question 12**

**Do you agree with the aim of part H: staffing?**

<b>Yes</b>	<b>No</b>	<b>Not Answered</b>
87	8	8

## **Consultation findings**

High level of agreement (92%) with the aim.

## **Government response**

Given high level of agreement we will retain the aim as per our consultation.

## **Question 12a**

**Any comments on the content of standards 19, 20, 21 or 22?**

## **Consultation findings**

A number of respondents suggested 19.2 is out of date and no longer aligns with Home Office guidance.

We consulted on adding 'no boarders to have access to staff accommodation' (20.10). While supportive of the principle a number of respondents suggested some leeway on this standard would be appropriate, in exceptional circumstances.

Clarity on what is expected of schools to ensure suitability of the guardian was requested at 22.3.

## Government response

### Standard 19

We have discussed with Home Office and DBS and updated 19.2 accordingly.

### Standard 20

Additional wording has been added to 20.10 that would allow boarders access to staff accommodation 'in exceptional circumstances', but that one-to-one situations should be avoided. We recognise there may be exceptional circumstances where boarders accessing staff accommodation is required, but we are clear as a matter of best practice this should not be the norm. Where it is required, it is exceptional and should be carefully managed by the school.

### Standard 22

We are clear at 22.3 that, as with their broad duty to safeguard and promote the welfare of children, individual schools will be best placed to take appropriate steps to ensure that the guardianship arrangement is promoting the welfare, physical wellbeing and emotional wellbeing of pupils. Keeping Children Safe in Education will provide a strong framework as to what schools should be considering.

We have noted the IICSA recommendation with regard to educational guardians and agree there is a broad discussion to be had on the role of educational guardians and the extent they should or should not be regulated. This is a broader question than NMS and we will consider as part of the government's response to IICSA and as part of future consultations on Working Together to Safeguard Children, Keeping Children Safe in Education and the NMS.

## Question 13

**Do you agree with the aim of part I (now J): children accommodated off-site?**

Yes	No	Not Answered
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92	4	7
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## **Consultation findings**

High level of agreement (96%) with the aim.

## **Government response**

Given high level of agreement we will publish the aim as per our consultation.

## **Question 13a**

### **Any comments on the content of standard 23?**

## **Consultation findings**

A number of respondents, especially those from the guardianship sector, reiterated comments about guardians in this section and the role of guardians and how it is defined and regulated.

## **Government response**

We have added a link to private fostering guidance and additional information as to what the advice to host families might look like.

We have noted the comments on this section and as above in relation to educational guardians. As part of the department's response to IICSA and future work to update Keeping Children Safe in Education, Working Together to Safeguard Children and the NMS, we will consider any further changes to help strengthen the NMS where children are accommodated off-site.

## **Comments on Annexes**

The major points related to educational guardians. We will explore these points as set out above.

# Individual question analysis – Residential Special Schools

## Question 16

**Do you think that a standard should be brought in to require notifications of serious incidents to the department and/or inspectorates?**

Yes	No	Not Answered
19	14	3

## Consultation findings

As with boarding NMS respondents are split on this one.

## Government response

As with boarding we recognise the importance of ensuring serious incidents are reported to the right professionals. Consultation responses, the Ofsted review into sexual abuse in schools and recent IICSA recommendations reinforce this.

There is already a well-established process for schools to follow when they have a concern about a child and or where a child is harmed/abused. These processes are set out in detail in *Working Together to Safeguard Children* and *Keeping Children Safe in Education* and can include making a report to children’s social care, the police, the local authority designated officer and other support services as required.

As it stands, we feel the NMS are not the place for an additional reporting requirement that would only apply to boarding schools and RSS. The issue is a much broader one and additional work needs to take place to ensure all schools are clear on how to report abuse and what the benefits of another reporting mechanism would be.

We will carefully consider IICSA’s recommendations in relation to mandatory reporting, which are closely linked to this issue, and consider next steps on the question of serious incidents, in boarding and RSS, as part of the wider

DfE and Government consideration of mandatory reporting and any future updates to Working Together to Safeguard Children and Keeping Children Safe in Education.

## Question 16a

**Benefits from requirement to notify DfE and/or inspectorates of serious incidents.**

### Consultation findings

Supportive comments suggested this would help with transparency and consistency. They suggested it would bring boarding & residential schools in line with other sectors such as children's homes, adult care services and early years providers. Essential to application of this standard are clear demarcations on what would be reported to whom, when, and at what level, in order to ensure no duplication of reporting.

### Government response

As above.

## Question 17

**Do you think that there should be a minimum qualification, or level of qualification, for heads of boarding and/or heads of care?**

Yes	No	Not Answered
25	8	3

### Consultation findings

The majority (76%) of respondents believe there should be a minimum qualification.

### Government response

As with boarding NMS our assessment is that schools are best placed to make decisions on whether staff require a minimum qualification and which qualification that should be. The variations within the sector in terms of type of boarding/residential school, different cohorts of pupils and varying SEND



requirements would make it difficult for the government to identify a specific qualification that should apply. However, we have noted the positive response for RSS NMS compared to the negative response for boarding NMS and will consider this further as we consider future consultations on Keeping Children Safe in Education, Working Together and the NMS.

## Question 17a

**(If yes) What should be the minimum qualification, or level of qualification for heads of boarding and/or heads of care?**

### Consultation findings

Most responses showed positive sentiment towards a minimum qualification, mostly at level 5. However, those that disagreed felt that experience and qualifications for the experienced heads of boarding and/or heads of care should count. There were concerns that focusing on one qualification may be too narrow and simple a solution.

### Government response

We will undertake further analysis on the feasibility of introducing a requirement. This will include considering what qualifications, for example at level 5 or its equivalent, might be suitable and how best to take account of existing experience.

## Question 18

**Do you agree with the overall structure of the standards?**

Yes	No	Not Answered
31	3	2

### Consultation findings

High level of agreement (91%) with overall structure of standards.

### Government response

We are pleased to see such a high level of agreement with the new overall structure of standards.

Given the overall positive nature of responses on the new structure we will go ahead with the structure on which we consulted.

## Question 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?**

Yes	No	Not Answered
31	0	1

### Consultation findings

The aim of raising the bar was supported by all respondents.

### Government response

We are pleased to see that all respondents agreed with the overall raising the bar aim. Given the overall positive nature of responses on the aim to raise the bar we will go ahead with the new wording, so the focus is now on 'good' where appropriate in the standards.

## Question 20

**Do you agree with the aim of Part A: governance, leadership and management?**

Yes	No	Not Answered
30	0	6

### Consultation findings

All responses were positive and supportive of the aim of Part A.

### Government response

Given the overwhelmingly positive response we will go ahead with the aim of Part A as per our consultation.

## Question 20a

**Views on standards 1,2,3, 4 or 5 – Governance, leadership, and management?**

### Consultation findings

Most comments concerned standards 3 (monitoring by independent visitors) and 5 (records of child's history and progress). There were concerns over unannounced visits by independent visitors, both from an administrative perspective and it was felt they would make for less effective visits. Additional detail on the skills and authority needed for the independent visitor role was requested and their expected interaction with Ofsted.

### Government response

We have added clarity around the role of the independent visitor. However, many of the requested changes would require re-consulting to change the role further: we will consider this when we consult again. We feel it is important to retain the unannounced visit so that the independent visitor sees an authentic picture of the children's experience.

## Question 21

**Do you agree with the aim of Part B: care and placement planning?**

Yes	No	Not Answered
30	1	5

### Consultation findings

The vast majority of respondents (97%) agreed with our aim as set out for Part B.

### Government response

Given the overwhelmingly positive response we will go ahead with the aim of Part B as per our consultation.

## Question 21a

**Views on standards 6, 7 or 8 – care and placement planning?**

### Consultation findings

Many comments re-iterated the importance of education and health care (EHC) plan processes and the general challenges for children going through the placement planning and review process, and how the context of each is so important. No clear patterns emerged in responses outside of making it clear that effective planning should include working closely with the child, their family, and professionals from the child's local area.

### Government response

We agree with the consultation responses around the importance of the EHC plan and aligning placement planning with the EHC plan, where the child has one, and have amended standard 7 to reflect that.

## Question 22

**Do you agree with the aim of Part C: residential provision?**

Yes	No	Not Answered
28	0	8

### Consultation findings

All respondents agreed with our aim as set out for Part C.

### Government response

Given the positive response we will go ahead with the aim of Part C as per our consultation.

## Question 22a

**Views on standards 9, 10 or 11?**

### Consultation findings

A small number of respondents commented that toilets should be gender neutral.

## Government response

We are not amending the NMS on this point. The NMS have to be written in line with pre-existing legislation that sets a requirement for gender specific toilets beyond the age of 8. The legislation allows for self-contained unisex toilets where the toilet facility is provided in a room that can be secured from the inside and that is intended for use by one pupil at a time

The Government believes that it is important that separate toilet facilities are provided for boys and girls (or else self-contained unisex toilets), to ensure dignity and privacy for pupils.

## Question 23

**Do you agree with the aim of Part D: health and wellbeing?**

Yes	No	Not Answered
32	0	4

## Consultation findings

All respondents agreed with our aim as set out for Part D.

## Government response

Given the positive response we will go ahead with the aim of Part D as per our consultation.

## Question 23a

**Views on Part D: health and wellbeing, standard 12?**

## Consultation findings

Comments focussed on children with different communication needs and ensuring staff recognise the significance of any changes in behaviour, for example as a possible sign of illness. It was felt that schools should be proactive about engaging children in a wider range of social activities. Respondents felt that mental health was a key factor in children's wellbeing.

## Government response

We agree with the points raised in the consultation responses about children’s communication needs and about a proactive approach to engaging children in activities and have updated the NMS to reflect these suggestions.

## Question 24

**Do you agree with the aim of Part E: safeguarding, health and safety?**

Yes	No	Not Answered
30	0	6

### Consultation findings

All respondents agreed with our aim as set out for Part E.

### Government response

Given the positive response we will go ahead with the aim of Part E as per our consultation.

## Question 24a

**Views on standards 13, 14 or 15?**

### Consultation findings

There were a number of responses stating that staff should be trained in de-escalation and appropriate types of restraint.

### Government response

The NMS link to DfE guidance on restraint.

## Question 25

**Do you agree with the aim of Part F: children’s rights, advocacy and complaints?**

Yes	No	Not Answered
28	1	7

## Consultation findings

The vast majority (97%) of respondents agreed with our aim as set out for Part E.

## Government response

Given the high level of agreement we will publish the aim as set out for Part E.

## Question 25a

### Views on standards 16, 17, 18 or 19?

## Consultation findings

There was a comment that having only one independent person limited the support a child may receive. There was also a request for clarification in the difference between the independent person and the independent visitor.

## Government response

The NMS have been updated to reflect that schools may need to organise a range of support to meet a child's needs and that in some cases an independent person may not be enough. We have clarified the difference between the independent person and the independent visitor.

## Question 26

### Do you agree with the aim of Part G: promoting positive behaviour?

Yes	No	Not Answered
30	0	6

## Consultation findings

All respondents agreed with the aim of Part G.

## Government response

Given the positive response we will publish the aim as set out for Part G.

## Question 26a

**Views on standards 20, 21 or 22?**

### Consultation findings

There was support for the change in tone of the guidance and the move away from 'behaviour management'. There were mixed responses on being specific on the use of 'Positive Behaviour Support'.

### Government response

While respondents supported the move away from 'behaviour management' there were mixed responses on the being specific about 'Positive Behaviour Support'. As such we have moved away from specifying 'Positive Behaviour Support' and framed the standard around positive and good behaviour more generally. For those schools that want to frame their approach around 'Positive Behaviour Support' the revised standards provide them the framework to do so.

## Question 27

**Do you agree with the aim of Part H: children's development?**

Yes	No	Not Answered
29	1	6

### Consultation findings

The vast majority of respondents (97%) agreed with our aim as set out for Part H.

### Government response

Given the high level of agreement we will publish the aim as set out for Part H.



## Question 27a

### Views on standard 23?

#### Consultation findings

There was very little feedback on this question. However, it was highlighted that children only being allowed to '*take part in an activity permitted by the parent*' may cause difficulties for schools where some children are allowed to partake, and others aren't. There was also feedback that activities should be 'developmentally appropriate' rather than 'age appropriate'.

#### Government response

We agree with the feedback and the NMS have been updated to reflect the comments.

## Question 28

### Do you agree with the aim of Part I: staffing?

Yes	No	Not Answered
28	0	8

#### Consultation findings

All respondents agreed with the aim as set out for Part I.

#### Government response

Given the positive response we will publish the aim as set out for Part I.

## Question 28a

### Views on standards 24, 25, 26 or 27?

#### Consultation findings

A number of respondents felt there should be sharper expectation in the standards that staff deployment takes account of different children's needs. There was also concern that stipulating that only a certain proportion of staff

could be agency staff was a challenge, particularly during a pandemic. Clarification on the relevant qualifications was sought.

### **Government response**

The NMS have been updated to reflect that staff deployment should be appropriate to the needs of the children on site. Flexibility around staff deployment has been retained so schools can decide what would be appropriate within their setting. The number of agency staff has now become an aim, rather than a target, and takes account of schools using regular agency staff who are familiar with the children in the school. Our assessment is that schools are best placed to make decisions on which qualification staff should have in order to most effectively meet the needs of children in the school.

### **Question 29**

**Do you agree with the content of appendix A?**

<b>Yes</b>	<b>No</b>	<b>Not Answered</b>
26	4	6

### **Consultation findings**

The overwhelming majority of responses agreed with the content of appendix A.

### **Government response**

Given the high level of agreement we will publish appendix A as per our consultation.

### **Question 30**

**Do you agree with the content of appendix B?**

<b>Yes</b>	<b>No</b>	<b>Not Answered</b>
27	2	7

### **Consultation findings**

The overwhelming majority of responses agreed with the content of appendix B.

### **Government response**

Given the high level of agreement we will publish appendix B as per our consultation.

## **Question 31**

### **Any further (final) comments**

### **Consultation findings**

Comments covered a range of the standards and often were reflections in general or covering the same ground as previous comments made in answers to other questions.

### **Government response**

Where appropriate, these comments and the government response have been built into the earlier sections of this document.