



Department  
for Education

# **Independent school action plans**

**April 2016**

# Contents

Summary	3
About this guidance	3
Expiry/Review Date	3
Who is this guidance for?	3
Key Points	3
Introduction	4
Purpose	4
Drafting the Plan	5
The standards that have not been met	5
The steps to be taken to meet each standard	5
The date by which the steps should be taken	6
Success criteria for the steps to be taken	6
What happens once an action plan has been submitted?	7
What happens if there is a progress monitoring inspection?	8
Assistance in drafting action plans	8

# Summary

## About this guidance

This is guidance from the Department for Education. It is non-statutory, and has been produced to help recipients understand how to produce an action plan to show how their school will meet the Independent School Standards.

## Expiry/Review Date

This guidance will be reviewed by September 2017.

## Who is this publication for?

This guidance is primarily for:

- proprietors of independent schools who are required to produce an action plan showing how the school will meet the independent school standards.

It may also be useful for schools inspectorates and independent school associations.

## Key Points

- Independent schools which are found on inspection to be failing some of the independent school standards are likely to be issued with a notice requiring an action plan;
- It is important that the format and content of an action plan enables a judgement to be made on the school's likelihood of success in rectifying the failings and this advice explains how schools should draw up action plans;
- This guidance also explains what happens after an action plan is submitted to the department.

## Introduction

1. The Education (Independent School Standards) (England) Regulations 2014 are made under section 96 of the Education and Skills Act 2008, and set out a range of standards that independent schools in England must meet in order to maintain their registration.
2. Where an inspection or other evidence has shown that one or more of the independent school standards is not being met in relation to an independent school, the Secretary of State may issue to the proprietor of the school a notice under section 114(5) of the Education and Skills Act 2008 identifying the standards in question and requiring the proprietor of the school to submit an action plan by a date specified in the notice.
3. The issue of a notice is the first step the Secretary of State can take by way of regulatory action against an independent school that is failing to meet the standards. Provided the notice is complied with and a suitable action plan is submitted and implemented to enable the school to once again meet the standards, usually no further action by the Secretary of State will be required.
4. However, where –
  - there is a failure to submit an action plan by the date specified in the notice;
  - the action plan is rejected by the Secretary of State; or
  - the action plan is approved but is not complied with,
4. the Secretary of State can take enforcement action, under section 116 of the Education and Skills Act 2008, by deciding that the school be removed from the register of independent schools or deciding to impose a restriction on the proprietor relating to the school's operations.
5. Proprietors should therefore understand the importance of ensuring continued compliance with the independent school standards, and of producing and implementing an effective action plan when required to do so because of a failure to meet those standards.

## Purpose

6. The action plan is a plan specifying:
  - the steps that will be taken to meet the standard/s not currently met; and
  - the date by which each step will be taken.
7. The purpose of the action plan is to set clear and specific goals that will assist the school in achieving the standards. An action plan that does not meet the requirements may be rejected by the Secretary of State.

8. When an action plan is approved, either with or without modification, the school will usually be re-inspected and compliance with the action plan will be assessed. It is therefore very important that the action plan sets out clearly the specific steps the school intends to take and the time by which it will take those steps in order to meet the standards.

## **Drafting the Plan**

9. A suggested template for an action plan is attached to this advice. Proprietors are not required to use this template, but may find it helpful. Whatever format is used, the important thing is to make sure that the action plan clearly sets out the steps to be taken to meet the standards and the timescales for doing so.

10. The plan should normally be structured by listing -

- each standard which has not been met;
- the steps that will be taken to meet each standard;
- the date by which each step will be taken;
- the criteria for judging that there has been success in meeting the standard.

## **The standards that have not been met**

11. The notice will set out the standard/s that the Secretary of State has found the school is not meeting. When an inspection report has been relied on in reaching that conclusion, a copy will be sent to the school along with the notice (unless the report has already been published), as well as any relevant parts of the inspection compliance record. The documents will list each standard which has not been met, and will set out in more detail the reasons the school has not met the standard in question.

12. Before drafting the action plan, it is useful to look at what the standards in question say. The standards can be found in Schedule 1 to the regulations mentioned at paragraph 1.

## **The steps to be taken to meet each standard**

13. The inspection report is a useful starting point to think about what action might need to be taken to meet the standards in question. For each standard which is not met, consider what the inspection report says about the reasons for this (and also take account of any oral feedback given at the end of the inspection).

14. This should help clarify what steps are likely to bring the school to a position where the standard in question is met, and set these down in the plan. It is for the proprietor of the school to decide what is appropriate. Schools belonging to an association may wish to seek advice from that body. It is permissible to use consultants

or other advisors to draw up a plan, but the plan must be submitted to the department by the proprietor, by the time specified in the notice.

15. The number of steps or actions needed for remedy of each breach of the standards will vary. Sometimes only one is required. For example, if a standard is failed because a door should have a lock, then the only information needed in the plan is the action of fitting a suitable lock noting that this will rectify the breach of the standard, and the date by which this will be done. If a policy on behaviour needs to be made available to parents, provided there is a suitable policy in place, then the step of placing the policy on the school's website, noting this will rectify the breach of the standard, and the date for accomplishing that, should suffice.

16. Sometimes however, several steps will be needed to ensure that a standard is met. For example, if the curriculum and schemes of work in mathematics have been found to be inadequate, the action plan should record all the steps involved, for example, drafting suitable documents, drawing as necessary on existing material; trialling them in class situations, and finalising them for continued use in a way that meets the standard. If the school has been found to be breaching the standard relating to assessment of pupils, then steps may include drawing up a suitable assessment framework; training staff in its use, and putting it into effect in the school in a way that meets the standard. If there are extensive premises defects, then each main stage of remedial building work should be shown, noting that the combined effect will be to rectify the breach of the standard.

## **The date by which the steps should be taken**

17. The date by which the steps in the action plan should be taken will depend on the nature of the failing. Generally, the department will expect all the steps to be completed by no longer than three months from the date of the notice. In some cases a longer period may be acceptable (for example if extensive training of staff is involved, or if the plan includes extensive building works). However, if the failing is very serious, particularly if it affects the welfare or safety of pupils, swifter action may be expected.

## **Success criteria for the steps to be taken**

18. In order to evaluate the adequacy of the steps the school proposes to take to meet the standards, the plan should set out success criteria for each of those steps. These should be measurable, and should indicate the evidence available to show where action has been completed and compliance with the standard achieved. These criteria will also ensure that there is a clear basis for making a judgement on compliance.

19. If a school that has received a notice has completed any necessary actions prior to submitting the action plan, it would be useful for the department if supporting evidence could be submitted with the action plan (for example photographic evidence of building alterations).

## What happens once an action plan has been submitted?

20. Once the department receives an action plan, it will be sent to the relevant inspectorate for evaluation. If possible, the evaluation will be carried out by the original reporting inspector. The inspectorate will assess each of the steps shown in the action plan against the deficiencies listed in the inspection report, and consider whether those steps, once taken, would result in the standard in question being met. The amount of detail included for each step, the practicability of the achieving the steps by the dates shown, and the relevance of the success criteria, will also be assessed.

21. Once the department has received the inspectorate's evaluation it will then consider the action plan on behalf of the Secretary of State, in the light of the inspectorate's advice. The Secretary of State will then decide whether to:

- a. approve the plan. If this happens, the school will be notified and will be given details of the steps which will be taken to assess implementation (eg a progress monitoring inspection);
- b. approve the plan with modifications. If there are only a few specific changes or additions that are needed, the department will approve the plan with modifications, setting out in the approval letter those changes. For example, the school may need to arrange child protection training at a higher level for a designated officer, as well as general training for all staff, if that has been included as a modification. The school will need to carry out the modified plan. If there is a follow-up inspection, the inspectorate will check implementation against the plan including the modifications set out in the DfE letter; or
- c. reject the plan. This is most likely to happen if the plan is inadequate in terms of the steps or timescales shown, needs substantial improvement to make the plan fit for purpose, or has been drafted in a way which will make it impossible to assess whether implementation will lead to the standards being met.

22. If a plan is rejected, the school will be informed. It may be asked to submit another plan, or may be warned that another inspection will take place and the school should be meeting all of the standards by that time. Alternatively, in very serious cases, the Secretary of State can decide immediately that the school be removed from the register, or to impose a restriction on the proprietor relating to the school's operations (eg, no new pupils to be admitted). The action taken will depend on the seriousness and extent of the failings and the level of inadequacy shown by the action plan.

23. When a notice has been issued, it would be prudent for the school in question to take action to remedy any failings identified as soon as possible. The school should not, and does not need to, wait for a response from the department about its action plan before starting to take action.

## **What happens if there is a progress monitoring inspection?**

24. If the progress monitoring inspection or supply of other evidence shows that the steps shown in the plan have been satisfactorily implemented, the school will be informed accordingly. The school will then usually revert to the normal inspection cycle but this is not so in every case, especially if the failure to meet standards has been serious – an earlier inspection may be arranged to ensure that the improvement has been maintained.

25. If any step shown in the plan has not been implemented by the date specified in the plan, the department may allow the school further time, in which case it will notify the school of a later date by which the step(s) in question must be implemented and the arrangements for checking that implementation has been achieved – this will usually be another progress monitoring inspection, but might involve supply of documentary evidence. Where appropriate, for example if there has been a substantial lack of progress towards meeting the standards in question, the Secretary of State may proceed immediately to decide to remove the school from the register, or impose a relevant restriction on the proprietor relating to the school's operations. A school may appeal to the First-Tier Tribunal if this happens.

## **Assistance in drafting action plans**

26. Although responsibility for drafting action plans rests with the proprietor, the Department is happy to assist and discuss specific points in advance of the submission of an action plan. If a school has genuine difficulties in drafting or implementing a plan, then discussion with the department at an early stage may help reduce subsequent problems in the process.

27. The seeking of departmental assistance when drafting an action plan does not guarantee that an action plan will be approved by the Secretary of State. Each action plan remains subject to evaluation once submitted.

# Action plan submitted under S.114 of education and skills act 2008

School Name:

School Number:

Standard No	Objective	Action proposed	To be completed by	Responsible person	Costs and resources	Success criteria or outcome



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