

POLICIES AND OTHER DOCUMENTS THAT GOVERNING BODIES AND PROPRIETORS ARE REQUIRED TO HAVE BY LAW

Governing bodies and proprietors of independent schools are required, as outlined below, to hold each of these documents. However, the drafting of school policies can be delegated to any member of school staff. Model policies are available from a variety of sources and schools are free to adopt these as they see fit. There is no requirement for all policies to be reviewed annually. We have outlined below how often each policy must be reviewed, where this is prescribed in regulations.

Academies and Free Schools have greater freedoms than maintained schools in relation to school policies and other documents. Where relevant, arrangements applying to these schools are outlined in legislation or in their funding agreements, which may vary between individual Academies and Free Schools.

As part of the Department's ongoing commitment to reducing bureaucracy for schools, we will continue to review these requirements and look to simplify the legal obligations wherever possible.

From September 2012, subject to parliamentary procedure, maintained schools will no longer be required to have in place a:

- Curriculum policy
- Prospectus

Key:

Acad	Academies
FS	Free Schools (including University Technical Colleges and Studio Schools)
MS	Maintained Schools
SFC	Sixth Form Colleges
FE	Further Education Colleges with 16-19 provision
PRUs	Pupil Referral Units
IS	Independent Schools (not state funded)
IP	All Interested Parties
NMSS	Non Maintained Special Schools

A. Statutory policies required by education legislation

Charging and remissions policies

MS Acad FS

Review frequency: Governing body free to determine

Legislation: Maintained schools - Education Act 1996, section 457

Education (School Sessions and Charges and Remissions Policies) (Information) (England) Regulations 1999.

<http://www.legislation.gov.uk/uksi/1999/2255/contents/made>

Performance management policy

MS

Review frequency: Annually

Legislation: The Education (School Teacher Performance Management) (England) Regulations 2006.

<http://www.legislation.gov.uk/uksi/2006/2661/contents/made>

School behaviour policy

MS PRUs NMSS Acad FS IS

Review frequency: Governing body free to determine

Legislation: Maintained schools - Education and Inspection Act 2006: Sections 88 and 89.

<http://www.legislation.gov.uk/ukpga/2006/40/contents#pt7-ch1-pb1-l1g88>

Academies, Free Schools and Independent Schools - Independent School Standards Regulations (Schedule 1 part 3 paragraph 9).

<http://www.legislation.gov.uk/uksi/2010/1997/schedule/1/made>

Sex education policy

MS Acad FS

Review frequency: Governing body free to determine

Legislation: Maintained Schools - The Education Act 1996: Section 404

<http://www.legislation.gov.uk/ukpga/1996/56/section/404>

Academies and Free Schools – Funding Agreement requires these schools to have regard to DfE guidance on Sex and Relationship Education.

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DfES%200116%202000>

Special Educational Needs policy

MS Acad FS

Review frequency: Governing body free to determine

Legislation: Maintained schools - The Education (Special Educational Needs) (Information) Regulations 1999: SI 1999/2506

<http://www.legislation.gov.uk/uksi/1999/2506/contents/made>

The Special Educational Needs Code of Practice 2001: DfES 581/2001.

Academies and Free Schools - Section 1(8) of the Academies Act 2010.

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DfES%200581%202001>

Teachers' pay policy

MS

Review frequency: Annually

Legislation: Paragraph 3.1(a) of the 2011 STPCD (Section 2 – the statute)
Paragraphs 11 to 19 of the Section 3 guidance which accompanies the STPCD, provides further guidance on this matter.

<https://www.education.gov.uk/publications/standard/AllPublications/Page1/DFE-00072-2011>

B. Statutory policies required by other legislation, which impact particularly on schools (including Academies and Free Schools)

Data protection policy

MS Acad FS SFC PRUs IS NMSS

Review frequency: At least every two years

Legislation: The Data Protection Act 1998: (with consideration to the eight data protection principles appearing in Schedule 1).

<http://www.legislation.gov.uk/ukpga/1998/29/contents>

Health and Safety policy

MS Acad FS IS

(Applies to Local Authorities on behalf of maintained schools)

Review frequency: Governing body/proprietor or Local Authority free to determine
Legislation: The Health and Safety at Work Act 1974: Sections 2(3), 3 and 4.

<http://www.legislation.gov.uk/ukpga/1974/37/section/3>

Risk Assessments: The Management of Health and Safety at Work Regulations 1999: SI 1999/3242. The 1999 Regulations impose a duty on employers to produce a risk assessment.

<http://www.legislation.gov.uk/uksi/1999/3242/contents/made>

C. Other statutory documents

Admissions arrangements

MS Acad FS

(Applies to Voluntary Aided schools and Foundation schools directly and to Community and Voluntary Controlled schools, if the Local Authority formally delegates the responsibility.)

Review frequency: At least every seven years, even if there have been no changes during that period

Legislation: Sections 84 and 85 of the School Standards and Framework Act 1998 and the School Admissions Code.

<http://www.legislation.gov.uk/ukpga/1998/31/part/III/chapter/I>

Accessibility plan

MS Acad FS IS SFC PRUs NMSS

Review frequency: Every three years

Legislation: Equality Act 2010: Schedule 10, Paragraph 3.

<http://www.legislation.gov.uk/ukpga/2010/15/schedule/10>

Central record of recruitment and vetting checks

MS Acad FS IS SFC PRUs NMSS

Review frequency: Live document covering staff currently employed

Legislation: Maintained schools – The School Staffing (England) Regulations 2009.

Academies and Free Schools - Independent School Standards Regulations 2010

<http://www.legislation.gov.uk/uksi/2009/2680/contents/made>

Complaints procedure

MS Acad FS IS NMSS

Review frequency: Governing body or proprietor free to determine

Legislation: Maintained schools - The Education Act 2002: Section 29. Academies,

Free Schools and Independent schools - The Education (Independent Schools

Standards) Regulations 2010. Non-maintained Special Schools - The Education (Non-maintained Special Schools) Regulations 2011.

<http://www.legislation.gov.uk/ukpga/2002/32/section/29>

Freedom of Information publication scheme

MS Acad FS

Review frequency: Governing body free to determine

Legislation: The Freedom of Information Act 2000: Section 19.

<http://www.legislation.gov.uk/ukpga/2000/36/contents>

Governors' allowances (schemes for paying)

MS

Review frequency: Governing body free to determine

Legislation: The Education (Governors' Allowances) (England) Regulations 2003: SI 2003/523.

<http://www.legislation.gov.uk/uksi/2003/523/contents/made>

Home-school agreements

MS Acad FS

Review frequency: Governing body free to determine

Legislation: The School Standards and Framework Act 1998: Sections 110 and 111.

<http://www.legislation.gov.uk/ukpga/1998/31/part/IV/crossheading/homeschool-agreements>

Instrument of government

MS

Review frequency: Governing body free to determine

Legislation: The School Governance (Constitution) (England) Regulations 2007: SI 2007/957.

<http://www.legislation.gov.uk/uksi/2007/957/contents/made>

Minutes of, and papers considered at, meetings of the governing body and its committees

MS Acad FS

Review frequency: N/A

Legislation: Maintained schools - The School Governance (Procedures) (England) Regulations 2003: SI 2003/1377. Academies and Free Schools - through Articles of Association.

<http://www.legislation.gov.uk/uksi/2003/1377/contents/made>

Premises management

MS Acad FS IS SFC PRUs NMSS

There are many aspects of school premises that require safe management and maintenance such as asbestos, fire safety and statutory testing. For a comprehensive overview of the legislation and compliance requirements, please see Compliance Monitoring for Council Buildings:

http://www.fedps.org.uk/compliance_monitoring.pdf which sets out the responsibilities for employers and duty holders. Independent schools, Academies and Free Schools have sole responsibility. For maintained schools, both Local Authorities and schools have responsibilities for the repair and maintenance of premises.

Review frequency: please see above link

Legislation: please see above link.

Publication of equality information and objectives (Public Sector Equality Duty)

MS Acad FS PRUs

(Applies to Local Authorities on behalf of PRUs)

Review frequency: Every four years and publish information annually (see description below)

Legislation: The Equality Act 2010 and The Equality Act 2010 (Specific Duties) Regulations 2011.

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

<http://www.legislation.gov.uk/uksi/2011/2260/contents/made>

Under specific duties, governing bodies, local authorities and proprietors are required to draw up equality objectives every four years and annually publish information demonstrating how they are meeting the aims of the general public sector equality duty.

Register of business interests of head teachers and governors

MS

(Applies to Local Authorities on behalf of maintained schools)

Review frequency: Governing body free to determine

Legislation: The requirement that Local Authorities keep a register of any business interests of the governors and the head teachers is set out in regulation 26 read with paragraph 15 of Schedule 5 to the School Finance (England) Regulations 2011. LAs are required to have schemes for financing schools, and the content of these schemes must deal with the keeping of a register.

<http://www.legislation.gov.uk/uksi/2011/371/schedule/5/made>

Register of pupils

MS Acad FS PRUs IS NMSS

Review frequency: Live document

Legislation: The Education (Pupil Registration) (England) Regulations 2006: SI 2006/1751 as amended by: 2010/1725; and 2011/1625.

<http://www.legislation.gov.uk/uksi/2006/1751/contents/made>

Staff discipline, conduct and grievance (procedures for addressing)

MS Acad FS SFC IS NMSS PRUs

(Applies to Local Authorities on behalf of PRUs)

Review frequency: Governing body free to determine

Education Legislation: Maintained schools - The School Staffing (England) Regulations 2009. All schools - through general employment legislation.

<http://www.legislation.gov.uk/uksi/2009/2680/contents/made>

Note: There may be instances where statutory guidance states that policies and procedures should be in place. In cases where governing bodies have an obligation to have regard to this guidance, these policies and procedures should be in place unless it can be demonstrated that there is a good reason not to have them. An example of this is the Government's statutory guidance *Safeguarding Children and Safer Recruitment in Education*. This states that governing bodies should ensure that the school has a child protection policy and procedures in place that are in accordance with local authority guidance and local agreed inter-agency procedures, and the policy is made available to parents on request. The expectation is that these policies and procedures will be in place and made available to parents.