

so this statement is made by me as I am responsible for the regulation of independent schools in England and therefore in a position to comment on the current regulatory framework.

4. The DfE has had a number of predecessor Departments. I refer in this statement to “the DfE” when I refer to the current government department, and to “the Department” when referring to predecessor departments.
5. DfE has spoken to Penny Jones and confirmed that when she said “At the time, independent schools were governed by a set of standards that did not include any criteria relating to management, governance and leadership... we had no means of requiring the Trust to change its governance and leadership...” in her January 2019 statement, she was referring to the situation in 2010. This was before the Education (Independent School Standards) Regulations 2014 (the 2014 regulations) came into force on 5 January 2015. Ms Jones retired in 2013, and so was not at the DfE when the 2014 Regulations were introduced.

DfE’s powers in respect of the leadership, management and governance of independent schools

6. The 2014 regulations introduced a new standard, requiring that those with leadership and management responsibilities (including governors) have good skills and knowledge for their role, fulfil their responsibilities effectively and actively promote the well-being of pupils (part 8 of the schedule to the 2014 regulations) [KD7/1]. The existence of this standard is intended to allow the Secretary of State to take action when it is apparent that other failings against the standards are due to poor leadership and management at the school, and changes need to be made to alter that situation.
7. Enforcement action can be taken if a school has unmet standards, has been required to produce an action plan and the school fails to submit an action plan on time, the action plan is rejected, the action plan is not complied with or there is an extended period of non-compliance with the standards following the requirement for an action plan.

8. Such action takes one of two forms: removal of the school from the register (which has the effect of requiring it to cease operating as an independent school); or imposing a 'relevant restriction' on the proprietor of the school. Such a restriction can, for example, require that part of the school's operation ceases (e.g. a sixth form where the quality of teaching in that part of the school is inadequate) or that part of its buildings cease to be used (for example, if it is unsafe). Alternatively, such a restriction can bar the admission of new pupils - either all such pupils or those of a specified description. In addition, the Secretary of State can apply to a justice of the peace ("JP") for an order to immediately remove a school from the register without requesting an action plan where the JP can be satisfied that a pupil at the school is suffering or is likely to suffer significant harm.
9. Since the Quality of Leadership and Management in Schools standard (part 8) was introduced when the 2014 regulations came into force, DfE has had the power to take enforcement action against a school where the standard is not met. The scope of this standard is capable of covering members of governing and proprietorial bodies as well as employees in management positions. The standard requires that:
- "... persons with leadership and management responsibilities at the school:
- (a) demonstrate good skills and knowledge appropriate to their role so that the independent school standards are met consistently;
 - (b) fulfil their responsibilities effectively so that the independent school standards are met consistently; and
 - (c) actively promote the well-being of pupils"
10. A key aspect of this standard is the need to ensure that the independent school standards are met consistently, and that leaders actively promote pupils' wellbeing. This allows enforcement action to be taken where the schools leadership have not shown they can consistently meet the standards, or if they do not actively promote pupils' wellbeing even if all other standards are met at

a given point in time. Therefore, since the introduction of this standard in part 8 when the regulations came into force, DfE has had the power to take action in respect of the leadership and management of independent schools and in respect of the governance of independent schools.

DfE's power to take action in a hypothetical situation akin to that relating to F41 in 2010

11. In the hypothetical situation in which DfE had safeguarding concerns about the risk to pupils of a monk resident in a monastery adjacent to a school and the monastery abbot who was also the chair of governors at the school did not take appropriate action to safeguard pupils (including possibly by relocating the monk), the school could be found to be failing to meet parts 3 and 8 of the independent school standards. As well as the standards on safeguarding, the 2014 regulations introduced a new standard into part 3 of the independent school standards which requires schools to draw up an appropriate risk assessment policy and take action to reduce the risks identified. Such risks should include safeguarding risks arising from the presence of non-staff adults (which could include the hypothetical monk). If the school did not take appropriate action to reduce such a risk they would not meet this standard. If the leaders of the school were not fulfilling their responsibilities effectively so that the independent school standards are met consistently (which they would not be if the standards in part 3 were not met consistently) then they would also not meet the standard in part 8. In the hypothetical situation described, DfE could therefore take enforcement action against the school.

Teleconference with Tim Hopkins

12. I understand the Inquiry is missing the note of a teleconference referred to at paragraph 21 of Penny Jones witness statement of January 2019. It is exhibited to this statement at **KD7/2**.

Statement of Truth