

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

Governing bodies and proprietors of independent schools are required to hold each of these policies and other documents, as outlined, however:

- the drafting of school policies can be delegated to any member of school staff;
- there is no requirement for all policies to be reviewed annually; and
- not all policies need to be signed off by the full governing body.










This document also covers how often each policy must be reviewed and shows the level of approval required, where this is prescribed in regulations.

There are instances where statutory guidance states that policies and procedures should be in place. Although this is not the same as a legal requirement, this document makes clear the policies referenced in statutory guidance.

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 on-going commitment to reducing bureaucracy for schools, we continue to review these requirements and will look to simplify the legal obligations wherever possible.

Key:

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|--|---|
|  Acad | Academies |
|  FS | Free schools (including University Technical Colleges and Studio Schools) |
|  MS | Maintained schools (including maintained special schools) |
|  SFC | Sixth-form colleges |
|  FE | Further education colleges with 16-19 provision |
|  PRU | 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

Capability of staff

MS

Review frequency: Governing body free to determine.

Approval: Governing body free to delegate to a committee of the governing body or an individual governor.

Legislation: The School Staffing (England) Regulations 2009.

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

as subsequently amended:

<http://www.legislation.gov.uk/uksi/2012/1740/made>

Charging and remissions

MS Acad FS

Review frequency: Governing body free to determine.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

Legislation: Maintained schools - Education Act 1996, section 457.

Education (School Sessions and Charges and Remissions Policies) (Information) (England) Regulations 1999. The School Information (England) (Amendment) Regulations 2012.

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

<http://www.legislation.gov.uk/uksi/2012/1124/made>

School behaviour

MS Acad FS IS PRUs NMSS

Review frequency: Head teacher free to determine.

Approval: Head teacher.

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

<http://www.legislation.gov.uk/ukpga/2006/40/section/89>

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

MS Acad FS

(Does not apply to maintained nursery schools).

Review frequency: Governing body free to determine.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

Legislation: Maintained schools - The Education Act 1996: Section 404.

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

Academies and free schools – Funding Agreements require 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

MS Acad FS

Review frequency: Governing body free to determine.
Approval: Full governing body.
Legislation: Maintained schools - The Education (Special Educational Needs) (Information) Regulations 1999: SI 1999/2506.
<http://www.legislation.gov.uk/uksi/1999/2506/contents/made>
Academies and free schools - Section 1(8) of the Academies Act 2010.
<http://www.legislation.gov.uk/ukpga/2010/32/section/1>
Also see, *The Special Educational Needs Code of Practice*.

Teacher appraisal

MS

Review frequency: Governing body free to determine.
Approval: Governing body free to delegate to a committee of the governing body or an individual governor.
Legislation: The Education (School Teachers' Appraisal) (England) Regulations 2012.
<http://www.legislation.gov.uk/uksi/2012/115/contents/made>
as subsequently amended:
<http://www.legislation.gov.uk/uksi/2012/431/contents/made>
<http://www.legislation.gov.uk/uksi/2012/2055/made>

Teachers' pay

MS

Review frequency: Governing body free to determine.
Approval: Governing body free to delegate to a committee of the governing body or the head teacher.
Legislation: Paragraph 3.1(a) of the 2012 School Teachers Pay and Conditions Document (STPCD) (Section 2 – the statute). Paragraphs 11 to 19 of the Section 3 guidance which accompanies the STPCD, provides further advice.
<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00091-2012>

B. Statutory policies required by other legislation, which impact particularly on schools (including academies and free schools)

Data protection

MS Acad FS IS SFC PRUs NMSS

Schools are 'Data Controllers' under the Data Protection Act 1998.
Review frequency: At least every two years.
Approval: Governing body free to determine how to implement. See:
http://www.ico.gov.uk/for_organisations/sector_guides/education.aspx.
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

MS Acad FS IS

(Applies to local authorities on behalf of community and voluntary controlled schools).
Review frequency: Governing body or proprietor or local authority free to determine.
Approval: Employer free to determine how to implement.

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: Arrangements to be determined annually. Any changes must be consulted on and where no changes are made, consultation is required at least every 7 years.

Approval: Full governing body or a committee of the governing body where the school is an admissions authority.

Legislation: Section 88C of the School Standards and Framework Act 1998 and the School Admissions Regulations 2012.

<http://www.legislation.gov.uk/ukpga/1998/31/section/88>

Accessibility plan

MS Acad FS IS SFC PRUs NMSS

Review frequency: Every three years.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

Legislation: Equality Act 2010: Schedule 10, Paragraph 3 and Disability Discrimination (prescribed Times and Periods for Accessibility Strategies and Plans for Schools) (England) Regulations, 2005.

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

Behaviour principles written statement

MS PRUs NMSS

Review frequency: Governing body free to determine.

Approval: Full governing body or a committee of the governing body.

Legislation: Education and Inspections Act 2006: Section 88.

<http://www.legislation.gov.uk/ukpga/2006/40/section/88>

Written policy on behaviour principles

Acad FS IS

Review frequency: Proprietor free to determine.

Approval: Proprietor required to ensure that there is a written policy.

Legislation: The Education (Independent School Standards) (England) Regulations 2010.

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

2013 amendment (SI 2012/2962):

<http://www.legislation.gov.uk/uksi/2012/2962/contents/made>

Central record of recruitment and vetting checks



Review frequency: Live document covering staff currently employed.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

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 statement



Review frequency: Governing body or proprietor free to determine.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

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

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

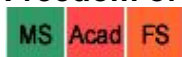
Academies, free schools and independent schools - The Education (Independent Schools Standards) Regulations 2010.

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

Non-maintained special schools - The Education (Non-maintained Special Schools) Regulations 2011.

<http://legislation.gov.uk/uksi/2011/1627/contents/made>

Freedom of Information



The Freedom of Information Act 2000 gives a right of access to information held by public bodies, including schools (Schedule 1, Part IV), who must comply with the Act and produce a Publication Scheme (Section 19).

Review frequency: Governing body free to determine.

Approval: Governing body free to determine how to implement. See: http://www.ico.gov.uk/for_organisations/freedom_of_information.aspx

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

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

Governors' allowances (schemes for paying)



Review frequency: Governing body free to determine.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

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

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

Home-school agreement document



(Does not apply to maintained nursery schools).

Review frequency: Governing body free to determine.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

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

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

Instrument of government

MS

Review frequency: Governing body free to determine.

Approval: Full governing body.

Legislation: The School Governance (Constitution) (England) Regulations 2007: SI 2007/957. [School Governance \(Constitution\) \(England\) Regulations 2012: SI 2012/1034.](#)

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

<http://www.legislation.gov.uk/uksi/2012/1034/contents/made>

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

MS Acad FS

Review frequency: Not applicable.

Approval: Full governing body or a committee of the governing body as appropriate.

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 documents

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 an 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.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

Legislation: please see above link.

Equality information and objectives (public sector equality duty) statement for publication

MS Acad FS PRUs

(Applies to Local Authorities on behalf of PRUs).

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

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

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.

School information published on a website

MS Acad FS

(New funding agreements will require academies and free schools to publish this information, however previous versions of the funding agreement may not have this requirement).

Review frequency: Live – must be updated as soon as possible after a change and at least annually.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

Legislation: The School Information (England) (Amendment) Regulations 2012: SI 2012/1124 (only maintained schools)

<http://www.legislation.gov.uk/uksi/2012/1124/made>.

Register of business interests of head teachers and governors

MS

(Applies to local authorities on behalf of maintained schools).

(A register of business interests is covered in the Academies' Financial Handbook).

Review frequency: Governing body free to determine subject to the Local Authority scheme.

Approval: Governing body free to determine subject to the local authority scheme.

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 2012. Local authorities 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/2012/335/made>

Register of pupils' admission to school

MS Acad FS IS PRUs NMSS

Review frequency: Live document.

Approval: The Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher or the Proprietor must "cause to be kept" a register.

The register itself can be kept by appropriate school staff.

Legislation: The Education (Pupil Registration) (England) Regulations 2006: (SI 2006/1751) as subsequently amended.

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

<http://www.legislation.gov.uk/uksi/2010/1725/contents/made>

<http://www.legislation.gov.uk/uksi/2011/1625/contents/made>

Register of pupils' attendance.

MS Acad FS IS PRUs NMSS

Review frequency: Live document.

Approval: The Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher or the Proprietor must "cause to be kept" a register. The register itself can be kept by appropriate school staff.

Legislation: The Education (Pupil Registration) (England) Regulations 2006: SI 2006/1751 as subsequently amended.

<http://www.legislation.gov.uk/uksi/2006/1751/contents/made>
<http://www.legislation.gov.uk/uksi/2010/1725/contents/made>
<http://www.legislation.gov.uk/uksi/2011/1625/contents/made>

Staff discipline, conduct and grievance (procedures for addressing)

MS Acad FS IS SFC PRUs NMSS

Review frequency: Maintained schools - governing body free to determine. All other establishments may want to include this policy but should refer to general employment law.

Approval: Maintained schools – full governing body.

Academies – governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

Legislation: Maintained schools - The School Staffing (England) Regulations 2009. (Maintained schools only, all other establishments - general employment law).

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

D. Documents referenced in statutory guidance

There are 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. The expectation is that the following policies and procedures will be in place:

Child protection policy and procedures

MS Acad FS IS SFC PRUs NMSS FE

Review frequency: Annually.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

Statutory guidance: [Safeguarding Children and Safer Recruitment in Education](#).

Early Years Foundation Stage (EYFS)

MS Acad FS IS NMSS

Those delivering the EYFS are required to have policies and procedures on a range of issues covering learning and development, safeguarding and welfare. These are set out in detail in the *Statutory Framework for the Early Years Foundation Stage*. An EYFS Profile assessment is required for each child during the academic year they reach the age of five (for most children this is the reception year in primary school) and nursery settings catering for children under three must complete a summary check when a child is aged two.

Review frequency: Varies; please see guidance.

Approval: Governing body free to determine.

Statutory Guidance: [Statutory Framework for the Early Years Foundation Stage](#).

Please also see information about the [EYFS Profile](#) and [EYFS Curriculum](#).

Statement of procedures for dealing with allegations of abuse against staff

MS Acad FS IS SFC PRUs NMSS FE

Review frequency: Governing body free to determine.

Approval: Governing body free to determine.

Statutory guidance: [Dealing with allegations of abuse against staff](#)