



Department
for Education

Statutory policies for schools

Advice on the policies and documents that governing bodies and proprietors of schools are required to have by law

February 2014

Contents

Summary	4
Introduction	6
A. Statutory policies required by education legislation	7
Capability of staff	7
Charging and remissions	7
School behaviour	7
Sex education	8
Special educational needs	8
Teacher appraisal	8
Teachers' pay	9
B. Statutory policies required by other legislation, which impact particularly on schools	10
Data protection	10
Health and safety	10
C. Other statutory documents	11
Admissions arrangements	11
Accessibility plan	11
Behaviour principles written statement	11
Central record of recruitment and vetting checks	12
Complaints procedure statement	12
Freedom of Information	12
Governors' allowances (schemes for paying)	13
Home-school agreement document	13
Instrument of government	13
Minutes of, and papers considered at, meetings of the governing body and its committees	13
Premises management documents	14
Equality information and objectives (public sector equality duty) statement for publication	14
School information published on a website	15
Register of business interests of headteachers and governors	15
Register of pupils' admission to school	16

Register of pupils' attendance	16
Staff discipline, conduct and grievance (procedures for addressing)	16
D. Documents referenced in statutory guidance	17
Child protection policy and procedures	17
Early Years Foundation Stage (EYFS)	17
Statement of procedures for dealing with allegations of abuse against staff	18

Summary

About this departmental advice

This is advice from the Department for Education. It is non-statutory, and has been produced to help recipients understand their statutory obligations and duties. It outlines the policies and other documents school governing bodies and proprietors of independent schools are legally required to hold.

Review date

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

We would welcome any comments or feedback you have on this advice. Please contact us at: www.education.gov.uk/help/contactus

Who is this advice for?

This advice is for school leaders and governing bodies in all schools and proprietors of independent schools, and for local authorities. It covers the following school types: maintained schools, maintained special schools, academies, free schools (including university technical colleges and studio schools), non-state-funded independent schools, pupil referral units (PRUs), sixth-form colleges, further education (FE) colleges with 16 to 19 provision and non-maintained special schools.

Changes from the previous version

In this February 2014 version of the advice the following changes have been made:

Teachers' pay

Revised pay progression arrangements came into force with effect from September 2013.

Review frequency: Annually and be kept up to date to take into account any legal changes or changes in the staffing structure, which have an impact on discretionary pay decisions.

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

Legislation: Updated link provided to the new legislation

Premises management

New link provided to DfE asbestos management advice.

Documents referenced in statutory guidance

Child Protection

Approval: Governing bodies of maintained schools free to delegate to a committee of the governing body, an individual governor or the head teacher and proprietors of independent schools.

Introduction

Governing bodies, or proprietors of academies and 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.

All the links to legislation go to the www.legislation.gov.uk website.

Key to school types:

MS	Maintained schools (including maintained special schools)
Acad	Academies
FS	Free schools, including university technical colleges and studio schools
IS	Independent schools (not state-funded)
SFC	Sixth-form colleges
FE	Further education colleges with 16 to 19 provision
PRU	Pupil referral units
NMSS	Non-maintained special schools

A. Statutory policies required by education legislation

Capability of staff

MS

PRU

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](#) and as subsequently amended: [The School Staffing \(England\) \(Amendment\) Regulations 2012](#).

PRUs: [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007](#).

As subsequently amended: [The School Staffing \(England\) \(Amendment\) Regulations 2012](#)

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 headteacher.

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](#).

School behaviour

MS

Acad

FS

IS

PRU

NMSS

Review frequency: Headteacher free to determine.

Approval: Headteacher.

Legislation: Maintained schools - [Education and Inspection Act 2006: Section 89](#).

Academies, free schools and independent schools – [Independent School Standards Regulations \(Schedule 1 part 3 paragraph 9\)](#).

Sex education

MS

Acad

FS

PRU

(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 headteacher.

Legislation: Maintained schools (applied to PRUs in relation to secondary school pupils only) - [The Education Act 1996: Section 404](#).

Academies and free schools – Funding Agreements require these schools to have regard to [DfE's statutory guidance on sex and relationship education](#)

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](#).

Academies and free schools – [Section 1\(8\) of the Academies Act 2010](#).

Also see [The Special Educational Needs Code of Practice](#).

Teacher appraisal

MS

PRU

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](#) and as subsequently amended: [The Education \(School Teachers\) \(Qualifications and Appraisal\) \(Miscellaneous Amendments\) \(England\) Regulations 2012](#) and [The Education \(School Teachers' Appraisal\) \(England\) \(Amendment\) Regulations 2012](#).

PRUs – [The Education \(Pupil Referral Units\) \(Management Committees etc.\) \(England\) Regulations 2007](#).

Teachers' pay

MS

Revised pay progression arrangements came into force with effect from September 2013.

Review frequency: Annually and be kept up to date to take into account any legal changes or changes in the staffing structure, which have an impact on discretionary pay decisions.

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

Legislation: [The Education Act 2002 section 122](#)

Paragraph 2.1(a) of the [2013 School Teachers Pay and Conditions Document \(STPCD\)](#) (Section 2 – the statute). *Paragraphs 4 to 6 of the Section 3 guidance which accompanies the STPCD, provides further advice, as does the departmental guidance on reviewing and revising your school's approach to teachers' pay.*

B. Statutory policies required by other legislation, which impact particularly on schools

Data protection



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. Further information is on the [Information Commissioner's Office website](#).

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

Health and safety



(Applies to local authorities on behalf of community and voluntary-controlled schools and PRUs).

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](#).

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.

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 seven 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](#).

Accessibility plan

MS

Acad

FS

IS

SFC

PRU

NMSS

Review frequency: Every three years.

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

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](#).

Behaviour principles written statement

MS

PRU

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](#).

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 headteacher.

Legislation: Maintained schools (and applied to PRUs) – [The School Staffing \(England\) Regulations 2009](#).

Academies and free schools - [Independent School Standards Regulations 2010](#).

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 headteacher.

Legislation: Maintained schools (and applied to PRUs) – [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](#).

Freedom of Information



(Applies to local authorities on behalf of PRUs).

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. Further information is on the [Information Commissioner's Office website](#).

Legislation: [The Freedom of Information Act 2000: Section 19](#).

Governors' allowances (schemes for paying)

MS

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 headteacher.

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

Home-school agreement document

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 headteacher.

Legislation: [The School Standards and Framework Act 1998: Sections 110 and 111](#).

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](#) and [School Governance \(Constitution\) \(England\) Regulations 2012: SI 2012/1034](#).

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

MS

Acad

FS

PRU

Review frequency: Not applicable.

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

Legislation: Maintained schools (and applied to PRUs) - [The School Governance \(Procedures\) \(England\) Regulations 2003: SI 2003/1377](#)

Academies and free schools – through [Articles of Association](#).

Premises management documents



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 the [Compliance Monitoring for Council Buildings report](#) available from the Federation of Property Societies' website. This sets out the responsibilities for employers and duty holders.

DfE provides additional non-statutory advice on [asbestos management in schools](#) (available from GOV.UK).

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 headteacher.

Legislation: please see above link.

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



(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 headteacher.

Legislation: [The Equality Act 2010](#) and [The Equality Act 2010 \(Specific Duties\) Regulations 2011](#).

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 headteacher.

Legislation: [The School Information \(England\) \(Amendment\) Regulations 2012: SI 2012/1124](#) (only maintained schools).

Register of business interests of headteachers 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 headteachers 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.

Register of pupils' admission to school



Review frequency: Live document.

Approval: The Governing body free to delegate to a committee of the governing body, an individual governor or the headteacher 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: [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2010](#) and [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2011](#).

Register of pupils' attendance



Review frequency: Live document.

Approval: The governing body of a school can delegate to the head teacher the keeping of the admission and attendance register. The daily updating of the registers can be kept by appropriate school staff. The register itself can be kept by appropriate school staff.

Legislation: [The Education \(Pupil Registration\) \(England\) Regulations 2006: SI 2006/1751](#) and as subsequently amended: [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2010](#) and [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2011](#).

Staff discipline, conduct and grievance (procedures for addressing)



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 headteacher.

Legislation: For maintained schools (and applied to PRUs) [The School Staffing \(England\) Regulations 2009](#), For all other establishments – general employment law.

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



Review frequency: Annually.

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

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

Legislation: [School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)

Early Years Foundation Stage (EYFS)



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 on the DfE website about the [EYFS profile](#) and [EYFS curriculum](#).

Statement of procedures for dealing with allegations of abuse against staff



Review frequency: Governing body free to determine.

Approval: Governing body free to determine.

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



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