

## Becoming an Independent School

**A number of Montessori nursery schools in England seek to work with children aged five and over. When you have five or more children who have reached their fifth birthday, or one or more such child with a statement of special educational need or who is a looked after child, you must register with the Department for Education (DfE).**

Following consultation with MSA members and with the DfE, we have produced the following guidance for our members wishing to become an independent school.

**The following Stages indicate how to become registered as an independent school.**

<b>Stage 1</b>
You have four or fewer children aged five and/or over, none of whom have a statement or are looked after.
Get in touch with your Local Authority which will need to be satisfied that the education you are providing is suitable for the children's age, ability and aptitude

<b>Stage 2</b>
You will have five or more children aged over five: or one or more such child with a statement of special educational need or who is a looked after child.
You need to apply to DfE for registration as an <b>independent school</b>

<b>Stage 3</b>
Contact DfE
<p>Their contact details are:  <b>Tel:</b> 01325 735 562  <b>Fax:</b> 01325 392 128  <b>Email:</b> <a href="mailto:registration.equiries@dcfs.gsi.gov.uk">mailto:registration.equiries@dcfs.gsi.gov.uk</a>            Or write to:            Independent Education and Boarding Team            DfE            Lower Ground – Room 11            Mowden Hall            DARLINGTON            DL3 9BG</p>
They will send you an information pack (this is very informative and the basis for our present document. It also outlines the standards for independent schools and other

requirements), registrations forms, details of the Independent School Regulations and other relevant requirements.

Don't be put off by the paperwork: many of the guidance documents are parallel to ones which you will be familiar with from you early years registration – things like safeguarding children, CRB checks on staff etc.

### Stage 3a

#### A potential pitfall

The difficulty is that you will need to have found premises before going further (see Note 2). This can lead to concerns if you have to enter into an agreement to rent, lease or even buy premises before you get confirmation from Ofsted that they are suitable. Your Local Authority may be able to advise you informally, from their knowledge of the requirements for under 5s, but otherwise it is useful to get professional advice from a surveyor who is aware of the independent school regulatory requirements or can check these out for you.

You should check whether planning permission is required (such as for change of usage)

**Do check that the premises have not been refused registration for either school or preschool use previously.**

### Stage 4

#### Prepare your paperwork for registration

Besides completing the forms which DfE has sent you, you should prepare a scale plan of your premises, in square metres, including an indication of outdoor areas and car parking/ access paths and roads.

You should also prepare:

- Curriculum policies, schemes of work for subjects and how you will assess the pupils' work and progress
- Written policies on:
  - Anti-bullying (DfE will send you guidance on what needs to be covered)
  - Safeguarding children's welfare (the Guidance on this will be sent you)
  - Safeguarding and promoting the health and safety of pupils on activities outside school – that is, risk assessment procedures (DfE will send you Guidance on this)
  - Promoting good behaviour and what sanctions you will use in the event of misbehaviour
- A copy of the school's fire risk assessment

- A copy of the school's complaints procedures

Request a form from DfE who will need to undertake a CRB check of all proprietors – even though one or more proprietor may not be working with the children. This can be done whilst the registration process is in train.

**See notes 3, 4, 5 on adult: child ratios, staffing qualifications and advertising.**

### Stage 5

#### Naming your school

There are some potential pitfalls:

- Don't imply a Royal connection (e.g. Queen's Montessori School)
- Don't use the word 'University' (although this doesn't seem likely if you are going to be a primary age school!)

### Stage 6

#### Send your forms to DfE

They then send them to Ofsted and your local Fire and Rescue Authority both of whom will provide advice to DfE on your possible registration.

### Stage 7

#### Ofsted makes a 'Registration Inspection Visit' lasting one day

This will be arranged with you by Ofsted at a date and time suitable to you. There is currently no charge for it.

The purpose of the inspection is to confirm that the premises are safe and suitable, the proposed curriculum is satisfactory and policies are in place to protect the pupils' welfare, health and safety.

Obviously this is complicated by the school not having opened. To help matters:

- Make sure that building works, renovations and decorating are at a fairly well advanced stage. DfE do not want to be suggesting a second inspection will take place – they want schools to be meeting the standards first time.
- Make sure they see your latest Ofsted EYFS inspection report.

Ofsted will re-inspect you during the first year of operation.

### Stage 7a

#### How long will this take?

The expectation is that, assuming all is in order and the standards are met, the application process will take about 3 months – but this depends on the time of year. If you send your forms in during June, you should not expect the inspection to take

place over the summer holidays and so the time process would not be completed by September.

### Stage 8

DfE registers your school

They will send you a letter confirming that your school is on the Register of Independent Schools and giving you your registration number. They will also send you a form for completion after 3 months (see Stage 9)

**You must not admit any pupils before receiving this letter**

At this stage you can begin to advertise your school fully.

### Stage 8a

DfE refuses to register your school

They will write to you setting out the precise grounds for refusal. You can seek to address these issues, and can re-submit your application for registration.

**But you must not admit any pupils until your registration is confirmed – it is illegal to operate an unregistered independent school and can lead to prosecution, a fine and/or imprisonment.**

### Stage 9

After 3 months of operation, you must return to DfE the form sent to you with your registration (Stage 8), this gives details of pupil numbers, employee details and fees

### Stage 10

When they receive your form (Stage 9) DfE arranges for your school to be inspected by Ofsted sometime during the first year of operation

The procedures for this will be explained in the Inspection Framework booklet which DfE will send you with your information pack (Stage 3)

### Some other points to bear in mind:

- ❖ You must continue to have at least five children aged over 5 or the registration will lapse and you will have to re-register with Ofsted's Childcare register.
- ❖ If you are already registered for children aged up to 7 years and have fewer than five children aged over five, check your Ofsted registration when you could have a change of circumstances inspection based on your existing policies and documentation.

- ❖ Once you are registered with DfE, you will need to tell them of any **material changes** to your school's circumstances. These are generally of three types:
  1. Change of premises
  2. Change of owner
  3. Change of age range (as you may intend to enlarge your school when the children get older, we suggest that you first register for up to 8 year olds and then for up to 11 year olds – your Ofsted inspector can advise you and may suggest that you register for up to 11 year olds from the start.

A change of premises will normally lead to a day visit or longer inspection from Ofsted but in most other changes will be approved without an inspection if the school provides supporting information. DfE can advise further what will be required.

- ❖ You should consider registering with the National College for School Leadership for Safe Recruitment Training. Details are available from DfE or via the web.
- ❖ The Ofsted Independent Schools self evaluation form (SIEF) is different to those for nurseries and maintained (state) schools. You can download the SIEF from Ofsted's website along with the guidance on completing this. If you wish, MSA can advise you on completing this self evaluation.
- ❖ Tuition Centres which provide less than full time education and other part-time education settings will in future be required to register if they provide more than 12.5 hours a week for junior age pupils or 15 hours a week for secondary age pupils for more than 28 weeks a year. This is not currently required but DfE is seeking information on these forms of provision to identify those which may need to register in the future.

### Notes

1. Five or more children aged over 5, i.e. entering Year 1. It is best if you are certain that you will have at least five children and preferably more. Some small schools have experienced registration problems where they have fewer than five children at the time of an inspection, due to pupils moving away. This has led to a series of re-registrations with Ofsted Early Years and the DfE as the number of over 5s fluctuates term by term. Clearly this is unsatisfactory for all concerned as well as requiring a lot of paperwork on your part.
2. The premises could be the church hall or other premises your preschool is in, dependent on the space available and the numbers of pupils you intend to have. For general guidance there are no specific guidelines on the type of premises you may use. See the Independent School Regulations.
3. **Adult: child ratios:** there are no set adult: child ratios for independent schools as far as over fives are concerned, however the basic ratio of 1:30 needs to be

taken into account – and remember that other schools will have far fewer children. The ratios for under fives will still apply.

4. **Staffing qualifications:** whilst there are no fixed requirements for qualified teachers, you need to be aware that the capability of staff to deliver the curriculum as defined by the school will be one of Ofsted's major inspection judgements (i.e. the quality of teaching, the quality of learning and the quality of the curriculum). Whilst Montessori training does not provide Qualified Teacher status (QTS), it does provide staff with the basis for delivering the Montessori curriculum. Most schools have at least one person with QTS, especially if they are working with Key Stage 2 children (Years 3 to 6). The headteacher does not have to be qualified to a specific level, but if they have a degree, and preferably a higher degree relevant to Montessori education, this will clearly be a good marketing point as well as indicating potential rigour in management.
5. **Advertising:** we suggest that at this stage you keep advertising informal. It is clearly important not to make promises to parents which might not be possible to keep – such as giving a definite opening date. Your business plan ought to have included likely fee levels, so you can indicate these (and confirm them later when other costs have been more clearly identified). The proposed age range can be indicated, but don't go for, say, 5 to 11 straight away. You are likely to get an imbalance across the year groups (i.e. 6 YR, 5 Y1, 2 Y2, no Y3, 1 Y4, no Y5 and 2 Y6, making teaching and staffing difficult) if you do, and this could drive parents away when they find out. Instead go for YR, Y1 and Y2 to start with – you may end up with just YR and Y1 children but you can begin to 'grow' the school.

The Montessori Schools Association can provide you with help and support in becoming registered as an independent school, however the decision rests with the DfE, advised by Ofsted and your Fire and Rescue Service. For an initial period, this service will be free to MSA members.

Contact MSA at:  
18 Balderton Street, London W1K 6TG  
Tel: 0207 493 8300