

# **The Registration of Independent Schools in Scotland**

**Guidance for Applicants, Proprietors, and  
Parents**

**Version 1.0**

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## Document Tracking Sheet

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### Instruction for amendments to this document

Any proposed amendments to this document should be agreed by the Registrar of Independent Schools' Office in consultation with stakeholders. Any questions or queries on this document should be directed to the Registrar of Independent Schools' Office by email at: [independentschools@educationscotland.gov.scot](mailto:independentschools@educationscotland.gov.scot).

## **Summary**

This guidance document has been designed for both applicants (i.e. individuals seeking to register a new independent school) and proprietors (i.e. managers of existing independent schools). It also includes information useful to parents and learners.

This document sets out information on the following

- How independent schools are defined in Scotland
- Where to find out information about independent schools
- Important points of contact
- The registration process – from application to post-registration inspection
- The Scottish Ministers and their role in regulating independent schools
- Who can, and cannot, investigate complaints about schools
- Other information useful to applicants and proprietors

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## **1. What is an independent school?**

An independent school is defined in the [Education \(Scotland\) Act 1980](#) (known as “the 1980 Act” in this guidance) as: “a school at which full-time education is provided for pupils of school age (whether or not such education is also provided for pupils under or over that age), not being a public school or a grant-aided school”<sup>1</sup>.

This means, effectively, an independent school is one that is not operated by a local authority and is not a grant-aided school (such as Donaldson’s School in Linlithgow), providing education for children aged between 5 and 16 on a full-time basis<sup>2</sup>.

### **Where can I get information about independent schools?**

All registered independent schools are listed in the [public register](#) of independent schools online. The register also lists proposed schools (i.e. schools where an application has been made, but not yet approved).

### **Must independent schools be registered?**

Yes. Operating an independent school in Scotland without registering with the Scottish Ministers is unlawful<sup>3</sup>.

Any person seeking to register an independent school (known as the ‘applicant’) must register their proposed school through the Registrar of Independent Schools before opening their school. This is a process that can take 6 to 9 months depending on circumstances.

### **Who can open an independent school?**

Anyone may apply to register an independent school. However, an applicant must not be barred from regulated work with children and be a member of the Protecting Vulnerable Groups (‘PVG’) Scheme. The PVG Scheme is discussed in further detail later in this guidance.

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<sup>1</sup> Section 135 of the 1980 Act.

<sup>2</sup> This is regardless of whether the proposed school would be providing education outwith those ages

<sup>3</sup> Section 101(1) of the 1980 Act.

## 2. Who can I contact about independent schools?

Depending on the nature of your enquiry, there are a number of people you may wish to contact.

### **The Registrar of Independent Schools**

The Registrar of Independent Schools is responsible for administering the registration of independent schools; however, the Scottish Ministers determine whether a school should be registered or not.

The Registrar is also the point of contact for proprietors seeking to amend their registration. For example, the proprietor of a primary school may wish to extend their provision to include secondary years 1, 2, 3 or beyond. In such cases, the proprietor should contact the Registrar at an early stage.

The Registrar also provides advice and information to the Scottish Ministers where appropriate. While the Registrar cannot investigate individual complaints about an independent school, individuals who have a concern about an independent school may wish to contact the Registrar.

The Registrar may be contacted by email at [independentschools@educationscotland.gov.scot](mailto:independentschools@educationscotland.gov.scot) or by telephone: 0131 244 4898.

### **Education Scotland**

Education Scotland is the scrutiny and improvement body for educational establishments in Scotland and is responsible for the inspection of independent schools. More can be found out about school inspections, and Education Scotland more generally, [online](#). While the Registrar of Independent Schools is hosted by Education Scotland, the Registrar's remit is distinct from Education Scotland and HM Inspectors.

### **The Care Inspectorate**

Where an independent school is also providing residential accommodation; a boarding or residential school, and/or provides early learning and childcare, it must apply to be registered with the Care Inspectorate under the Public Services Reform (Scotland) Act 2010. You can find out more about the Care Inspectorate and view inspection reports [on their website](#).

### **Scottish Council of Independent Schools ('SCIS')**

SCIS is a registered charity and its members include around three quarters of all independent schools in Scotland. SCIS represents the interests of the sector and provides training and information. More can be found out about SCIS [on their website](#).

### **General Teaching Council for Scotland ('GTCS')**

[The Registration of Independent Schools \(Prescribed Person\) \(Scotland\) Regulations 2017](#) require that all teachers in independent schools be registered with the GTCS.

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The GTCS maintains a register of teachers and sets the professional standards expected of all teachers in Scottish schools. More can be found out about the GTCS [through their website](#).

### **Scottish Social Services Council ('SSSC')**

The SSSC is the national body for registering and maintaining standards for care professionals. More can be found out about the SSSC [on the SSSC website](#).

### 3. How does registration work?

The Scottish Ministers determine whether an application should be approved in accordance with section 98A of the [Education \(Scotland\) Act 1980](#). The Registrar of Independent Schools administers the process and is the point of contact for applicants.

Before registering a school, the Scottish Ministers must be satisfied that:

- The school is able to provide a suitable education to the children and young people they aim to educate.
- The school has systems and processes in place to safeguard the welfare of learners.
- That the proprietor and teachers are 'proper persons' for their roles (i.e. that they have suitable qualifications and relevant experience and are [Protecting Vulnerable Groups](#) ('PVG') scheme members).
- That the premises are suitable.

#### What should the applicant do?

It is often helpful for applicants to first contact the Registrar to discuss their application before starting.

An [application form should be downloaded](#) from the UK Government website and then completed and submitted to [independentschools@educationscotland.gov.scot](mailto:independentschools@educationscotland.gov.scot) along with a copy of the proposed school's:

1. statement of aims
2. curriculum
3. prospectus
4. admission policy
5. plan of the school
6. fire risk assessment policy and procedures
7. health and safety risk assessment policy and procedures
8. child protection/safeguarding/first aid policy and procedures
9. proposed leadership and governance/arrangements
10. a statement confirming that PVG membership, appropriate to the positions, have been obtained and are in accordance with the school's child protection policy and procedures in respect of the proprietor of the school, all proposed teachers and all other persons in, or to be, in a child care position relative to the school
11. that all teachers are registered with the GTCS
12. an organogram for the school outlining staff number and management structures
13. an approximation of staff and pupil numbers
14. whether the school will provide (1) primary, (2) secondary, or (3) a mixture or combination of primary and secondary
15. confirmation that the school has both a child protection co-ordinator and deputy child protection co-ordinator trained to a suitable level
16. that all staff have completed recent and appropriate child protection training.

If an applicant has any questions on these requirements, they are welcome to contact the Registrar to discuss.

### **What happens next?**

The Registrar will review your application and share it with HM Inspectors. Any feedback or areas for improvement will be conveyed to the applicant once this review has concluded.

If there are missing documents, or documents require to be improved, the applicant will be notified. The application will only progress when the Registrar and HM Inspectors are satisfied.

### **Next stage – pre-registration visit**

Once the initial application has been submitted and found to be satisfactory, HM Inspectors will contact the applicant directly to arrange a pre-registration visit.

Pre-registration visits are usually 2 to 3 hours in duration and carried out by one or two HM Inspectors. During the visit, HM Inspectors will seek to meet the proprietor(s), representatives from the Board of Governors (or similar), the proposed headteacher and any appointed teaching staff, wherever possible. Inspection activities during the visit will include:

- a tour of the accommodation, including review of furniture and fittings
- review of the suitability of school security
- review of any available teaching resources/materials/curriculum plans
- discussions with the proprietors/leaders/staff about: their plans for the commencement of the school; the intended curriculum and teaching approaches; suitability and numbers of staffing (teaching and non-teaching); child protection and safeguarding; arrangements for governance.
- agreeing the maximum school roll – this is dependent on the ages of intended pupils; the available space; numbers of available pupil toilets.

The HM Inspectors will then provide the Registrar with a report outlining their findings and discussions. This will include a recommendation as to whether the school should be registered or not, and a recommended maximum roll<sup>4</sup>.

It may be that, as a result of the HM Inspectors findings, the school is found not to be ready for registration. If this is the case, the applicant will be informed.

Otherwise, the Registrar will consider HM Inspectors' findings and application documents, before preparing advice for the Scottish Ministers, who will make the final decision.

The decision will be intimated to the applicant by the Registrar. If the school is registered, it will usually be effective from the date the applicant receives the letter and the applicant may open the school.

### **Post-registration inspection**

In line with legislative requirements, HM Inspectors will carry out a post-registration inspection within nine months of a new school opening to pupils. This is to allow inspectors to observe learning and teaching; to meet with learners, parents and staff; and to evaluate the



quality of education, care provision, leadership and governance. The inspection will normally be completed in three days by a team of HM Inspectors, proportionate to the size and context

of the school's provision. HM Inspectors and inspectors from the Care Inspectorate will cooperate on inspections in respect of any school with early learning and childcare and/or boarding provision. The subsequent report following the post-registration inspection will be made available parents and the Registrar, and published on the Education Scotland website.

Following a successful post-registration inspection, the school will enter the normal programme of inspection and review for all schools in Scotland. The extent and nature of any further inspection activities will depend on the findings of the post-registration inspection. If significant improvement is required, HM Inspectors will continue to engage with the school to ensure the school takes action to improve.

More information about school inspections can be found [here](#).

### **Link HM Inspectors**

After registration, your school will be assigned to a link HM Inspector. A link HM Inspector will visit the school at least annually, to keep in contact with the school to provide support and assistance where appropriate. Where a proprietor or headteacher is aware of an incident or concern, it is good practice to contact the school's link HM Inspector and the Registrar of Independent Schools. This allows HM Inspectors, at an early stage, to support the school and ensure any incident is responded to appropriately and in the interests of all at the school.

### **Amending the registration of existing schools**

Where a school seeks to have their registration altered, the Registrar should be contacted at an early stage. The process for amending registration depends on the scale of the change.

For example, where a proprietor wishes to have their maximum roll increased for their existing premises, this is likely to be a relatively quick process, usually involving a short visit by an HM Inspector in order to consider whether the school has the capacity for an increase in numbers.

However, if a proprietor wishes to expand the school's provision, for example from primary provision to include secondary education, this is likely to be a lengthier process. The Registrar will require sight of the school's new curriculum and proposed plans for staffing. In such cases, HM Inspectors will visit the school to discuss the proposed plans and to view the school's accommodation in order to determine whether the request for variation can be recommended.

If a proprietor is seeking to reduce the maximum roll, the proprietor should notify the Registrar as soon as possible.

### **Closing a school**

If a proprietor determines that the time has come to close their school, they should intimate this to the Registrar of Independent Schools as soon as possible. Proprietors will also wish to consider how best to inform and prepare learners and parents so that they can make the best decision for them in terms of identifying an alternative school for after the school's closure.

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Proprietors of independent special schools, who will likely have learners referred to them by local authorities, should inform referring authorities as soon as possible so that authorities may work with parents and learners to develop robust transition plans and assist learners as much as possible in the lead up to, and after, the school's closure.

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<sup>4</sup> i.e. the maximum number of learners permitted to be enrolled at the school at any one time

#### **4. Regulation of independent schools and the Scottish Ministers**

The proprietor, often referred to as the Board of Governors, is ultimately responsible for the school, including providing the headteacher and leadership team with scrutiny and challenge, whilst setting the strategic direction of the school.

Proprietors also have a responsibility to ensure that their school does not become “objectionable”, or at risk of becoming so, in terms of section 99(1A) of the 1980 Act.

Where a school is found to be objectionable, or at risk of becoming so, the Scottish Ministers may take regulatory action (serving a notice of complaint or imposing conditions on the school).

Conditions are, effectively, instructions obliging the school to take a course of action to improve. For example, the Scottish Ministers may impose a condition on the running of an independent school compelling the school to review and update the school’s anti-bullying policies in line with national guidance.

Notice of complaint are similar to conditions in that they oblige a proprietor to take action to improve, though notices are more formal than conditions.

##### **Objectionable**

The Scottish Ministers may serve a notice of complaint on any independent school if the Scottish Ministers are satisfied the school is objectionable on one or more of the following grounds<sup>5</sup>.

(a) that efficient and suitable instruction is not being provided at the school, having regard to the ages and sex of the pupils attending thereat;

(aa) that the welfare of a pupil attending the school is not adequately safeguarded and promoted there;

(b) that the school premises or any parts thereof are unsuitable for a school;

(c) that the accommodation provided at the school premises is inadequate or unsuitable, having regard to the number, ages and sex of the pupils attending the school;

(d) that a condition imposed by virtue of this Part of this Act on the carrying on of the school is not being or has not been complied with;

(e) that any part of the school premises is, by virtue of this Part of this Act, disqualified from being used as a school;

(f) that any accommodation provided at the school premises is, by virtue of this Part of this Act, disqualified from being used as such or is being used as such for pupils of—

(i) such number; or

(ii) such age or sex, from which use it is so disqualified;

(g) that the proprietor of the school is—

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- (i) by virtue of this Part of this Act, disqualified from being the proprietor of an independent school;
  - (ii) barred from regulated work with children;
  - (iii) a prescribed person; or
  - (iv) otherwise not a proper person to be the proprietor of an independent school;
- (h) that a teacher in the school is—
- (i) by virtue of this Part of this Act, disqualified from being a teacher in any school;
  - (ii) barred from regulated work with children;
  - (iii) a prescribed person; or
  - (iv) otherwise not a proper person to be a teacher in any school; or
- (j) that the proprietor of the school has not, in relation to particulars prescribed under paragraph (a) of section 98(3) of this Act—
- (i) furnished information required by virtue of that paragraph; or
  - (ii) notified, by virtue of paragraph (b) of that subsection, a change in such particulars to the Registrar.

To be objectionable, effectively, means that the Scottish Ministers are satisfied that one or more of the grounds above is true. In such cases, the Scottish Ministers may serve a notice of complaint<sup>6</sup> on the proprietor which will outline why the school is objectionable and the remedial action the school should take in order to improve.

The Scottish Ministers may then, if there is no evidence of improvement, order the Registrar to remove the school from the register<sup>7</sup> (effectively closing the school).

The Scottish Ministers also have the power<sup>8</sup> to move immediately for removal from the register if satisfied that immediate action is required.

### **At risk of becoming objectionable**

Alternatively, the Scottish Ministers may be satisfied that a school is not objectionable but, in the absence of remedial action, the school risks becoming objectionable. In these circumstances, should the Scottish Ministers consider it necessary, they may impose conditions on the running of the school<sup>9</sup>.

Conditions are intimated to proprietors by the Registrar, who will set out the action expected by the proprietor and the timescale for completion.

## Regulatory action more generally

The service of a notice of complaint or imposing of conditions is not a punitive measure. The Scottish Ministers will only take regulatory action to bring about improvement at the school, where necessary and proportionate.

Where regulatory action has been taken, proprietors will be informed where there is a route of appeal.

Conditions are published in the public register of independent schools and removed only when revoked by the Scottish Ministers.

HM Inspectors may be asked to conduct a compliance visit of the school to establish whether the remedial action sought by the conditions has been completed. If this is found to be the case, the regulatory action will be revoked and the matter closed.

Parents, in particular, may wish to review the FAQs provided in **Annex A**.

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<sup>5</sup> s.99(1A) of the 1980 act ([the legislation can be found online here](#))

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<sup>6</sup> Section 99(1) of the 1980 Act

<sup>7</sup> Section 100(2)(a) of the 1980 Act

<sup>8</sup> Section 99(1B) and 100(2) of the 1980 Act

<sup>9</sup> Section 98E(1)(a) of the 1980 Act

## **5. Concerns or complaints about independent schools**

### **Who can I make a complaint to about an independent school?**

This will depend on the nature of your complaint or concerns. Ideally, complaints should be resolved at a local level i.e. between the complainer and the school.

All independent schools are expected to have a clear complaints policy that allows learners, parents, staff, and others to have their concerns heard. Where a complaint cannot be resolved by the headteacher, individuals are encouraged to raise the matter with the school's proprietor (this is usually a board of governors or trustees).

Where your concerns relate to potentially criminal conduct, you may wish to contact Police Scotland.

Additionally, where there is a dispute between a school and a third party, there may be a route to resolution through mediation. It is not for the Registrar of Independent Schools or any inspecting body to facilitate or otherwise be involved in such mediation. However, schools may wish to contact SCIS to find out more about mediation and how to begin a process of mediation if appropriate. You can find out more about SCIS [online](#).

### **The Registrar of Independent Schools**

The Registrar may not investigate individual complaints. However, you may have a complaint that relates to one or more of the grounds<sup>10</sup> on which the Scottish Ministers can find a school objectionable.

For example, you may have raised a complaint with the school about the quality of your child's education. While neither the Registrar nor the Scottish Ministers may look into your complaint specifically, the Registrar may, based on your complaint, seek information from the school regarding its delivery of education generally.

The Registrar would then seek the professional opinion of HM Inspectors and, if there is cause for concern, provide advice to the Scottish Ministers. Depending on the level of concern or the weaknesses identified, the Scottish Ministers may take regulatory action. Alternatively, HM Inspectors may consider it more appropriate to work with the school to bring about improvement without regulatory action by the Scottish Ministers.

### **GTCS**

The GTCS (as outlined earlier in this document) are responsible for registering teachers and ensuring the integrity of the profession.

### **SSSC**

The SSSC is similar to the GTCS, but regulates care workers. This is relevant if your child attends early learning and childcare provision or a special school.

## **The Care Inspectorate**

If your concerns relate to the provision of early learning and childcare or a boarding or residential element of the school, the Care Inspectorate has an independent complaints procedure may be able to investigate your complaint. If your child attends early learning and childcare within an independent school, or is a boarding pupil, or your concern relates to the boarding provision at a school, you may wish to contact the Care Inspectorate if the school is unable to deal with your complaint satisfactorily [www.careinspectorate.com](http://www.careinspectorate.com).

## **Information Commissioner's Office**

Individuals may wish to contact the Information Commissioner's Office (ICO) ([how to contact the Information Commissioner's Office](#)) if there are any concerns as to how a school manages or stores data.

The ICO should not be confused with the Office of the Scottish Information Commissioner – their role relates to freedom of information law which only applies to independent special schools ([how to contact the Scottish Information Commissioner](#)).

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<sup>10</sup> s.99(1A) of the 1980 act ([the legislation can be found online here](#))

## 6. Other information to note

### What if we plan to run a residential school?

Residential schools, or boarding schools, are considered 'school care accommodation services' and must be registered and inspected by the Care Inspectorate. The registration of such services is of interest to the Registrar, but is not part of the Registrar's remit.

### What legislation should we be aware of?

Applicants/proprietors are responsible for ensuring their school complies with any and all relevant legislation. Applicants and proprietors will wish to obtain their own legal advice and satisfy themselves that they have considered and comply with all relevant legislation.

### Freedom of information

Independent special schools are subject to the [Freedom of Information \(Scotland\) Act 2002](#) which places a number of responsibilities on the school.

### Buildings

It is for proprietors to satisfy themselves that their school complies with all relevant legislation and holds appropriate insurance for their premises. In terms of school buildings, it is expected that children and young people have adequate space to learn in a suitable environment, with access to an outdoor area for breaks and physical activity.

The following standard is used by HM Inspectors for establishing the appropriate number of lavatories and wash hand basins in schools (for day pupils):

#### Day pupils

##### Lavatories

2 for every 15 up to 60;  
then 2 for every additional 30 to  
300;  
then 2 for every additional 60  
beyond 300

##### Wash hand basins

One for each lavatory appliance  
required, as above.

With regards to living accommodation in boarding schools, the Care Inspectorate will be able to provide relevant advice.

### First aid

Depending on the size of the school, it is expected that at least two members of staff are suitably trained in administering first aid.



## **Child protection training**

In line with national guidance, it is expected that each independent school ensures that all staff, volunteers and governors have appropriate child protection training so that all adults are clear on their responsibilities, know how to report a concern, and are confident in how to respond to a disclosure made by child or young person.

It is essential that each school has a suitably trained child protection co-ordinator and deputy child protection co-ordinator.

Such training should be refreshed appropriately.

## **Fire safety**

All proprietors must be satisfied that their school complies with any relevant legislation with regards to fire safety.

[Find out more on Scottish Government's guidance on fire law.](#)

## **Financial viability**

The financial viability of a proposed school is not considered as part of the registration process. It is for proprietors to ensure they have a reasonable business plan and to comply with relevant laws regarding the maintaining and publishing of financial accounts.

## **Annual census**

Each September, the Registrar conducts an annual census of the independent sector. Independent schools must provide the information as requested by the Registrar.

The Registrar writes to schools in May or June of each year to outline the information required (learner and teacher numbers for example).

## **Curriculum**

Independent schools in Scotland, largely, follow Curriculum for Excellence. However, they are not obliged to do so and some schools follow other curriculums, or have a blended approach.

All independent schools should, however, deliver a broad and balanced curriculum that covers: English language and literacy; learning another language; mathematics and numeracy; science; technology; social studies; health and wellbeing; physical education; expressive arts; and religious and moral education.

## **ANNEX A: FAQs for parents**

### **How do I make a complaint about an independent school?**

Every independent school should have a complaints procedure which sets out clearly the process and timescales for handling complaints. This should include details of how you escalate your complaint if you are not content with how it has been handled or the outcome.

If you are unsuccessful or unsatisfied in your attempts to resolve the issue with the school, or would like advice on the matter, you may of course contact the Registrar. But note that neither the Registrar nor the Scottish Ministers have a function to handle or adjudicate on complaints about independent schools.

### **Do I need to complain to the school before I contact the Registrar of Independent Schools?**

No, you can contact the Registrar of Independent Schools at any time, However most complaints can be resolved satisfactorily by the school and their Board of Governors. So we would encourage you to raise the matter with the school first of all.

### **Will the Registrar of Independent Schools look into and make a judgement on my specific complaint?**

No. Neither the Registrar of Independent Schools nor the Scottish Ministers will investigate your specific complaint or make a judgement on your complaint. Neither has a power to do so.

The Scottish Ministers will determine (decide) whether the school is or is not currently '**objectionable**' (i.e. that any of the statements in Annex A are true of the school you are complaining about) or **at risk of becoming objectionable** (meaning that the school could become objectionable if they do not take corrective action) and whether enforcement action is appropriate or not.

**For example:** You may provide information on where there may be weaknesses or issues in how the school is delivering its services. The Registrar may then share this information and request further information from the school in response.

If your concerns relate to your child being bullied, the Registrar may request information from the school such as the school's anti-bullying policies and enquire as to how the school responds to bullying. The Registrar may also ask the link HM Inspector for that school whether they have any concerns regarding bullying at the school, and how bullying allegations are handled there.

The Registrar would then provide advice to the Scottish Ministers as to whether the school is objectionable on the ground: "that the welfare of a pupil attending the school is not adequately safeguarded and promoted there" (as bullying is a welfare issue). Should the Scottish Ministers be satisfied: "that the welfare of a pupil attending the school is not adequately safeguarded and promoted there" then the Scottish Ministers may take regulatory action (i.e. impose conditions or serve a notice of complaint) in respect of the school.

It may not always be necessary or proportionate to take regulatory action: in this example, the school may already be working to improve practice and regulatory action would be of no benefit. Instead, HM Inspectors may assist the school in developing and implementing best practice.

### **What will the Registrar do?**

The Registrar's role is to find out about the school, seek professional advice (from HM Inspectors or the Care Inspectorate, for example) and provide advice to the Scottish Ministers on whether the school is objectionable, or at risk of becoming objectionable, on any of the grounds listed in Annex A.

The information provided by parents and other individuals is very important as it often provides the initial information on where there may be an issue with a school. It is important during this process of gathering information that there is transparency and both the school and the individual making the complaint have sight of relevant information. Sometimes, where appropriate or necessary, the Registrar will share the school's responses with you for comment.

### **What can the Scottish Ministers do?**

The Scottish Ministers will consider whether the school is currently objectionable, or currently at risk of becoming objectionable, on any of the grounds listed in Annex A. The Registrar will then write to you to let you know what decision was made.

If the Scottish Ministers find the school objectionable, or at risk of becoming objectionable, on any of the grounds listed in Annex A, they may take regulatory action against the school.

### **What is regulatory action?**

Where a school is **objectionable**, the Scottish Ministers may serve a notice of complaint on the school – this is a document that will tell the school why they have been found objectionable and instruct the school to take action to improve.

The Scottish Ministers can, if it is considered necessary, order the Registrar to remove a school from the register – effectively closing the school.

Where a school is **at risk of becoming objectionable** on any of the grounds in Annex A, the Scottish Ministers may, if it is considered necessary, impose a condition or conditions on the school. Conditions compel a school to take corrective action.

Where enforcement action has been taken, HM Inspectors will visit and report on the school's progress. The Scottish Ministers will then decide whether further action is necessary.

### **What about incidents in the past?**

As explained previously, the Scottish Ministers will determine whether a school is currently **objectionable**, or currently **at risk of becoming objectionable**.

The Scottish Ministers will not make a determination (decision) on whether a school was previously objectionable or not, or otherwise adjudicate on an allegation made in respect of a school.

### **Why won't the Scottish Ministers look at the past?**

Regulatory action is directed at **improving** an independent school as opposed to being a punitive measure (punishment).

While a school could have been objectionable previously, it is the school's current performance (and potential future performance) that is relevant – the Scottish Ministers do not have the power to take retrospective action.

### **What about fees?**

Even where a school has been found objectionable, the Scottish Ministers have no powers to force a school to repay or waive school fees.

The Scottish Ministers cannot look into breach of contract or any financial issues that may exist between you and a school, Again, you may wish to consider legal action through the civil court.

### **How long does the process take?**

The Registrar endeavours to respond to all correspondence as promptly as possible. However as the process involved exchanges of information this can mean the process may take some time. At each step in the process the Registrar will make clear the timescales for responding.

### **What if I am unhappy with the outcome?**

Once the process has been concluded, the Registrar of Independent Schools will only re-open it on receipt of information which may materially affect the previous conclusion. You may send any new information to [independentschools@educationscotland.gov.scot](mailto:independentschools@educationscotland.gov.scot) for consideration.

**Education Scotland**

Denholm House  
Almondvale Business Park  
Almondvale Way  
Livingston EH54 6GA

**T** +44 (0)131 244 4898  
**E** [independentschools@educationscotland.gov.scot](mailto:independentschools@educationscotland.gov.scot)

**[www.education.gov.scot](http://www.education.gov.scot)**

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