

Back to School Webinar.

Independent Schools | 27 August 2026

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What we will cover today.

- Safeguarding
- Attendance
- Behaviour management
- Health, safety and wellbeing
- Complaints and claims
- Other legal and regulatory changes
- Inspections
- Looking ahead



Safeguarding.

- Working Together to Safeguard Children, March 2026
- Families First Partnership Programme 2026/27
- Keeping Children Safe in Education, September 2026
- Meeting digital and technology standards in schools, updated 25 August 2026
- EYFS statutory framework for group and school-based providers, September 2026
- RSE & Health Education 2025 (coming into force September 2026)
- The Independent School Standards Guidance (updated April 2026)



Working Together 2026.

Statutory guidance setting out the framework for the local safeguarding partners (LA, ICB and police) & for safeguarding and child death reviews

Key changes (in force since 18 March 2026):

Cultural:

- Reinforced expectations on leaders to create inclusive, anti-discriminatory safeguarding cultures which challenge racism & discrimination
- Strengthened guidance on managing child sexual abuse and teenage relationship abuse

Multi agency safeguarding arrangements (MASA):

- Strengthened expectations on LSPs to ensure schools have a stronger voice in safeguarding

Providing help, support and protection:

- Reinforcement of whole family focus and need for partnership working with parents and carers where possible



WT continued:

Providing help, support and protection continued:

- Expectation of integrated system providing increased support comprising:
 - universal services and community-based early help for whole families
 - 'Family help' to combine targeted early help and statutory services under s.17 to support children in need
 - Strengthened multi-agency child protection arrangements for children at risk of harm under s. 47
- Underpinned by:
 - new lead roles & specialist teams;
 - procedures which reference specific risk areas
 - explicit reference to Operation Encompass (which aims to ensure that schools have timely information about police attended incidents of domestic abuse);
 - & family group decision-making.

Organisational responsibilities

- Training so that all staff can identify all forms of abuse, neglect and exploitation & have an understanding of domestic and sexual abuse
- Clarification of vulnerability of looked after children and more focus on residential settings
- greater emphasis on the voice of the child and evidencing impact.



KCSIE 2026.

Key changes coming into force on 1 September 2026:

- **Updated terminology, references and technical amendments** throughout.
- **Training:** All staff expected to read **Part One in full** (following removal of Annex A).
- **GCQ:** Guidance on **children questioning their gender** incorporated into KCSIE with revised requirements around **single-sex facilities, accommodation and sport**.
- **Safeguarding issues:** Expanded guidance on **exploitation, mental health, serious violence, young carers, SEND and children with medical conditions** and major rewrite of **Part Five**, including child-on-child sexual violence and sexual harassment.
- **Management:** Stronger expectations around **DSL cover**.
- **Online safety:** Updated guidance on filtering and monitoring and online safety.
- **Information:** New guidance on the use of **generative AI** and on information security and strengthened expectations around safeguarding **information sharing**.
- **Employment:** changes to **safer recruitment**, including the removal of the supervision exemption for volunteers undertaking regulated activity.



Children questioning their gender.

Key principles

- Schools must not initiate social transition
- Social transition is an active intervention requiring careful safeguarding assessment
- Parents should be involved unless this would place the child at risk of harm
- Decisions must be based on the child's best interests and those of other affected children
- Decision-making should be clearly documented
- Biological sex must be accurately recorded
- Specific requirements apply to toilets, changing rooms, boarding accommodation and some single-sex sport.

Practical message: this is now explicitly a **safeguarding issue**, not simply an equality or inclusion issue.



RSHE.

2025 statutory guidance comes into force on 1 September 2026:

- Greater flexibility in curriculum design, with a less prescriptive approach
- Stronger emphasis on parental engagement and transparency
- New and expanded content on sexual harassment and violence, online harms, pornography, misogynistic influences, consent, criminal exploitation and personal safety
- Greater scrutiny of external providers and teaching resources
- Revised content on LGBT issues and gender identity
- New emphasis on suicide prevention and other health and wellbeing issues.



Updated EYFS Statutory Framework.

Key changes on 1 September 2026 for schools with children aged 0-5:

The revised framework introduces several Section 3 (safeguarding and welfare) changes, including:

- Strengthened **safer sleep** requirements
- New requirement to have regard to guidance on **children's screen use**
- Prohibition on providing childcare where **banned dog breeds** are present
- Updated safer recruitment, reference template and suitability requirements
- Stronger expectations around **attendance and unexplained absence**
- Clarification on allegations management
- Endorsement of NSPCC's online safeguarding training for early years educators.



Priority actions.

- Check that July's 'for information' version of KCSIE is the final one
- Check whether the school's local authority has delivered any guidance on early help in the light of the WTSC updates and, if so, that it is reviewed and reflected in your P&Ps
- Ensure the school's safeguarding suite of policies and procedures reflect the new language and guidance and, for those with EYFS, that the separate framework obligations are reflected
- Ensure your DSL has had appropriate training and review the content of the safeguarding update training to be delivered to staff by cohort at Inset
- Review volunteer, DBS and barred-list arrangements
- Identify vulnerable children and plan for their successful reintegration
- Give governors/proprietors assurance that implementation is complete.



Issues in practice.

- Lessons from safeguarding reviews, reports and PFDs
- The importance of accurate records and robust investigations
- Use of CCTV, especially in EY



“ Rapid reviews and child safeguarding practice reviews have highlighted that missed opportunities to record, understand the significance of, and share information in a timely manner can have severe consequences for children. ”



Attendance.

- Working Together to improve school attendance, July 2026
- The Independent School Standards Guidance (updated April 2026)



Attendance.

Statutory guidance, so IS must have regard to it

Described as containing "technical clarifications", but there are important operational changes too:

- Emphasis on **consistent register-taking**, including taking the register at the same time for all registered pupils
- Stronger expectations around **leadership** and on **attendance analysis**, including identifying key cohorts, benchmarking attendance data & explicit inclusion of young carers
- Clearer guidance on **illness-related absence**, when medical evidence may be appropriate and the use of remote education as a last resort and as part of a reintegration plan
- Clarification that **leave of absence** should only be granted in **exceptional circumstances**, blanket policies should be avoided & requests must always be considered on their individual merits
- Further guidance on use of **attendance register and codes**.

Note:

Registration times: schools using different registration windows for different age groups should review this

"Regular attendance": the new definition appears difficult to reconcile with the separate attendance-return requirements. VVV has raised this with the DfE and is awaiting clarification; schools should not assume that the reporting threshold has radically changed in the meantime.



Issues in practice.

- Part time timetables
- Exam leave



Behaviour management.

- **New paras 16A and 32A inserted into the schedule to the Education (Independent School Standards) Regulations 2014 re Restrictive interventions, including use of reasonable force, in schools, April 2026**
- **Children's Wellbeing and Schools Act 2026, section 36 introduces new section 550c of the Education Act 1996 re Mobile phones in schools guidance, statutory on 29 June 2026**
- **The Independent School Standards Guidance, April 2026**



Restrictive interventions: new duties.

What changed in April 2026?

New ISSR requirements in paragraphs 16A and 32A, alongside updated DfE guidance, some of which has statutory effect.

The proprietor **must**:

- ensure that a procedure is in place for recording each **use of force** incident and each incident in which a member of the school staff **secludes, restrains or immobilises** a pupil
- ensure that these procedures include procedures for providing information about each such incident to **each parent** of the pupil as soon **as practicable after the incident**
- take all reasonable steps to ensure that both procedures are complied with

Schools must now have procedures to:

- **Record** every significant use of force and every incident of seclusion or non-force related restraint
- Make the record **as soon as practicable and no later than the same day**
- **Report significant uses of force to each parent**, in writing, as soon as practicable and no later than the same day
- Provide parents with written information about **seclusion and non-force related restraint**, again no later than the same day



RIs: more than recording and reporting.

The wider guidance also strengthens expectations around:

- Prevention and de-escalation
- The lawful and proportionate use of reasonable force
- Seclusion and other forms of restraint
- Support for pupils with SEND
- Parental engagement following incidents
- Safeguarding oversight of restrictive intervention
- Monitoring incident data for patterns and disproportionate impact

What should schools be doing?

- Check behaviour and safeguarding policies reflect the new terminology and duties
- Ensure staff understand what must be recorded and reported
- Review incident data rather than simply retaining records
- Ensure proprietors receive appropriate assurance and oversight



Mobile phones.

Schools must now **have regard to the DfE's guidance**, with implementation expected from 1 September 2026.

The DfE's expectations are that schools should be **mobile phone-free by default** throughout the school day.

Note:

- The guidance does not prohibit pupils bringing phones onto the school site
- Schools can choose how to achieve a phone-free environment, for example through hand-in arrangements or secure storage
- **“Not seen, not heard”** - Not expressly prohibited but guidance expects pupils not to have **access** to mobile phones during the school day
- Different arrangements may be appropriate e.g. for sixth form, boarding, disability/medical needs or other exceptional circumstances, but these should be clearly justified, recorded and controlled and not seen, not heard policies may be appropriate in those circumstances.



Issues in practice.

- Adequacy of school investigations
- Balancing pupils' rights when behavioural infractions may be due to a disability
- Societal interest in internal suspensions



●●● Health, safety and wellbeing.

- Mobile Phones (see previous section)
- Allergy safety in schools, July 2026
- Terrorism (Protection of Premises) Act 2025 (Martyn's Law)



Allergy safety.

New allergy safety guidance published on 6 July 2026 is **not yet statutory** for independent schools, but the Government intends to introduce equivalent allergy safety requirements through the ISSRs.

What does the guidance cover?

- Requirement for a dedicated allergy safety policy (template provided)
- A named senior leader responsible for allergy safety
- Regular allergy awareness and emergency response training
- Procedures for identifying and managing allergy-related risks
- Appropriate arrangements for medication and medical devices incl. spare AIDs
- Recording and review of allergic reactions and near misses
- Regular review of arrangements and appropriate proprietor oversight.

What should independent schools do now?

Get ahead: Don't wait for the ISSRs to be updated. Benchmark current arrangements against this guidance and consider introducing model policy now.



School security.

Martyn's Law

- The **Terrorism (Protection of Premises) Act 2025** received Royal Assent on **3 April 2025** but implementation period of **at least 24 months** before it comes into force
- The Act aims to improve security and public preparedness at public venues by requiring steps to reduce vulnerability to terrorist attacks
- Will apply where it is reasonable to expect 200+ people to be present
- The standard tier arrangements will apply to schools, even where 800+ may be present
- Once in force, schools within scope will need to have appropriate **public protection procedures** covering:
 - Evacuation
 - Invacuation
 - Lockdown
 - Communication
- an identified **responsible person**
- to register with the Security Industry Authority (SIA), which will regulate compliance.



Issues in practice.

- Site security in particular regarding risks associated with terrorism, extremism &/or violence-fixated individuals



Complaints and claims.

- **Section 164A Data Protection Act 2018, 19 June 2026**
- **The Independent School Standards Guidance, April 2026**
- **FOI and AI guidance from the ICO**



Data protection complaints: new legal requirements.

New requirements for handling data protection complaints from 19 June 2026:

Schools must:

- provide a clear and accessible way to make a data protection complaint;
- acknowledge complaints **within 30 calendar days**;
- take appropriate steps to investigate and respond **without undue delay**; and
- inform the complainant of the outcome.



Data protection complaints cont.

The complication for independent schools

Data protection complaints may overlap with the **ISSR Part 7 parental complaints procedure**

Suggested approach:

- Make the parental complaints procedure **section 164A compliant** so it can accommodate data protection issues within wider parental complaints
- Have a shorter standalone data protection complaints process available for **non-parent complaints and appropriate standalone data protection complaints**
- **Categorise carefully:** consider the substance of the complaint as a whole, **before** deciding which process applies
- Update **privacy notices** to explain the right to make a data protection complaint.



ICO guidance.

The ICO has published guidance for public authorities on responding to AI-generated FOIA requests

Although independent schools are not subject to FOIA, many of the underlying principles are equally useful when dealing with **complaints and SARs**

Useful principles for schools

- Focus on substance, not how it was drafted
- Don't assume AI is accurate or inaccurate
- Clarify scope where necessary
- Respond proportionately



Issues in practice.

- Increasing number & complexity of complaints
- AI-generated complaints
- Marked increase in complaints and claims associated with Disability Discrimination



Other regulatory and inspection changes.

- **The Independent School Standards Guidance, April 2026**
- **EYFS Statutory Framework**
- **ISI updates**
- **Ofsted updates to inspection documents for non-association independent schools and school and group-based EY providers, Sept 2026**



Updated guidance on the ISSRs.

The DfE has updated its guidance to reflect a number of developments, including RSHE, mobile phones, attendance, restrictive interventions and data protection complaints.

Also re **Fundamental British Values**:

Democracy • Rule of law • Individual liberty • Mutual respect and tolerance of those with different faiths and beliefs

Key messages:

- Active promotion should be **planned and embedded** across the curriculum and wider life of the school
- Schools should be able to demonstrate **how pupils encounter and understand these values in practice**
- Provision should be appropriate to pupils' **ages and stages of development**
- Schools should consider the **cumulative impact** of their curriculum and wider provision rather than relying on isolated activities or events.



ISI update.

Changes from September 2026

No changes to the framework or handbook, but changes to

Complaints

- Stage 1 will involve a video (not telephone) call with the complaint handler, with no written response
- Stage 2 complaints must identify the specific paragraphs of the inspection report being challenged
- ISI's response time has increased from 10 to 15 school days
- Schools can opt to receive ISI's response during the summer holidays
- Additional quality assurance has been introduced before complaints progress to the Independent Adjudicator.

Reporting

- From September 2026, inspection reports will no longer identify "significant strengths".



ISI inspections: statistics & trends.

VWV analysis of inspections 2025/26

85% of schools in our sample met all Standards

15% had one or more Standards not met

Of those with unmet Standards:

100% failed Part 8 (Leadership and management)

78% had a safeguarding failure

43% had an attendance failure

39% had a safer recruitment/staff suitability failure.



Where are schools falling down?

Recurring areas of non-compliance:

Safeguarding

- Weaknesses in safeguarding practice and oversight
- Policies not reflecting current requirements

Safer recruitment

- Checks not undertaken when required
- Inaccurate or incomplete SCR entries
- Insufficient leadership oversight of recruitment compliance

Leadership and management

- All 23 schools with one or more unmet Standards in our sample also failed **Part 8**

Attendance

- Attendance policies
 - not reflecting current statutory guidance
 - not being implemented effectively
- Practice:
 - Inadequate registration arrangements
 - Incorrect attendance codes used
 - Inadequate monitoring of attendance and follow-up of absence
- Oversight
 - Weaknesses in leadership/governance oversight



Ofsted inspections from September 2026.

Changes to inspection of non-association IS

- Inspection toolkit - updated to reflect the new ISS requirements on restrictive interventions; greater focus on **inclusion, safeguarding, attendance and engagement with pupils and families**.
- Operating guide – further clarity on **learning walks, inclusion leadership, adults living on site, off-rolling and equalities**.
- Inspection information for schools – updated expectations around **SEND, disadvantaged and vulnerable pupils, and bullying/discriminatory behaviour**.
- **Changes to inspection of schools and group-based early years providers**
- Inspection toolkit – stronger focus on **inclusion, safer sleeping, weaning and safer eating**.
- Operating guide – inspectors will speak to the **SENCo/inclusion leads** and check implementation of the new safer-sleeping, weaning and eating requirements.
- Inspection information for providers – updated inclusion expectations and signposting to the [Ofsted: explore an area - GOV.UK](#) tool.



Section 6 – Looking ahead.

- Education policy to 2028
- SEND reform
- Early years reform
- Mandatory reporting duty for CSA



Education policy: where are we heading?

Policy direction to September 2028

Curriculum & assessment

- Proposed removal of the English Baccalaureate (EBacc)
- Plans to reduce GCSE examination time by around 10%

Technical education

- New technical education pathways from age 14
- Greater emphasis on creating routes with “no dead ends” between academic, technical and employment pathways

SEND

- Major overhaul of support, with a stronger emphasis on inclusion and meeting needs closer to home

Devolution

- Greater decentralisation of education and skills policy, with provision more closely aligned to local economies and industries.



SEND reforms: where are we now?

The King's Speech confirmed that the Government intends to legislate for the SEND reforms through the **Education for All Bill**, subject to the outcome of the SEND consultation

Planned move towards a more nationally consistent, **inclusion-first, graduated support model**, with more needs met through mainstream provision and EHCPs increasingly focused on pupils with the most complex needs

Key proposals include:

- **National Inclusion Standards** setting a statutory baseline or identification, intervention and inclusive practice
- **Individual Support Plans for all SEND pupils** designed to replace reliance on EHCPs for lower-level or emerging needs
- Reform of the EHCP framework incl. national template and review cycles aligned to key school stages
- SEND workforce development and specialist training for **all staff**
- A fairer national funding model with Specialist Provision Packages for those with the most complex needs
- Stronger oversight of ISS.



Early years: what else is coming?

Further reform on the horizon

Beyond the September EYFS changes already discussed, there are several wider developments to monitor:

- The Government's **Best Start in Life strategy**.
- The wider Government review of EY provision.
- The **CMA market study into EY education and childcare** considering issues including information & parental choice & the impact of different provider and ownership models. Provisional findings are expected in early 2027.



Children's Wellbeing and Schools Act 2026.

What else should IS know?

The Act significantly strengthens the regulation of independent educational institutions (IEIs), including through:

- A broader **definition** of an IEI based on whether a setting provides full-time education
- A wider **fit and proper person** test for those involved in management
- A new power to **suspend registration** where there is a risk of harm to pupils
- A tougher approach to **deregistration appeals**, with tribunals considering whether sustained future compliance is likely
- New categories of **material change** requiring prior approval
- Wider powers to impose restrictions and investigate non-compliance.

Direction of travel: broader regulatory reach, stronger intervention powers and greater emphasis on sustained compliance, rather than short-term remediation.



Mandatory reporting of child sexual abuse.

Crime and Policing Act 2026 – Duty not yet in force

The Act creates a new statutory duty for individuals undertaking **regulated activity** with children to report where they:

- are told about child sexual abuse;
- witness it; or
- see or hear it through images, video or audio.

The Act also creates an offence of **preventing or attempting to deter someone from reporting**.

Timing: The Government has said it expects commencement no earlier than 12 months after Royal Assent (29 April 2026), with further statutory guidance issued before implementation.



Further support.

We'll continue to keep schools updated throughout the year.

In particular, you may find the following resources helpful:

- **Independent School Insights** – practical articles and guidance as new legislation and statutory guidance is published
- **SEND Reforms Tracker** – our regularly updated tracker summarising the Schools White Paper, consultation proposals and implementation timetable
[VWV SEND Reforms Tracker](#)
- **Compliance Toolkit** – monthly updates on legal and regulatory developments affecting independent schools
- **VWV eLearning Solutions** – a comprehensive suite of legally authored online training for schools, including updated KCSIE 2026, safeguarding, data protection, equality, health and safety and other compliance topics
- VWV's **Practical Strategies conference** at the Royal Society **22 September 2026**.



Any questions?



Thank you.

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