

## **L1b) Steiner / Waldorf Schools and the Legal Framework of Independent Schools:**

### ***Synopsis of Relevant Documents***



#### **Introduction**

The aim here is to outline elements of the Legal framework for education in England with special reference to the design of the curriculum in Steiner Waldorf schools. Having said that, the design of a curriculum in relationship to a Legal framework of a country will not be unique to England, there will no doubt be strong similarities to all countries signed up to the *Declaration of Human Rights, or countries whose ethical*

**principles are convergent with them.** It isn't the intention to discuss every aspect of the Legal Framework, only those which are relevant to curriculum design. As a background to the following, it would be worthwhile reading:

- [Briefing Paper, Number 07972, 28 June 2019, Independent schools \(England\), House of Commons Library \(included here on this site\).](#)

### **Enforcement Action**

Independent schools, such as Steiner / Waldorf Schools, exist in a legal framework. This means that they are subject to the laws of a country. This is not just in relationship to the general laws of the land, but also the specific laws concerning education. In England, for instance, there are a number of legal acts, Statutes, which condition the operation of independent schools. The breaking of these laws can lead to legal action which can end with the closing of a school.

“The Independent Schools: Regulatory and Enforcement Action Policy Statement” April 2019, makes it clear that the Department for Education (DfE) can take what is called “Enforcement Action” which can lead to the de-registration of a school if it does not meet certain standards. This means that a school will need to cease operation at a specified time. Thereafter it becomes **“a criminal offence to operate an unregistered independent school”.**

It is clear then, that independent schools such as Steiner Waldorf, need to meet the “standards” set by the DFE if they are to continue to exist.

Please read now: [“The Independent Schools: Regulatory and Enforcement Action Policy Statement” April 2019; attached on this site.](#)

### **The Education (Independent School Standards) Regulations 2014, Statutory Instruments**

These are the legal documents to which the above refers. They are intended to regulate the operation of independent schools in England. The document sets out a number of regulations which independent schools must meet in order to be allowed to continue to operate. There are eight major parts and many sub-parts to the regulations each of which schools need to fulfil. The major ones are:

Part 1: Quality of Education

Part 2: Spiritual, Moral, Social and Cultural development of pupils (SMSC)

Part 3: Welfare, health and safety of pupils

Part 4: Suitability of staff, supply staff and proprietors

Part 5: Premises of, and accommodation at, schools

Part 6: Provision of Information

Part 7: Manner in which complaints are handled

Part 8: Quality of leadership in and management of schools

The document not only sets out the required regulations, it also sets out who is responsible for what. In the majority of cases, the responsible “persons” are the “**proprietor**” and the “**school leadership**”. In the context of Steiner / Waldorf, the first of these are the trustees who are responsible for *ensuring* the regulations are met. This is an overseeing role rather than a *doing* one. The latter is the job of the school leadership which consists primarily in a number of teaching staff; this could be quite small or larger; including what is called the “College of Teachers”. In many Waldorf schools, this can often mean that individual teachers are responsible for the “Quality of Education” part (see below). It is these Regulations that are taken up and expanded on in the DfE’s “The Independent School Standards Guidance for Independent schools April 2019” (ISS).

In this text we will focus on the regulations concerned with the category “Quality of Education” as the others are concerned with school organisation and these two are largely about the curriculum, its design and implementation.

## Quality of Education in Relationship to Curriculum Design

The Statutes and the ISS establish what may be considered a two-fold approach to making judgements about the Quality of Education. The first is concerned with **documentation**. The second is **Implementation**. It is these two together that identify the two polarities that become the focus of an Ofsted inspection.

### Documentation and the Quality of Education

Having the appropriate documentation is a legal requirement in England, the lack of which can lead to school closure in the long run. This is a significant part of the Quality of Education category. This documentation has to have the following components:

- 1) Written policy on the curriculum, supported by**
- 2) Appropriate plans and**
- 3) Schemes of work**

These are outlined in Part 1, 2, of the Statutes and the ISS Part 1, 2.1, 2.2. According to the latter, these need to be detailed in the written documents of the school and be available to inspectors as well as to parents. In many cases, the design of these is the responsibility of individual teachers, but from the perspective of the DfE, the policy, plans and schemes of work are the responsibility of the school leadership to **do** and the trustees to **ensure** their creation and maintenance.

- 1) The **written policy** on the curriculum in this context refers to the “how” of the curriculum. In Steiner/Waldorf schools this in part refers to the specific methodologies or pedagogies applied in them as well as an outline of the content of the curriculum itself.
- 2) The **Plans** are the outline of the of the curriculum content as it is delivered over the school year for each year.
- 3) The **Schemes of Work** are a more detailed account of what is taught in each subject in each year for each group.

Each of these must do the following:

- (i) take into account the ages, aptitudes and needs of all pupils, including those pupils with an EHC plan; (See also the “Protected Characteristics” in the Equality Act 2010) and
- (ii) do not undermine the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.

The Statutes also refer to the “Matters” that must be included in the policy, plans and schemes. These are outlined as such:

- (a) full-time supervised education for pupils of compulsory school age (construed in accordance with section 8 of the Education Act 1996), which gives pupils experience in **linguistic, mathematical, scientific, technological, human and social, physical and aesthetic and creative education.** (My emphasis)

In other words, in order to obtain a satisfactory Ofsted report, this wide spectrum of subjects needs to be included in the three elements of the curriculum documentation as well as in its implementation. Parts 2.2 b to i, are also important considerations with regards to curriculum design.

Standards 3 and 4 refer to student **progress** and that a student's **performance** is evaluated:

**3.** The standard in this paragraph is met if the proprietor ensures that the teaching at the school -

(a) enables pupils to acquire **new knowledge** and make **good progress** according to their ability so that they increase their understanding and develop their skills in the subjects taught; (My emphasis)

**4.** The standard in this paragraph is met where the proprietor ensures that a **framework for pupil performance** to be **evaluated**, by reference to the **school's own aims** as provided to parents or national norms, or to both, is in place. (My emphasis)

There is a significant point here to be noted: that the system of evaluation is not imposed by the DfE or Ofsted, but can be derived from the school's own aims. For Steiner Waldorf schools, this means that the evaluation can be in line with its own pedagogical philosophy which in turn arises from its **own principles of child development**. It would be valuable to now read or re-read:

- The Secretary of State for Education, **S T A T U T O R Y I N S T R U M E N T S**, 2014 No. 3283 **E D U C A T I O N, E N G L A N D**, The Education (Independent School Standards) Regulations 2014. (The Statutes)
- DfE, **I n d e p e n d e n t S c h o o l S t a n d a r d s**, Guidance for Independent schools. (The Guidance)

## The Education Inspection Framework

The Education Inspection Framework (EIF) is what is used by Ofsted inspectors when they are evaluating schools. It ultimately refers and defers to the Legal Statutes and the Independent Schools Guidance. It includes the principles used to make judgements about the Quality of Education and the other categories of inspection. We will be focusing on the former of these.

The EIF, in the section on the Quality of Education focuses on three concepts: Intent, Implementation and Impact (see p. 9/10):

- The **Intent** concerns the nature of the curriculum **content** and the qualities it needs to have in order to be satisfactory.
- The **Implementation** is largely about **teachers** and **teaching**. In the context of Steiner Waldorf this would also include the unique set of pedagogies derived from its philosophy of child development.
- The **Impact** is mostly about the **assessment** of the students' knowledge and skills that emerge from the above.

Across these three categories there are also a few key concepts, in addition to those above, which relate to the design of a curriculum. The Intent, Implementation and Impact need to demonstrate and / or be:

- **Knowledge** and **cultural capital** the students need to succeed in **life**.
- **Coherently** planned
- **Sequenced**
- **Cumulatively** sufficient knowledge and skills
- **Integrate** new knowledge into **larger concepts**

The task for a teacher would be how to design these elements into the curriculum.

You might now read:

- The education inspection framework. Framework for inspections carried out, respectively, under section 5 of the Education Act 2005 (as amended), section 109 of the Education and Skills Act 2008, the Education and Inspections Act 2006 and the Childcare Act 2006

### **Research on the Education Inspection Framework**

The EIF does not exist in a vacuum; it originates from a research activity over a number of years. The paper “Education inspection framework Overview of research, Reference no: January 2019, No. 180045” by Ofsted, outlines the research that feeds into the EIF. It is worth having a cognisance of the research base as it affects how independent schools, such as Steiner Waldorf, are judged. This might help when the design of a curriculum is formulated and documented.

You might now like to read:

- Education inspection framework Overview of research, Reference no: January 2019, No. 180045
- Education inspection framework: overview of research References, Published: June 2019, Reference no: 190033

## Summary

In order to meet the Independent Schools Standards, Steiner Waldorf Schools need to have in their **documentation and implementation**:

1) A clear understanding of their fundamental **Aims** in terms of their charity status. Within the current legal framework, every independent school is entitled to its own educational philosophy. There is no statutory requirement for an independent school to be assessed through a mainstream lens. **This determines everything that follows hereafter**. But there are some conditions as are shown below. However, an independent school is to be judged according primarily to its own aims.

2) A clear statement in terms of their Aims:

- 1) Policies of curriculum pedagogy
- 2) Plans for the curriculum
- 3) Schemes of work for the curriculum.

3) Cover a wide range of subjects in accordance with its own aims: **linguistic, mathematical, scientific, technological, human and social, physical and aesthetic and creative education.**

4) Within the curriculum design and implementation with regard to Intent, Implementation and Design:

- **Knowledge** and **cultural capital** the students need to succeed in *life*.
- **Coherently** planned
- **Sequenced**
- **Cumulatively** sufficient knowledge and skills
- **Integrate** new knowledge into **larger concepts**

5) Demonstrate **progress** in learning **through systematic assessment**.

6) Respect the rights of all to learn and to respect British values.

7) Accept and have regard to protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.