

# York Upper School

25 Fulford Cross, Fulford, York, North Yorkshire YO10 4PB

**Inspection dates**

23 July 2018

**Overall outcome**

**The school is unlikely to meet all the independent school standards when it opens**

## Main inspection findings

### Part 1. Quality of education provided

*Paragraphs 2(1), 2(1)(a), 2(1)(b), 2(1)(b)(i), 2(1)(b)(ii), 2(2), 2(2)(d), 2(2)(d)(i), 2(2)(d)(ii), 2(2)(h) and 2(2)(i)*

- The proprietor has ensured that there is an appropriate written policy on the curriculum. However, the accompanying schemes of work are incomplete. The lack of information in the schemes of work means that it is not possible to say whether the schemes take into account the ages, aptitudes and needs of all pupils. The school is further ahead in developing the schemes for class 9. Pupils in class 9 will be aged between 14 and 15 years old.
- It is not possible to say that the schemes of work will not undermine British values, reflect the school's values and encourage respect for other people because the content of each subject area is not detailed enough.
- These standards are unlikely to be met.

*Paragraphs 2(2)(e), 2(2)(e)(i), 2(2)(e)(ii) and 2(2)(e)(iii)*

- The plans for providing pupils with careers education are limited to bringing in parents to speak about their careers and discussing careers if the need arises in class 9. There is no specific scheme of work or information to show how pupils will receive impartial careers advice about a broad range of careers that will allow them to fulfil their potential.
- Leaders state that the work on careers begins when pupils are in class 10, with discussions about pupils' interests and ideas for the future. However, there is no specific plan around this in place.
- These standards are unlikely to be met.

*Paragraphs 2(2)(a) and 2(2)(b)*

- The schemes of work provided demonstrate that pupils will have opportunities to learn in all of the areas described in the independent school standards.
- Although schemes of work lack detail, there is sufficient information to indicate that pupils will practise and develop skills in speaking, listening, literacy and numeracy.

- These standards are likely to be met.

*Paragraphs 3, 3(a), 3(b), 3(c), 3(d), 3(e), 3(g), 3(i), 3(j) and 4*

- The schemes of work provided do not provide enough detail about how pupils will be assessed. There is little detail about what will be taught – often just a list of topics, and little information about how teachers will ensure that pupils' needs are met. There is no information about how pupils will be challenged or supported to make at least good progress. There is little information about activities that teachers can offer, for example to ensure that pupils are interested in their work or to support pupils to think and learn for themselves.

- These standards are unlikely to be met.

*Paragraphs 3(f) and 3(h)*

- Although resources are to be shared with York Steiner School, there are sufficient resources of a good quality and range, for example in physical education and science lessons.
- The behaviour policy describes the expectations for behaviour and the sanctions that could be imposed if pupils misbehave. The strategies encourage pupils to behave well.
- These standards are likely to be met.

## Part 2. Spiritual, moral, social and cultural development of pupils

*Paragraphs 5, 5(a), 5(b), 5(b)(i), 5(b)(ii), 5(b)(iii), 5(b)(iv), 5(b)(v), 5(b)(vi), 5(b)(vii) and 5(c)*

- Schemes of work are incomplete and therefore it is not possible to say whether leaders will actively promote British values across the curriculum. Leaders have some ideas about how they will address some values, for example tolerance, respect for other cultures, and enabling pupils to acquire a broad knowledge of public institutions and services in England through their universal human values statement. However, at the time of this inspection, this was not planned.
- These standards are unlikely to be met.

*Paragraphs 5(d), 5(d)(i), 5(d)(ii) and 5(d)(iii)*

- Leaders are clear about how they will ensure that pupils have a balanced presentation of views when considering political issues, both in school and during extra-curricular activities and school trips.
- These standards are likely to be met.

## Part 3. Welfare, health and safety of pupils

*Paragraphs 7, 7(a) and 7(b)*

- The proprietor has not ensured that all staff have undergone appropriate safeguarding training for their roles. The safeguarding policy has been prepared but is not up to date with the government guidance that will be in place on the proposed date of opening the school. Leaders intend for the policy to be made available to parents on the school's website. Until the school website is ready, the policy is available upon request.

- During the inspection, there was unclear signage for fire exits in the gym area of the school and a fire exit was blocked with sports equipment. In addition, material in the outdoor classroom poses a fire risk and has not been cleared, despite being raised in two previous fire safety inspections, one in 2016 and one earlier this year.
- By the proposed date of opening, some staff will not have completed appropriate safeguarding training. For example, the designated safeguarding lead will not complete appropriate training until the end of September 2018. This means that pupils may not receive the appropriate support if a safeguarding need arises.
- The proprietor has not ensured that the risks associated with sharing a site with another school have been assessed. There is no information about how potential allegations, behaviour or bullying issues will be dealt with if both schools are involved.
- These standards are unlikely to be met.

*Paragraphs 9, 9(b), 9(c) and 10*

- Although the proprietor has ensured that a written policy is in place for managing pupils' behaviour, it is not possible to say that it will be implemented effectively. The proprietor has the necessary forms available to record any behaviour incidents, but, at the time of this inspection, did not have the means to effectively analyse and evaluate any behaviour incidents.
- The behaviour policy does not address behaviour issues and the anti-bullying policy does not address bullying issues that could arise from sharing the site with another school.
- These standards are unlikely to be met.

*Paragraphs 9(a) and 14*

- The proprietor has ensured that a written behaviour policy is in place, which details the sanctions to be adopted in the event of pupils' misbehaviour.
- The proprietor has made arrangements for the appropriate supervision of pupils during the school day, including at break- and lunchtimes.
- These standards are likely to be met.

*Paragraphs 11, 12, 13, 16, 16(a) and 16(b)*

- The proprietor does not have a personalised health and safety policy specifically for the school. The policy they do have is not implemented effectively. For example, there are several trip hazards in the school grounds, bricks are stored on the side of a path, and fire safety is not well signed in and around the school gym.
- Despite a fire risk assessment being carried out in 2016 and again in 2018, with the recommendation that flammable materials be removed from outside the building, wood remains stacked up against the building near the outdoor classroom. This poses a fire risk, particularly in aiding the spread of fire.
- The proprietor has ensured that a written first-aid policy is in place. However, it is not implemented well. For example, the first-aid risk assessment has not been carried out and only one member of part-time staff is fully trained. The policy states that first-aid treatment will be available at all times, including when pupils are on school trips, which would not be possible currently.

- The proprietor has ensured that there is a written risk assessment policy in place. However, this is not implemented effectively. For example, there is no risk assessment in place for pupils working in the outdoor classroom, or for keeping pupils safe around building materials that are stored on the pathway to the outdoor classroom.
- The first-aid policy states that a first-aid risk assessment will be carried out. At the time of the inspection, this had not been completed.
- These standards are unlikely to be met.

#### *Paragraph 15*

- The proprietor did not have an admission register or an attendance register available at the time of this inspection.
- This standard is unlikely to be met.

### Part 4. Suitability of staff, supply staff, and proprietors

#### *Paragraphs 18(2), 18(2)(c), 18(2)(c)(ii) and 18(3)*

- The proprietor has not ensured that checks relating to the medical fitness of staff have been carried out prior to a person's appointment. The proprietor plans to complete these checks following a staff meeting in August 2018.
- These standards are unlikely to be met.

#### *Paragraphs 18(2)(a), 18(2)(b), 18(2)(c)(i), 18(2)(c)(iii), 18(2)(c)(iv), 18(2)(d), 21(1), 21(2), 21(3), 21(3)(a), 21(3)(a)(i), 21(3)(a)(ii), 21(3)(a)(iii), 21(3)(a)(iv), 21(3)(a)(v), 21(3)(a)(vi), 21(3)(a)(vii), 21(3)(a)(viii) and 21(3)(b)*

- The proprietor has ensured that the vast majority of appropriate checks have taken place to ensure that adults are suitable to work with pupils. These checks are recorded on the single central record.
- These standards are likely to be met.

### Part 5. Premises of and accommodation at schools

#### *Paragraphs 23(1) and 23(1)(c)*

- The proprietor has not ensured that there is appropriate changing accommodation for both boys and girls. There is only one changing room and plans for the other sex to change in the classroom are unsuitable because there are no blinds to cover the windows.
- These standards are unlikely to be met.

#### *Paragraphs 23(1)(a) and 23(1)(b)*

- The proprietor has ensured that there are suitable toilet and washing facilities for the sole use of pupils. There are separate facilities for boys and girls.
- These standards are likely to be met.

#### *Paragraphs 24(1), 24(1)(a) and 24(1)(b)*

- The accommodation for the medical examination and treatment of pupils is not suitable. This is because the room is not situated close enough to a toilet and the room does not have a secure facility for the storage of medicines.

- These standards are not likely to be met.

*Paragraph 24(2)*

- The designated medical room is used solely for this purpose and is readily available should there be an incident that requires it to be used.
- This standard is likely to be met.

*Paragraph 25*

- The proposed school site is not maintained well enough. For example, there are uneven paths which are trip hazards. There are building materials stored to the side of the pathway to the outdoor classroom and there is no risk assessment in place for this.
- Materials stored against the building near the outdoor classroom pose a risk to the spread of fire.
- The lift to allow pupils who have disabilities to access the first floor is broken. A quote for the parts needed has been received, but the date for the repair has not been agreed.
- This standard is not likely to be met.

*Paragraphs 26, 27, 27(a) and 27(b)*

- The classrooms are bright and spacious and appropriate to the activities proposed for each room. The acoustics are appropriate in each learning space.
- The external light is above the entrance to the school and lights the pathway to the exit from the school and the school grounds. This light is in working order and allows pupils to enter and leave safely.
- These standards are likely to be met.

*Paragraphs 28(1), 28(1)(a), 28(1)(c), 28(2), 28(2)(a) and 28(2)(b)*

- At the time of the inspection, the proprietor had not ensured that suitable drinking water facilities were provided. No water was labelled for drinking and so it is not possible to say whether drinking water will be readily available and in a separate area from the toilet facilities.
- The proprietor confirmed during the inspection that water will be available for pupils in the classroom and will be labelled as drinking water.
- If this is implemented, these standards are likely to be met.

*Paragraphs 29(1), 29(1)(a) and 29(1)(b)*

- The proprietor has ensured that appropriate space is available for pupils to play and socialise outside and for pupils to take part in physical education.
- These standards are likely to be met.

## Part 6. Provision of information

*Paragraphs 32(1), 32(1)(f), 32(1)(g), 32(3) and 32(3)(b)*

- At the time of the inspection, the proprietor did not have an example of how parents would receive information about their child's progress and attainment in the main

subject areas taught. The proprietor did not have an admission or attendance register in place.

- The proprietor has not ensured that there is a policy in place that gives the particulars of educational provision for pupils who speak English as an additional language. In the special educational needs and disability policy, there is information that states that pupils who speak English as an additional language may be deemed to have a special educational need. There is no further information about how pupils will be supported.
- These standards are not likely to be met.

*Paragraphs 32(1)(a), 32(1)(b), 32(1)(c), 32(1)(j), 32(2), 32(2)(a), 32(2)(b), 32(2)(b)(i), 32(2)(c), 32(2)(d), 32(3)(a), 32(3)(c), 32(3)(d), 32(3)(e) and 32(3)(f)*

- The proprietor has ensured that the website that is under development is appropriate for providing information to parents. Policies (including the safeguarding policy), contact information, a statement of ethos and particulars of the school's academic performance are catered for.
- Until the website is live, parents can access information by contacting the proprietor.
- These standards are likely to be met.

#### Part 7. Manner in which complaints are handled

*Paragraphs 33, 33(a), 33(b), 33(c), 33(d), 33(e), 33(f), 33(g), 33(h), 33(i), 33(i)(i), 33(i)(ii), 33(j), 33(j)(i), 33(j)(ii) and 33(k)*

- The proprietor has ensured that an appropriate complaints policy is in place and is compliant with the independent school standards. There are clear and appropriate guidelines, which inform parents how they can make a complaint.
- These standards are likely to be met.

#### Part 8. Quality of leadership in and management of schools

*Paragraphs 34(1), 34(1)(a), 34(1)(b) and 34(1)(c)*

- The proprietor has not ensured that leaders have the skills or experience to ensure that the independent school standards are met consistently. A number of standards are not likely to be met by the school's proposed opening date.
- The safeguarding policy is not up to date with the statutory guidance that will be in place at the proposed school opening date. In addition, some issues with health and safety and a lack of appropriate risk assessments mean that leaders and managers are not actively promoting pupils' welfare.
- The proprietor, along with leaders and managers, is keen to ensure that the independent school standards are met consistently.
- These standards are unlikely to be met.

#### Schedule 10 of the Equality Act 2010

- The proprietor has not ensured that an accessibility plan that is personalised to the proposed school is in place. For example, there is no information about how the school will improve access to the physical education curriculum and particularly the outdoor space that is available for physical education.

- This standard is unlikely to be met.

## **Compliance with regulatory requirements**

The school is unlikely to meet the requirements of the schedule to the Education (Independent School Standards) Regulations 2014 ('the independent school standards') and associated requirements, as set out in the annex of this report.

## Proposed school details

Unique reference number	145509
DfE registration number	816/6013
Inspection number	10052011

This inspection was carried out under section 99 of the Education and Skills Act 2008, the purpose of which is to advise the Secretary of State for Education about the school's likely compliance with the independent school standards that are required for registration as an independent school.

Type of school	Independent school
School status	Independent school
Proprietor	Jacky Miles
Chair	Jacky Miles
Headteacher	Linda Fryer
Annual fees (day pupils)	Contributions
Telephone number	01904 466385
Website	Under construction
Email address	<a href="mailto:yorkupperschool@gmail.com">yorkupperschool@gmail.com</a>
Date of previous standard inspection	Not previously inspected

## Provider already operating

Number of pupils of compulsory school age	N/A
Number of pupils of compulsory school age for whom a statement is maintained under section 324, or who is looked after by a local authority	N/A
Total hours operating as a school per week	N/A
Total hours of teaching provided per week	N/A

## Pupils

	School's current position	School's proposal	Inspector's recommendation
Age range of pupils	N/A	14–19	14–15
Number of pupils on the school roll	N/A	160	10

### *Reason for inspector's recommendations*

- The proprietor's initial proposal is for the school to have eight classes, two in each year group from the age of 14 to 19 years. At this current time, the proprietor is proposing a transitional year, with a small number of pupils, in a smaller space, shared with another school.
- The proprietor is more prepared to teach the first class of 14- to 15-year-olds; however, there is still a significant amount of work to do to ensure that the curriculum and assessments are appropriate.

## Pupils

	School's current position	School's proposal
Gender of pupils	N/A	Mixed
Number of full-time pupils of compulsory school age	N/A	160
Number of part-time pupils	N/A	0
Number of pupils with special educational needs and/or disabilities	N/A	32
Of which, number of pupils with a statement of special educational needs or an education, health and care plan	N/A	8
Of which, number of pupils paid for by a local authority with a statement of special educational needs or an education, health and care plan	N/A	8

## Staff

	School's current position	School's proposal
Number of full-time equivalent teaching staff	3.5	15
Number of part-time teaching staff	19	19
Number of staff in the welfare provision	N/A	N/A

## Information about this proposed school

- The school proposes to admit 160 pupils, both boys and girls, over the next four years, starting with a small group of pupils this year. The age range of pupils initially will be 14 to 15 years, extending to up to 19 years as the school grows.
- The school proposes to follow the Steiner Waldorf curriculum, teaching the New Zealand Certificates in Steiner Education (NZCSE) from the age of 15 to 19 years, up to level 3.
- The school proposes to share a site with York Steiner School in its first year of operation.
- The school will rely on voluntary contributions from parents, and the proprietor intends to secure charitable status for the school in the future.

## Information about this inspection

- The inspection team scrutinised a range of documents provided by the school in relation to the independent school standards. These included safeguarding documentation and documents relating to the school's proposed curriculum and pupils' progress.
- Discussions were held with the proprietor and a number of trustees. The inspection team toured the premises inside and outside.
- This was the first pre-registration inspection of the school, commissioned by the Department for Education, following the application to open a school from the proprietor.

## Inspection team

Debbie Redshaw, lead inspector

Her Majesty's Inspector

Drew Crawshaw

Her Majesty's Inspector

## **Annex. Compliance with regulatory requirements**

### **The school is unlikely to meet the following independent school standards**

#### **Part 1. Quality of education provided**

- 2(1) The standard in this paragraph is met if–
  - 2(1)(a) the proprietor ensures that a written policy on the curriculum, supported by appropriate plans and schemes of work, which provides for the matters specified in sub-paragraph (2) is drawn up and implemented effectively; and
  - 2(1)(b) the written policy, plans and schemes of work–
    - 2(1)(b)(i) take into account the ages, aptitudes and needs of all pupils, including those pupils with an [education, health and care] plan; and
    - 2(1)(b)(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.
- 2(2) For the purposes of paragraph (2)(1)(a), the matters are–
  - 2(2)(d) personal, social, health and economic education which–
    - 2(2)(d)(i) reflects the school’s aim and ethos; and
    - 2(2)(d)(ii) encourages respect for other people, paying particular regard to the protected characteristics set out in the Equality Act 2010;
  - 2(2)(e) for pupils receiving secondary education, access to accurate, up-to-date careers guidance that–
    - 2(2)(e)(i) is presented in an impartial manner;
    - 2(2)(e)(ii) enables them to make informed choices about a broad range of career options; and
    - 2(2)(e)(iii) helps to encourage them to fulfil their potential;
  - 2(2)(h) that all pupils have the opportunity to learn and make progress; and
  - 2(2)(i) effective preparation of pupils for the opportunities, responsibilities and experiences of life in British society.

- 3 The standard in this paragraph is met if the proprietor ensures that the teaching at the school-
  - 3(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;
  - 3(b) fosters in pupils self-motivation, the application of intellectual, physical and creative effort, interest in their work and the ability to think and learn for themselves;
  - 3(c) involves well planned lessons and effective teaching methods, activities and management of class time;
  - 3(d) shows a good understanding of the aptitudes, needs and prior attainments of the pupils, and ensures that these are taken into account in the planning of lessons;
  - 3(e) demonstrates good knowledge and understanding of the subject matter being taught;
  - 3(g) demonstrates that a framework is in place to assess pupils' work regularly and thoroughly and use information from that assessment to plan teaching so that pupils can progress;
  - 3(i) does 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; and
  - 3(j) does not discriminate against pupils contrary to Part 6 of the Equality Act 2010.
- 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.

## **Part 2. Spiritual, moral, social and cultural development of pupils**

- 5 The standard about the spiritual, moral, social and cultural development of pupils at the school is met if the proprietor–
  - 5(a) actively promotes the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs;
  - 5(b) ensures that principles are actively promoted which–
    - 5(b)(i) enable pupils to develop their self-knowledge, self-esteem and self-confidence;
    - 5(b)(ii) enable pupils to distinguish right from wrong and to respect the civil and criminal law of England;

- 5(b)(iii) encourage pupils to accept responsibility for their behaviour, show initiative and understand how they can contribute positively to the lives of those living and working in the locality in which the school is situated and to society more widely;
- 5(b)(iv) enable pupils to acquire a broad general knowledge of and respect for public institutions and services in England;
- 5(b)(v) further tolerance and harmony between different cultural traditions by enabling pupils to acquire an appreciation of and respect for their own and other cultures;
- 5(b)(vi) encourage respect for other people, paying particular regard to the protected characteristics set out in the Equalities Act 2010; and
- 5(b)(vii) encourage respect for democracy and support for participation in the democratic process, including respect for the basis on which the law is made and applied in England;
- 5(c) precludes the promotion of partisan political views in the teaching of any subject in the school

### **Part 3. Welfare, health and safety of pupils**

- 7 The standard in this paragraph is met if the proprietor ensures that–
  - 7(a) arrangements are made to safeguard and promote the welfare of pupils at the school; and
  - 7(b) such arrangements have regard to any guidance issued by the Secretary of State.
- 9 The standard in this paragraph is met if the proprietor promotes good behaviour amongst pupils by ensuring that–
  - 9(b) the policy is implemented effectively; and
  - 9(c) a record is kept of the sanctions imposed upon pupils for serious misbehaviour.
- 10 The standard in this paragraph is met if the proprietor ensures that bullying at the school is prevented in so far as reasonably practicable, by the drawing up and implementation of an effective anti-bullying strategy.
- 11 The standard in this paragraph is met if the proprietor ensures that relevant health and safety laws are complied with by the drawing up and effective implementation of a written health and safety policy.
- 12 The standard in this paragraph is met if the proprietor ensures compliance with the Regulatory Reform (Fire Safety) Order 2005.

- 13 The standard in this paragraph is met if the proprietor ensures that first aid is administered in a timely and competent manner by the drawing up and effective implementation of a written first aid policy.
- 15 The standard in this paragraph is met if the proprietor ensures that an admission and attendance register is maintained in accordance with the Education (Pupil Registration) (England) Regulations 2006.
- 16 The standard in this paragraph is met if the proprietor ensures that–
  - 16(a) the welfare of pupils at the school is safeguarded and promoted by the drawing up and effective implementation of a written risk assessment policy; and
  - 16(b) appropriate action is taken to reduce risks that are identified.

#### **Part 4. Suitability of staff, supply staff, and proprietors**

- 18(2) The standard in this paragraph is met if–
  - 18(2)(c) the proprietor carries out appropriate checks to confirm in respect of each such person–
  - 18(2)(c)(ii) the person’s medical fitness;
- 18(3) The checks referred to in sub-paragraphs (2)(c) and (except where sub-paragraph (4) applies) (2)(e) must be completed before a person’s appointment.

#### **Part 5. Premises of and accommodation at schools**

- 23(1) Subject to sub-paragraph (2), the standard in this paragraph is met if the proprietor ensures that–
  - 23(1)(c) suitable changing accommodation and showers are provided for pupils aged 11 years or over at the start of the school year who receive physical education.
- 24(1) The standard in this paragraph is met if the proprietor ensures that suitable accommodation is provided in order to cater for the medical and therapy needs of pupils, including–
  - 24(1)(a) accommodation for the medical examination and treatment of pupils;
  - 24(1)(b) accommodation for the short-term care of sick and injured pupils, which includes a washing facility and is near to a toilet facility
- 25 The standard in this paragraph is met if the proprietor ensures that the school premises and the accommodation and facilities provided therein are maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of pupils are ensured.

- 28(1) The standard in this paragraph is met if the proprietor ensures that–
  - 28(1)(a) suitable drinking water facilities are provided;
  - 28(1)(c) cold water supplies that are suitable for drinking are clearly marked as such;
- 28(2) The facilities provided under sub-paragraph (1)(a) will be suitable only if–
  - 28(2)(a) they are readily accessible at all times when the premises are in use; and
  - 28(2)(b) they are in a separate area from the toilet facilities.

### **Part 6. Provision of information**

- 32(1) The standard about the provision of information by the school is met if the proprietor ensures that–
  - 32(1)(f) an annual written report of each registered pupil's progress and attainment in the main subject areas taught is provided to the parents of that registered pupil except that no report need be provided where the parent has agreed otherwise;
  - 32(1)(g) any information reasonably requested in connection with an inspection under section 109 of the 2008 Act which is required for the purposes of the inspection is provided to the body conducting the inspection and that body is given access to the school's admission and attendance registers;
- 32(3) The information specified in this sub-paragraph is–
  - 32(3)(b) particulars of educational and welfare provision for pupils with [education, health and care] plans and pupils for whom English is an additional language;

### **Part 8. Quality of leadership in and management of schools**

- 34(1) The standard about the quality of leadership and management is met if the proprietor ensures that persons with leadership and management responsibilities at the school–
  - 34(1)(a) demonstrate good skills and knowledge appropriate to their role so that the independent school standards are met consistently;
  - 34(1)(b) fulfil their responsibilities effectively so that the independent school standards are met consistently; and
  - 34(1)(c) actively promote the well-being of pupils.

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