

BACKGROUND

British Schools in Spain are subject to Spanish legislation and only Spanish authorities can grant authorisation. Schools must meet ALL requirements in RD 806/93 to be authorised and operate legally in Spain.

The 'Delegación en España de la Fundación British Council' (hereafter British Council or BC) is the official representative of the United Kingdom of Great Britain and Northern Ireland accredited in Spain to issue the certification referred to in Article 14(2)(b) of Royal Decree 806/1993 of 28 May 1993 governing foreign schools in Spain. Following review of the certification process and of the responsibilities of the British Council (by the F. López Tapia law practice) with regards to the authorisation of British schools in Spain, the procedure has been updated and is as set out in the present document. *Note: The United Kingdom's exit from the EU may make it necessary to obtain authorisation from the Spanish Ministry of Foreign Affairs prior to entry in the register (Article 7 of Royal Decree 806/1993).*

RESPONSIBILITIES

In Spain, authorisation for British schools to operate is the responsibility of the regional education authorities (Royal Decree 806/1993). The Spanish authorities are likewise responsible for ensuring that participating schools meet all legal requirements (including health and safety and child protection). Only one those authorities' requirements have been met will they grant authorisation and enter the school in the corresponding public register. Participating schools are under the full jurisdiction of the Spanish courts.

The letter of certification from the British Council is **one** of the qualifying criteria that the Spanish authorities require of participating schools, but it does not in itself constitute authorisation to operate. As is the case in the United Kingdom, participating schools are subject to regular inspection (routine or extraordinary) and only after a positive inspection report will they receive the letter of certification. A negative inspection report, or refusal to undergo inspection, will result in withdrawal of authorisation.

SCHOOLS	INSPECTORATES	BRITISH COUNCIL
<p>Schools are responsible for the quality of teaching and are accountable to their pupils, to their pupils' families and to the Spanish and British education authorities.</p> <p>British schools in Spain undertake:</p> <ol style="list-style-type: none"><i>To teach the British curriculum, employ expert and qualified staff and provide the premises and facilities necessary for suitable learning and implementation of the British methodology.</i>	<p>The Inspectorate of the National Association of British Schools in Spain (NABSS) and the inspectorates authorised by the British Government are tasked with inspecting British schools in Spain.</p> <p>The inspectorates undertake:</p>	<p>British Council undertakes:</p> <ol style="list-style-type: none">To ensure that all participating schools are inspected regularly and that they do not continue to operate without undergoing inspection (jointly with the inspectorates).To form a Monitoring Committee, membership of which will be open to all the inspectorates authorised by the British Government to perform inspections in Spain.

2. *To meet all the requirements established by the British Government for British schools overseas.*
3. *To comply with Spanish legislation on schools.*
4. *To request and undergo inspection when due, submit to the inspectorate's decision and, where applicable, accept and implement the recommendations for improvement.*
5. *To inform the British Council whenever the conditions under which the school received a letter of certification change substantially (change of management, substantial change to teaching staff, change or extension of site, substantial change in number of pupils, etc.) and, where applicable, request and undergo a new inspection.*
6. *To submit, in cases of serious incidents or evidence of persistent failings, to the decision of the Monitoring Committee and undergo an extraordinary inspection.*
7. *To pay the cost of inspection (routine and extraordinary) and certification.*
8. *To inform pupils' families of the school's status in Spain. Under no circumstances may the school infer by use of the name, logo or reputation of the British Council that the British Council authorises the opening of the school.*

Only Spanish authorities can authorise a centre to operate. Without such authorisation, centres are operating illegally. Schools that fail to comply with the compulsory British or Spanish curriculum, or with the Spanish legislation to which they are subject, will be held accountable by the Spanish and British authorities, the pupils' and the pupils' families.

1. *To work with the British Council to ensure the proper operation of British schools in Spain.*
2. *When an inspector has recommended a centre for approval, the same inspector will not perform the centre's first inspection.*
3. *To visit and inspect participating schools with due rigour and according to the standards established by the British Government for British schools overseas.*
4. *To ensure that all school staff have undergone a background check for a record of criminal or sexual offences, irrespective of their country of origin and residence. To work with the schools to implement the improvement plans required to receive a positive report.*
5. *To inform the British Council of the inspections carried out and of the outcomes of those inspections.*
6. *To submit the final report to the British Council for publication within a maximum of 1 month.*

Inspectorates that make a positive recommendation to the British Council will be held accountable by the Spanish and British authorities, by the pupils' families and by the schools themselves for the overall quality of the school at the time of the inspection.

3. *To receive and submit to the Monitoring Committee within 10 days of receipt, applications and supporting documentation submitted by the proprietors of schools interested in starting official British schools.*
4. *To submit to the local authorities (or to the school for them to submit to the authorities), after each inspectorate recommendation, a Letter certifying the school result.*
5. *To verify that a Disclosure and Barring Service (DBS) or ICPC check¹ of the proprietor and management of the school has been conducted before submitting the Letter of First Application. Spanish or other nationality proprietors will be required to provide proof of similar checks in their country origin².*
6. *To maintain the transparency of the system, making public on the website all inspections reports and an updated list of British schools in Spain.*
7. *To respond to all complaints received in relation to the quality of education (as per the complaints procedure).*
8. *To inform the authorities when a school receives a negative report or refuses to undergo inspection.*

If the British Council issues a letter of certification to the Spanish authorities without having received a positive recommendation from the inspectorate, the British Council will be held accountable for that certification by the Spanish and British authorities, by the pupils' families and by the schools themselves.

See Quality Assurance and Transparency below.

¹Please note that the DBS & ICPC only checks criminal records in the United Kingdom. Enforcement of restrictions on the proprietor(s) or management of schools under Spanish law, such as not holding public office or not possessing a criminal record in Spain, is the responsibility of the Spanish authorities and not of the British Council. DBS eligibility requires prospective employer to be located in England or Wales.

² We recommend that schools conduct these checks, either with COBIS or with other bodies, on all their staff.

QUALITY ASSURANCE AND TRANSPARENCY

To assure participating school quality, the following assurance and transparency measures have been put in place:

MONITORING COMMITTEE

Made up of all the authorised inspectorates, this committee meets 3 times a year and performs the following functions:

- a) *Review all inspections carried out since the last meeting.*
- b) *Review the list of schools pending inspection before the next meeting.*
- c) *Agree on the actions necessary to ensure that all the schools are inspected (warning notices, etc.).*
- d) *Monitor schools experiencing difficulties.*
- e) *Follow up all complaints received.*
- f) *Review continually and propose improvements to current protocols and procedures and adapt them to the applicable legislation.*

The British Council undertakes:

- *To arrange the meetings*
- *To draw up the agenda*
- *To record the minutes*
- *To implement the procedures agreed*

The member bodies undertake to:

- *Attend the meetings or accept the decisions made in their absence (meetings may be attended by Skype or videoconference).*
- *Work with the BC to assure the quality of the procedures and improve them continually.*
- *Implement the changes to procedure agreed.*

The legislation and standards governing British schools and authorised inspectorates are available on the following British Government websites:

REGULAR INSPECTIONS

Schools must be inspected regularly and at intervals of no more than 4 years (unless granted explicit permission on specific grounds). The date of the next inspection is set by the inspectorate. The British Council, supported by the Monitoring Committee, will ensure that the inspections are carried out within the stipulated deadlines.

Schools can choose both the inspectorate that they wish to inspect them (selected from the list of inspectorates approved by the British Government) and the type of inspection carried out (see below).

- *NIS (National Association of British Schools in Spain) inspection service, or*
- *voluntary BSO (British Schools Overseas) inspection, which assigns them a unique registration number in the Ofsted (Office for Standards in Education) database.*

Schools will not be accredited without a positive inspection report.

TRANSPARENCY

To facilitate transparency, the British Council will publish the following on its website:

- *Operating manual (updated regularly)*
- *All inspection reports since September 2014 (uploaded each quarter)*
- *List of all British schools in Spain*

<https://www.britishcouncil.es/programas/educacion/colegios>.

- **Standards for British Schools Overseas (Ofsted):** [Standards for British schools overseas \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/collections/standards-for-british-schools-overseas)
- **Standards for inspectorates:** <https://www.gov.uk/government/collections/education-inspection-framework#guidance-for-inspectorates>
- **Inspectorates approved by Ofsted:** www.gov.uk/guidance/british-schools-overseas-inspection-scheme

GUIDE FOR CERTIFICATION, INITIAL AUTHORISATION AND RENEWAL

SCHOOLS	INSPECTORATES / MONITORING COMMITTEE	BRITISH COUNCIL
<p>NEW SCHOOLS</p> <p>Persons or partnerships that wish to open a British school in Spain must submit the pertinent documentation to the British Council. The process, adapted to comply with Spanish legislation, is similar to the one followed by new schools in England (i.e. The Education (Provision of Information by Independent Schools) (England) Regulations 2003).</p> <ol style="list-style-type: none"> 1. <i>Application and payment of the handling fee. The application must be submitted by 31 January (for schools planning to open in September of that year) in digital format (maximum of 3 documents, not exceeding 10 MB in total) to the Monitoring Committee, raquel.fernandezmontes@britishcouncil.org. The proposal must include substantial number of teachers with suitable qualifications and ample experience of teaching the UK national curriculum. Failure to meet this requirement is likely to result in dismissal of the application or a negative report when inspected. Teachers in charge of the UK curriculum must be English proficient (C2 level).</i> 	<p>NEW SCHOOLS</p> <p>When an inspectorate receives a new application from the BC, it must review the documentation and reply within 10 working days.</p> <p>PRE-INSPECTION VISITS</p> <p>For new applications, the function of the Monitoring Committee and inspectorates is to ensure that, before opening the new school, the proprietor and management are fully familiar with the British education system, have sufficient means to make the project viable and undertake to comply with British and Spanish legislation. Following the pre-inspection visit, and within no more than 10 working days of that date, the inspectorate will submit the 'Pre-</p>	<p>CERTIFICATION OF NEW APPLICANTS (both British year groups and new schools)</p> <p>The British Council undertakes:</p> <ol style="list-style-type: none"> 1. <i>To acknowledge receipt of the documentation and keep an on-line copy of it.</i> 2. <i>To submit digital copies to the Monitoring Committee within 10 working days for review and authorisation.</i> 3. <i>To inform the school, if the Committee report is positive, of the need for an inspection visit (which must be arranged with an inspectorate).</i> 4. <i>To acknowledge receipt of the Pre-Inspection Visit Prior to Authorisation report.</i> 5. <i>To verify, if the report is positive, that a DBS/record of criminal or sexual offences check has been carried out (as applicable) and issue the Certificate of Start of British Education to the local authorities, sending a copy to the school's proprietor.³</i> <p>Schools must undergo a full inspection during their first year in operation. If the inspection report is positive, the BC</p>

³ This certificate does not constitute certification. It is issued to allow the school to start operation in preparation for subsequent verification that it meets the standards set for British schools overseas. The BC issues this certificate after completing the following steps:

Note: The British Council will charge 100% of the handling fee for new applications on submission of the application. This fee will not be refunded if the application is dismissed by the Committee.

2. *Review of the documentation. The British Council will submit the documentation received to the Monitoring Committee, which will recommend whether or not the school should implement its proposed educational programme. Please note that an inspectorate will visit the school before making its final recommendation. The school will meet the inspectorate's costs for this visit.*
3. *British Council letter to the education authorities. Submitted after receiving a positive recommendation from the Monitoring Committee. The letter states that the school's application has been accepted and that it will start to provide British education; that it will be inspected in the last term of the school year; and that after that inspection it will be accredited by the British Council. In compliance with UK requirements, before this letter can be issued schools must provide a certificate stating that background checks for records of criminal or sexual offences have been carried out on all members of management and/or the proprietor. Enforcement of restrictions on the proprietor(s) or management of schools under Spanish law, such as not holding public office, among others, is the responsibility of the Spanish authorities and not of the British Council.*
4. *Inspection and letter of certification. All participating schools must undergo inspection in their first year, usually in the third term. The school must arrange an inspection/visit by one of the authorised inspectorates (selected by the proprietor of the school). It is usual for an inspection report to require a series of improvements and an action plan before a positive report can be issued. Following inspection, the British Council issues the corresponding certification (or negative report), which is*

inspection visit previous to authorisation form' to the British Council.

SCHOOL INSPECTIONS

The inspectorates ensure that participating schools meet the educational standards set by the British Government.
www.gov.uk/government/uploads/system/uploads/attachment_data/file/279901/BSO_Standards_that_schools_have_to_meet.pdf

While the NABSS may only perform inspections in Spain, the other inspectorates may perform inspections in any country outside the United Kingdom. Each of these institutions has its own proprietary standards and inspection models. However, to meet the certification criteria established in Spain, they must all use the same forms and must submit the same series of documents to the British Council before, during and after inspection. The procedure is as follows:

1. *Submit the details regarding the school, the management, the inspection date and the lead inspector to the British Council by e-mail to raquel.fernandezmontes@britishcouncil.org when an inspection is*

issues the letter of certification (see School Certification below).

In the case of new schools, following initial certification, the British Council:

6. *Adds the school to the list of British schools on the BC website.*
7. *Adds the new school to the list of schools pending routine four-yearly inspection for subsequent monitoring. The list must include the date of initial certification and the date of compulsory inspection.*

CERTIFICATION OF EXISTING SCHOOLS

All schools must be inspected within the inspection deadline set during the previous inspection. This deadline may not exceed four years. They must also undergo inspection if the Monitoring Committee deems there to be extraordinary grounds for inspection. The post-inspection procedure is as follows:

1. *Receive and follow-up the [Sign-Off Form Pending Action Plan](#) (if applicable), the [Inspection Report](#) and the [Recommendation for Authorisation Following Inspection](#).*
2. *Issue the [Certificate of Certification](#) or [Certificate of Withdrawal of Certification](#), as applicable. The process leading to issue of this certification is as follows:*
 - a. *Contact the school.*
 - b. *If the report is positive, the BC issues the certificate of certification and submits it to the centre (for centre to present to local authorities). This certificate will only be issued when handling fee is paid.*
 - c. *If the report is negative, the BC informs the authorities (regional education authority) that*

<p><i>submitted to the school to be handed to the authorities (even if BC has sent a copy to the authorities as well). The school undertakes to provide a copy of this inspection report to all parents who request it. All inspection reports are published on the British Council website.</i></p> <p>Please note that the British Council will charge a fee for issuing the certificate letter.</p> <p>5. <u>Authorisation of the school and entry in the register of foreign schools.</u> Authorisation of the school as a foreign school and its entry in the RUCT is the responsibility of the local education authority. In addition to receiving a letter from the British Council, the school must comply with Spanish legislation and adhere to Spanish regulations, which include inspection. It is usual that the school announces commencement of British education but is not registered until its second year in operation, following the first inspection and issue of a positive report.</p> <p>6. <u>Subsequent regular inspections.</u> All British schools in Spain must be inspected at least every 4 years, or on the date stipulated in the inspection report. Each inspection results in a letter of certification, renewal or withdrawal of authorisation.</p> <p>EXISTING SCHOOLS: MAINTAINING AUTHORISATION AND REQUESTING INSPECTION</p> <p>Schools must arrange an inspection with an inspectorate before their certification expires and within no more than 4 years of the last inspection. They must also request an inspection if they undergo substantial changes, such as change of proprietor(s), change of over 70% of management or teaching staff or extension/reduction of physical spaces and buildings that affect the number of pupils at the school.</p> <p>In the case of new buildings or changes to existing spaces, the inspection will only assess the suitability of the physical spaces and</p>	<p><i>arranged with a British school in Spain.</i></p> <p>2. <i>If an Action Plan is required, submit the <u>Sign-off Form Pending Action Plan</u> to the British Council within no more than 20 days of the inspection (note: the BC will not issue certification with this document).</i></p> <p>3. <i>Work with the school to implement the improvements until they are completed.</i></p> <p>4. <i>Upon completion of the Action Plan, or after the inspection if improvement measures are not required, submit the <u>Recommendation for Authorisation Following Inspection Form</u> and the inspection report (step 5) to the British Council within no more than 1 month.</i></p> <p>5. <i>Issue the final report and submit a copy in PDF format to the British Council and to the school within no more than one month of the date of inspection or of satisfactory completion of the Action Plan.</i></p> <p>6. <i>All inspection reports are published on the <u>British Council</u></i></p>	<p><i>the school in question does not meet the minimum standards required and that therefore certification will be withdrawn.</i></p> <p>d. <i>The BC updates the list of schools and inspection visits carried out.</i></p> <p>e. <i>Notice of the inspection is published on the <u>British Council website</u>.</i></p> <p>To ensure that all participating schools are inspected within the deadline, the British Council:</p> <ol style="list-style-type: none"> <i>Maintains a permanently up-to-date list of participating schools and the corresponding inspection dates.</i> <i>Reviews inspection progress at the meetings with the Monitoring Committee.</i> <i>Sends a letter to the schools due for inspection in the next 6 months to remind them of the date of the next inspection.</i> <i>If a school is not inspected within the deadline, the BC sends a warning notice to the school giving it 6 months to undergo inspection.</i> <p>1. <i>If the school does not undergo inspection within the new deadline, the BC informs the school's proprietor of the situation and submits notice of withdrawal of certification to the local authorities.</i></p> <p>CERTIFICATION OF NEW SPACES AND BUILDINGS</p> <p>Whenever substantial alterations are made to a school site, the building(s) must undergo inspection. It is also common practice for the granting of planning permission to be conditional upon certification.</p> <p>The British Council:</p> <ol style="list-style-type: none"> <i>Acknowledges receipt of the documentation (plans, etc.).</i>
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<p>buildings for educational use. This inspection does not postpone the date of the next educational inspection. To be approved, the spaces must also comply with Spanish law regarding child safety and protection and must undergo inspection by the local authorities.</p> <p>Failure to undergo inspection by the deadline, refusal to undergo an extraordinary inspection ordered by the Committee, or a negative inspection report will result in submission of notice of withdrawal of certification to the authorities.</p> <p>APPEALS AGAINST INSPECTION DECISIONS</p> <p>The British Council cannot challenge a decision issued by an inspectorate. If following consultation between the school and the inspectorate the inspection report is negative, the school will lose its certification. The school must wait for one year and must have remedied its failings before applying for a new certification inspection.</p>	<p>website and are updated each quarter.</p> <p>BUILDING INSPECTIONS</p> <p>When the inspection of a new building at an existing school is required or inspection of a building is required prior to first application and educational inspection, the inspectors will submit a recommendation form to the British Council together with the inspection report for those spaces/buildings.</p>	<ol style="list-style-type: none"> 2. <i>Submits the plans to the Monitoring Committee or inspectorate and, if approved, issues a certificate and submits it to the authorities.</i> 3. <i>Once the space is ready, it is inspected to verify that the facilities match the plans submitted.</i> 4. <i>Following issue of a positive report (on either the plans or the inspection visit), a certificate will be issued and submitted to the authorities. This certificate will not include certification of teaching quality, although it may indicate an increase in total pupil capacity if this was the purpose of the extension/construction of the new spaces.</i> 5. <i>In all cases, the school will be inspected when due as per the deadline established in the last educational inspection.</i> <p>The British Council cannot guarantee the issue of certificates and/or certifications during July and August. Please note that the British Council charges schools a fee for issuing letters or certificates of certification and submitting them to the authorities.</p>
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FOLLOW-UP OF COMPLAINTS

The British Council will only admit complaints when:

- The complaint refers to the quality of teaching at the school under British educational standards.
- The school's complaints procedure has not resolved the issue or when the school has not followed its complaints procedure and less than one year has passed since the complaints' procedure failed to resolve the issue.
- The complaint is submitted in writing, using the form available in our web, to the Director of Education, British Council, Paseo General Martínez Campos 31, 28010 Madrid – education@britishcouncil.es

Complaints will not be investigated in relation to the following:

- Malpractice relating to official British examinations. These complaints should be addressed to the awarding bodies (Cambridge, Pearson, AQA, OCR, etc.).
- Non-compliance by the school with Spanish civil, mercantile, employment, administrative, criminal or other law. All such complaints should be addressed to the relevant local authorities (see below).
 - Data protection issues should be reported to the *Agencia Española de Protección de Datos (AEPD)*.
 - Criminal conduct should be reported to the local police, public prosecutor's office or courts.

- Staff employment or promotion issues should be reported via the school's internal grievance procedure and/or to the corresponding employment and/or social security authorities.
- Child protection issues should be reported to the local authorities responsible for this area (municipal social services, public prosecutor's offices, courts and police).
- Issues relating to fees, costs or other matters pertaining to the agreement entered into between the family and the school should be reported to the education authorities and to the Spanish courts.

We reserve the right not to admit the following:

- Incomplete or imprecise complaints lacking sufficient evidence.
- Malicious complaints lodged only to cause inconvenience.
- Complaints containing obscenities, insults and/or homophobic, xenophobic, racist or sexist language.
- Complaints reiterating earlier complaints that have been addressed and resolved.

PARENTS, families and interested parties

The process below should only be followed if the one above has been brought to a close without reaching a satisfactory solution.

1. *Request a copy of the complaints procedure from the school and follow it to the letter. Every school must have a complaints procedure in place.*
2. *Submit a formal written complaint to the head teacher or head of studies and request acknowledgement of receipt on a copy of the complaint submitted.*
3. *Submit a formal written complaint to the proprietor of the school and request a meeting of the mediation panel.*
4. *Complaints about educational issues should be submitted using the form in our web, which should be submitted either by post to the Education Department, British Council, Paseo General Martínez Campos 31, 28010 Madrid or by e-mail to education@britishcouncil.es Complaints not relating to educational issues should be submitted to the competent Spanish authority.*

BRITISH COUNCIL

Every effort will be made to resolve complaints fairly, appropriately, and as swiftly as possible.

1. *British Council will confirm receipt of the complaint within 15 working days and will proceed as follows:*
 - a. *Confirm whether or not the complaint will be investigated and provide the reason for that decision, or*
 - b. *Request more information.*
2. *If the complaint is to be investigated, the BC will send the family a summary of the complaint and will request the family's permission to use that summary as the basis for investigation. It will also request permission to submit the relevant information to the school's proprietor, to the Monitoring Committee and/or to the school inspectors (as applicable).*
3. *Investigation – contact the school.*
 - a. *The BC submits the summary to the school's proprietor and requests information on how the school's complaints procedure was followed.*
 - b. *The BC requests the proprietor's response to the matter in question.*
4. *Decision – report the complaint and investigation to the Monitoring Committee for its decision, which may take one of the 4 following forms:*
 - a. *Ask the school to review its response at a specific stage of the procedure.*
 - b. *Ask the school to review its complaint follow-up-policy.*
 - c. *Take no action, as it is clear that the school acted correctly.*
 - d. *Request an extraordinary inspection.*
5. *Communication with the family – report the outcome of the investigation. As the Monitoring Committee meets termly, the final response may take several months.*

Note: *The British Council does not have the power to intervene in, authorise or close a school in Spain. The British Council only has the authority to refer the case to the Monitoring Committee and, if it deems appropriate, request an extraordinary inspection. If the outcome is negative, the British Council will issue a certificate of withdrawal of certification.*