

# Policy Review

No 4

## RTE Act & Private School Regulation

Dr Pauline Dixon

### Introduction

With the new Right to Education Act (RTE) comes an exciting opportunity to change the way private unaided schools are regulated and gain recognition in India. The role of the private unaided sector in India is crucial for achieving “Education for All”. The RTE Act provides an opportunity for state governments to explore ways in which to assure even better quality from private unaided schools.

This paper outlines an alternative strategy for the regulation of private unaided schools, allowing them to continue to make a significant contribution to “Education for All”. The paper is set out as follows. First, the research findings concerning private unaided unrecognised schools in India are reviewed. Secondly, the recognition norms as set out in the RTE and the ‘Model Rules Under the Right of Children to Free and Compulsory Education Act’ 2009 are specified. And finally alternative systems of regulation from both developing and developed countries are considered in order to provide examples of forms of regulation that could now be adopted and adapted for the private school’s market in India.



Centre for Civil Society

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*Dr Pauline Dixon is Director of Research and Senior Lecturer in Education and Development,  
E. G. West Centre, School of Education, Newcastle University.  
Contact her at : [pauline.dixon@newcastle.ac.uk](mailto:pauline.dixon@newcastle.ac.uk)*

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## The Proliferation of Private Unaided Schools

A large proportion of children in urban low income areas in India attend private unaided schools<sup>1</sup>. Figures from three low income zones of Hyderabad, Andhra Pradesh show that 65% of children are attending private unaided school. These schools offer their own philanthropy for the poorest, providing free and concessionary seats. Private schools provide many facilities for their students including drinking water, toilets, desks and chairs<sup>2</sup>. Similar research from North Shahadra, East Delhi shows that out of the 265 schools, private unaided schools made up 66% of the total (175 schools)<sup>3</sup>.

A survey of schools carried out in Haryana found that private unrecognised schools 'are operating practically in every locality of the urban centres as well as in rural areas'<sup>4</sup>. Indeed it was found that the choice for parents was no longer whether to send their children to school but to 'which type of school' they should be sent<sup>5</sup>. It was estimated that almost 50% of children attending primary schools were enrolled in the private sector many of whom are from low-income families<sup>6</sup>.

A great proportion of children attend schools in the private unaided sector. These private schools have been shown to be effective and efficient at delivering student outcomes. Teachers are likely to be in attendance and carrying out teaching activity in private unaided schools<sup>7</sup>. They are a great resource for India's education system and contribute significantly to Education for All. With the introduction of the RTE comes an exciting

opportunity to improve private school quality from within. Prior to exploring a new possible route, the following section provides a brief summary of the norms and standards for schools as set out in the RTE and the Model Rules.

## The Norms and Standards for Schools - RTE

Every school established prior to the RTE has to complete a self declaration form and submit the declaration to their District Education Officer within three months of the declaration of the Act. This implies that schools need to submit their forms by 1 July 2010. The schools need to declare that they comply with the norms and standards as set out in the Schedule at the back of the RTE Act and other conditions as set out in the "Model Rules Under the Right of Children to Free and Compulsory Education Act, 2009" and the RTE. The school must not be 'run for profit' (Model Rules 11(1)(b)). The self declaration is made on FORM 1. Questions include:

- Total income and expenditure for the last 3 years showing surplus/deficit
- Medium of instruction
- Total area of the schools
- Enrollment numbers
- The size of the kitchen
- Requires an attached list of sports and play equipment
- Number of books in the library
- Number of periodicals and newspapers in the library
- Types of WC and urinals
- Number of boy's and number of girl's lavatories
- All the particulars of every teaching member of staff including academic qualification, teaching experience, training, and professional qualifications;

<sup>1</sup> Tooley et al, 2007; Tooley and Dixon, 2007; Aggarwal, 2000

<sup>2</sup> Tooley et al 2007

<sup>3</sup> Tooley and Dixon, 2007

<sup>4</sup> Aggarwal, 2000, p. 20

<sup>5</sup> *ibid*, p. 21

<sup>6</sup> *ibid* p.26

<sup>7</sup> Tooley et al, 2009; Kingdon, 2007; Muralidharan and Kremer, 2006.

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- Details of the curriculum and syllabus followed up to class VIII
- Systems of pupil assessment

If the self declaration is approved, after an on-site inspection by the DEO which is to be carried out three months after receipt of FORM 1, the school receives provisional recognition for a period of three years. Where a school does not conform to the norms, standards and conditions as set out in the RTE and Schedule the DEO lists the schools through a public order and schools may reapply for another on-site inspection. However if the school has not successfully gained approval within three years, the school 'shall cease to function' (Model Rules 11(6)). The RTE sets out norms and standards as follow:

### Threat of Closure

Chapter IV section 18 sub-section (5) states that:

*“Any person who establishes or runs a school without obtaining a certificate of recognition, or continues to run a school after withdrawal of recognition, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues” (RTE Clause 18(5)).*

### Teachers

Teachers may only be appointed if they have minimum qualification 'as laid down by an academic authority, authorised by the Central Government' (RTE section 23(1)). Where teachers do not conform to the 'minimum' qualification they need to gain this within five years (RTE section 23(3)). As stated in the 'Model Rules Under the Right of Children to Free and Compulsory Education Act, 2009' (MR) 'a person appointed as a teacher within

six months of the commencement of the Act, must possess at least the academic qualifications not lower than higher secondary school certificate or equivalent' (MR - 16(6) p. 10).

The salary of the teachers, as well as allowances and terms and conditions of service 'shall be such as may be prescribed' (RTE section 23(3)). According to the Model Rules Under the Right of Children to Free and Compulsory Education Act, 2009:

*‘the scales of pay and allowances, medical facilities, pension, gratuity, provident fund, and other prescribed benefits of teachers, including those employed for the purpose of imparting special training as specified in Section 4, shall be that of regular teachers, and at par for similar work and experience’ (18(3)).*

Teachers are also required to teach the curriculum within the specified time (RTE section 24(1c)) and in the medium of instruction as per the 'child's mother tongue' (RTE section 29(2f)). Teachers are forbidden to be involved in any private teaching activity (RTE section 28). The Schedule sets out the minimum number of days and hours to be worked in an academic year and sets the minimum working hours per week for teachers at forty five (RTE Sl No.3&4).

### Pupil Teacher Ratios

The Schedule prescribes the pupil teacher ratios that need to be adhered to, the minimum for classes 1 to V being 30:1 in schools below 200 and in those above 200 children the pupil teacher ratio must not exceed 40:1 (1). For classes catering for class VI to VIII there needs to be a teacher for different subjects, a maximum of pupil teacher

ratio of 35:1 and where there are more than 100 children the head teacher is required to be full time and in addition part time instructors need to be employed for art, health and PE, and work education (RTE Norm 1(b)(1-3)).

### School Buildings

Schools are required to provide a playground, separate toilets for boys and girls, drinking water, a kitchen, barrier free access and a class room for every teacher (RTE SI 2(i)-(vi)). A school library is also necessary in which newspapers, magazines, books (on all subjects) are provided (RTE SI. No.6).

### A New Way Forward

Each state government is now drafting its state rules under the Model Rules proposed by the central government. It is envisaged that the new state regulations will expand upon those set out above. There is a possibility that state governments working on new regulations for private schools will set out rules that become too prescriptive and too detailed. It may also be the case that they target inputs that do not have a positive impact on efficiency and student outcomes. It is important that entry barriers are not erected (e.g., the rules surrounding recognition) and inflexible and prescriptive rules do not stifle innovativeness (e.g., the curriculum and syllabus regulations). Private schools need to make a surplus in order to improve. Any rule that affects school's incomes and expenditures could have a negative effect on development. Indeed according to a recent IFC report:

*'regulation of private education must seek to ensure high quality delivery, while at the same time encouraging investment... the regulatory and*

*funding frameworks in many countries do little to provide an enabling operating environment that promotes growth in private education'*<sup>8</sup>

This study of regulation in education highlights common regulatory barriers including:

- Cumbersome or unclear policies;
- Imposition of unclear and subjective criteria and standards to qualify for registration;
- Outdated criteria for accreditation;
- Limits on the ability of private education institutions to set tuition fees at market rates;
- Quotas applied to types of students that are admitted;
- Criteria relating to financial reserves, land area, and infrastructure.

The study sets out propositions for possible good practice in regulatory and registration regimes which include:

- Explicitly articulating the role of the private sector in articulating educational goals;
- Regulatory requirements that are output focused – that is they do not impose fixed national norms or ratios but ask open questions about standards which allows flexibility;
- An accreditation process with accreditation agencies that set performance targets and limits on providing reports and responses to schools;
- A greater role for private sector organisations in the regulation and registration process;
- Publishing reports from independent or accrediting agencies about the performance of private schools to ensure transparency;
- An independent quality assurance monitoring mechanism to evaluate the performance and

<sup>8</sup> Fielden and LaRocque, 2008, p. 4-5

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- programme outcomes of private and public education providers;
- The contracting out of monitoring and quality assurance accreditation to charitable organisations or private sector companies;

With the discussions surrounding the RTE Act there is now an opportunity to change how the state governments see regulation and recognition for private unaided schools. State regulations are not the only way to regulate schools. Considering an alternative regime for assuring better quality from the private schools is now crucial in order to stop an over prescriptive and inflexible system being reinstated. It has often been shown to be the case that rules and laws become out dated as rapidly changing times and markets out grow very detailed and prescriptive regulations. Examples of how the private unaided schools could be regulated and evaluated in order to stimulate and improve quality are provided here looking at examples from developing and developed countries. A self regulation model for private schools could be based upon and use the workings of some of the examples below. Self regulation:

*“refers to a scheme whereby a representative organisation, for example a trade association develops a system of rules which it will then monitor and enforce against, in some cases its members, in rarer cases, a larger community”<sup>9</sup>*

Self-regulation may be the regulation of an individual’s behaviour through their own actions or regulation that is tailor make to suit the particular circumstances of a group of firms or regulation by a group or association of its members.

*“In essence, self-regulation means that rules which govern behaviour in the market are developed, administered and enforced by the people (or their direct representatives) whose behaviour is to be governed”<sup>10</sup>*

The advantages of a self regulatory regime include the responsiveness and adaptability of the system. The regime would be more informed as the self regulating agencies have greater knowledge and expertise within the industry itself. Inspections or ratings would be more thorough owing to this insider knowledge. They would also be more specific, effective and able to focus on the specific requirements and needs of the parties it is designed to protect because they themselves assisted in the formulation of the policy.

### Self Regulation in Developing Countries

Research has been carried out regarding the effectiveness of self regulation in developing countries<sup>11</sup>. Examples are provided of multinational corporations (MNCs) which utilise self regulation as a solution to the problems of regulatory capacity in developing states for social and environmental impacts.

MNCs ‘are encouraged to regulate their own conduct in line with broad, internationally agreed standards where effective governmental regulation is not present’<sup>12</sup>.

These regulations typically focus on the areas of human rights, the environment and anti-corruption<sup>13</sup>. The market based incentives to self-regulation include the desire NOT to attract bad publicity and the adverse reactions this publicity

<sup>9</sup> Baldwin, Scott, Hood, 1998

<sup>12</sup> Ibid, p. 869

<sup>10</sup> National Consumer Council, 1986

<sup>13</sup> Ruggie, 2003

<sup>11</sup> Graham and Woods, 2006

would cause. Therefore the incentives for self regulatory action include:

- The threat and damage to reputation and the consequent cost of adverse publicity;
- Reactions from the consumer, investors risking financial loss;
- The pressure from investors, some of whom will only invest in firms that self regulate and govern their social and environmental outcomes including human rights, labour rights and the environment;
- The direct response to consumer and activist pressure;
- The desire to recruit and retain employees.

Others have recommended ‘responsive regulation’ for developing countries where NGOs can play a vital role<sup>14</sup>. By using a combination of social pressure and NGOs developing countries could develop a ‘regulatory society’ model which bypasses the regulatory state.

## Self Regulation in Education

### ***M-CRIL’s School Rating Service - India***

Currently a pilot rating system for private unaided schools has been trialled in Hyderabad. Gray Matters Capital has set up the pilot ‘rating system’ to help address the ‘information problem’<sup>15</sup>. In conjunction with a micro-credit rating agencies (M-CRIL), it has conducted an initial pilot of 10 schools. The rating system is affordable and assesses schools in terms of their quality of provision compared to other providers in the neighbourhood and against local and national norms. As the rating system becomes more widespread it is hoped that it will provide parents with the information they require to make more informed choices and supply investors with details they need

when seeking school investment opportunities. The rating tool is made up of six categories:

1. Governance and Strategy;
2. Learning Environment;
3. Student Academic Achievement;
4. Parent Engagement;
5. Financial Systems;
6. Financial Performance.

The rating provides an objective perspective to the school owner concerning their school and provides feedback concerning areas that can be improved. A sample of children undertake tests and focus groups are held with a random sample of teachers, parents and other school stakeholders. Observations are also carried out throughout the school in order to consider the overall environment. Investigations into the school’s financial sustainability and viability are also undertaken. A report is provided to the school once the data analysis has been carried out. The report is presented to the school for its feedback and then presented to M-CRIL’s rating committee.

### ***Independent Schools’ Association of Southern Africa***

The Independent Schools Association of Southern Africa’s (ISASA) mission is:

*‘to represent, promote and protect the common interests of its members; and to provide professional services to members that will enhance their quality and facilitate their contribution to the development of education in Southern Africa’ (ISASA 2001; Sec. 2, p. 2).*

ISASA provides its members<sup>16</sup> with a platform upon which to discuss issues and policies affecting

<sup>14</sup> Braithwaite, 2006

<sup>15</sup> <http://www.graymatterscap.com/affordable-private-school-initiative/projects/school-ratings-project>

<sup>16</sup> Schools initially need to apply for membership – Conditions for membership are set out in the appendix

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independent schools and to provide professional services to its members in order to stimulate quality and their contribution to education in Southern Africa. Some of the ancillary objects of the ISASA are:

- To provide professional services to members that will enhance their quality and facilitate their contribution to the development of education in Southern Africa;
- To provide a forum for its members to discuss policy, and organisational and professional matters affecting independent schools;
- To foster nation-building policies and social responsibility programmes in independent schools and their contribution to the wider community;
- To represent members on matters affecting education in general and independent schools in particular to the State, educational and training institutions, the media, business, labour, independent schools or their associations internationally;
- To provide in-service training for academic, bursarial, administrative and general staff of members;
- To monitor and make recommendations on curricula, examinations and accreditation requirements affecting independent schools in general;
- To facilitate self-evaluation and quality assurance in independent schools;

There is an initial quality assessment for schools when they apply to join the Association, which is carried out by a team consisting of an ISASA regional director and heads. The school must receive a positive recommendation from the team before it can be accepted as a member.

The team must verify certain criteria concerning schools that wish to become members of the Association.

The ISASA's Code of Ethical Practice and Constitution are the primary regulatory system used in ISASA schools. All member schools have to abide by the Code of Ethical Practice set out by the ISASA. When advertising the member schools are able to use ISASA logo as an indication of quality to parents and no corporal punishment is allowed in member schools.

ISASA recommend that member schools follow a whole school evaluation process, and provides each member school with a document providing a step by step self-evaluation method for school improvement. This self-evaluation instrument allows all member schools to assess their own quality in terms of nine focus areas, which contain a set of quality indicators. These nine focus areas are:

- The basic functionality of the school;
- Leadership, Management, Communication;
- Governance and Relationships;
- The Quality of Teaching and Teacher Development;
- Curriculum Provision and Resources;
- Learner Achievement;
- School Safety, Security and Discipline;
- School Infrastructure;
- Parents and the Community.

Once an evaluation has taken place the school will be able to plan its future actions in order to improve those areas that have been identified as weak. ISASA recommend that all 'stakeholders' in

the school participate in the evaluation and that the groups involved include the staff - both academic and support, a selection of pupils from all grades, a selection of parents from all grades and the governing body. Each group of the self-evaluating team individually or jointly rate the indicators, in putting a tick in the boxes which grade the indicator from 1 to 4, where 4 defines a 'major strength', 3 'strength with room for improvement', 2 'some improvement required', and 1 'not present, or needing major improvement. If the evaluator has insufficient knowledge to make a judgment then the 'don't know' column must be ticked. All of the evaluators are encouraged to reach agreement on the ratings and the meaning of each indicator.

### **International Schools**

International schools are generally accredited by an accreditation agency. These include The Council of International Schools, National Association of Independent Schools (NAIS), New England Association of Schools and Colleges (NEASC), Middle States Association of Colleges and Schools, Western Association of Schools and Colleges, and the International Baccalaureate Organisation. Typical is the Council of International Schools (CIS)

#### **The Council of International Schools**

The Council of International Schools is an accreditation agency for International Schools worldwide. A peer to peer accreditation programme is utilised which promotes school improvement by way of a peer and self evaluation processes. Standards are set for International Education and set out in the 'CIS Guide to School Evaluation and Accreditation' document. According to the CIS:

*"There are a number of benefits associated with*

*the award of accreditation to a school, but the main aim of this evaluation programme is to provide an opportunity to improve the quality of the education offered at the school through a rigorous process of self-examination followed by an objective external appraisal by a team of peers. The resulting Visiting Team Report and the independent actions of the accrediting association(s) attest to the quality of education at the evaluated school."*<sup>17</sup>

For eligibility to undertake an accreditation review the school must have been established for two years and be a member of the Council of International Schools (CIS). There are five steps within the accreditation process:

#### **1. Preliminary Visit/Preparatory Visit**

The preliminary visit, lasting for three to four days from CIS representatives, considers how prepared the school is to carry out a self evaluation and sets out the self evaluation process to the school management and staff. The CIS represents also present a workshop concerning how to prepare for the process and talk to the governing body, parent body and student council concerning what the procedure involves.

#### **2. Self Study/Evaluation**

CIS consider this to be the most 'important part' of the accreditation process. Utilising the self study guidelines targeting the following areas - philosophy and objectives; curriculum; governance and management; staff; resources; and student support - an opinion survey is carried out involving key players within the school community. These data are then reviewed, analysed and a report is produced in order that the school is able to review

<sup>17</sup> The Guide to School Evaluation and Accreditation (2006)

its own practices and philosophy. A final conclusion is produced utilising the Self-Study process and featured schools elements. According to CIS the Self-Study report produced needs to represent a 'broad-based view of the school'.

### 3. Team Visit

Continuing on from the Self-Study the school is visited for a week by a Visiting Team made up of 'suitably qualified school leaders and teachers' from other CIS schools. The team provides an 'objective assessment' of the school's own conclusion of its Self-Study evaluation through observation and interviews. The 'team' reviews the school's own philosophy and objectives as set out in the Self-Study report and conclusions. According to CIS:

*"The Standards do not pre-suppose any specific model of excellence nor do they seek to impose the methods of one school upon another. The guiding principle behind the process is that a school will be evaluated in terms of its own philosophy and objectives".*

The Team evaluates and reviews the quality of education offered and 'not the qualities of individual teachers or staff performance'. Following on from the Visit the Team produces a detailed report which considers the sections in the Self-Study. Each section highlights the Team's observations, rates the school against the Standards as set out by the CIS and provides commendations and recommendations.

### 4. Decision on Accreditation

The Visiting Team does not accredit the school. This is carried out by the CIS Accreditation Service which reviews the Visiting Team Report and then recommends accreditation within one of four

categories to the CIS Board of Trustees. The four categories are:

1. Award Accreditation or Re-Accreditation
2. Award Accreditation or Re-Accreditation with specific qualifications
3. Postpone Accreditation or Re-Accreditation for some specified reason(s)
4. Not award Accreditation or Re-Accreditation

### 5. Subsequent Procedures

Subsequent procedures include a Five Year Report from the school to CIS which provides issues concerning progress, changes, and future intentions. CIS sends another Visiting Team of peers who remain in the school for two or three days. An updated report is produced for CIS and the school. A cycle of re-accreditation takes place after eight and a half years.

According to CIS the award of accreditation implies that the school has a clear mission which illustrates its commitment and service to students and the community. Accreditation also indicates that the school philosophy concerning education is suitable to the school's students and the school is open to peer objective assessment and evaluation which aims at the continual improvement of school performance.

### ***The Independent Schools Council - UK***

Models of self-regulation are also found in education in the UK. The Independent Schools Inspectorate is a body which is approved 'for the purpose of inspection'. It reports to the Department of Education (DfE) concerning the extent to which the Independent Schools inspected by them meet statutory requirements. The Independent Schools

Council is an example where the regulating agencies are approved by government, and take over the statutory inspection roles required by government. The Independent Schools Inspectorate (ISI) is responsible to the ISC, and works to a framework that has been approved with Ofsted, the statutory body 'Office for Standards in Education', and is recognised by the Government. The ISI is the independent inspection arm of the ISC, established in 2000, and recognised by Ofsted and the DfE as the agency responsible for inspections of those schools who are members of the Associations of the Independent Schools Council. It has its own overseeing committee whose members are drawn from each of the ISC associations. Until the ISI was established, each independent school association ran its own accreditation procedures and process, as well as organising their own inspection arrangements. ISI inspections, which are monitored by Ofsted, take place every three years. However, where a school passes a 'standard' inspection it is only required to take an 'interim' inspection in the following inspection period. After an interim inspection a standard inspection follows. These inspections consider elements such as:

- The characteristics of the school;
- The success of the school and action points;
- The quality of academic and other achievements;
- The quality of pupils' personal development;
- The effectiveness of governance, leadership and management.

The inspections carried out by the ISI on the independent schools perform the following:

ISI inspections of independent schools are required to:

- "report to the DCSF (Department for Children,

Schools and Families) now the DfE (department of Education)) the extent to which ISC schools comply with the Education (Independent School Standards) (England) Regulations 2003 and later amendments (referred to as the 'regulatory requirements');

- where applicable, report to Ofsted on compliance with the requirements of the Childcare Act 2006;
- assure ISC Associations that their member schools maintain the quality of provision expected;
- help schools to improve, and inform parents of the quality of member schools"<sup>18</sup>.

Independent school headteachers and senior teachers make up the inspection team, headed by a Reporting Inspector (RI) who is either a retired or serving independent headteacher or a retired HMI (Her Majesties Inspector). The inspection includes the consultation of pupils, the observation of lessons, the reviewing of pupils' works, as well taking into account extra-curriculum activities, the analysis of evidence provided by parents and pupil and an analysis of documentary evidence concerning self evaluation and performance indicators. An important element of the inspection is that parents are sent questionnaires concerning many aspects of the school. These are returned confidentially to the RI for analysis. A meeting may also be carried out for parents during the inspection period.

ISI inspectors are provided training and each part of the process undergoes an extensive quality assurance procedure. Samples of inspections and reports are monitored by the ISI and by Ofsted. Within weeks of the inspection, which can last five days, a written report is sent to the school, first as

<sup>18</sup> <http://www.isi.net/Static/About.aspx>

a draft in order that the school may be provided an opportunity to comment on any factual errors and then as a final report which is also placed on the ISI website and sent to parents of that particular school. All reports can be accessed from the ISI website.

According to the ISC:

*“The prime purposes of inspection by ISI are to improve the quality of education provided by the schools involved, to raise the levels of achievement of their pupils and to confirm whether or not the school complies with the registration standards laid down by the DfE. The inspection system is designed to provide objective and dispassionate reports that include judgments and recommendations which schools should use to improve their provision and achievement. When a school applies from outside ISC to join one of the independent school heads’ associations it needs to have a satisfactory ISI inspection report before gaining initial accreditation. A satisfactory inspection report enables a school to be re-accredited as a member of its association. Inspections normally occur every three years”<sup>19</sup>.*

The ISI publish a “Handbook for the Inspection of Schools – The Inspection Framework” which became effective from January 2010. This sets out the:

- inspection principles;
- code of conduct for inspectors;
- guidelines for schools;
- criteria to ensure the quality of inspections and reports;
- use of evidence;
- types of inspections;
- scale and requirements of the inspections and ;
- reporting on inspections.

The document also provides the inspection schedules for both the interim and standard inspection. The evidence collected in order to investigate whether the school meets the quality criteria include observations of lessons, inspection of a selection of pupils’ work, consultations with parents and pupils, discussions with the chair of governors, documentary evidence including self evaluation and performance indicators and any element that implies a significant change since the previous inspection. Teams carrying out the inspection, led by a reporting inspector (RI) are in the school for five days for a standard inspection and two days for an interim inspection.

The ISI inspections are not a ‘name and shame’ exercise, therefore, but a quality control and assurance activity. Parents who send their children to a school that is housed in one of the associations forming part of the ISC have the confidence that the school is meeting the standards required for ISC accreditation. The inspection therefore confirms to the parent that the school has reached and continually provides a certain standard of quality education. The schools are not only accountable to the parents, but also the body to which they are ‘affiliated’<sup>20</sup>.

### **CfBT Inspection Services**

The Centre for British Teachers (CfBT) has been carrying out inspections on behalf of Ofsted for almost 20 years. The aim is to provide a high quality school inspection which results in an improvement of the school involved. CfBT are one of the first major providers of inspection services in the UK.

*“Our main aim is to improve schools and other*

<sup>19</sup> [http://www.isc.co.uk/Inspection\\_ThePurposeofaSchoolInspection.htm](http://www.isc.co.uk/Inspection_ThePurposeofaSchoolInspection.htm) <sup>21</sup> <http://www.cfbt.com/support/schoolinspections.aspx>

<sup>20</sup> See appendix for the inspection schedule for standard inspections by the ISI.

*institutions through high quality inspections. We have strong values and a clear vision to deliver a world class inspection service that will directly contribute to improving the quality of teaching, learning and care of all children, young people and adults in settings, schools and colleges”<sup>21</sup>.*

### **Sindh Education Foundation in Pakistan**

The Sindh Education Foundation operates the Support to Private Education Institution Programme (SPEIP) which provides support ‘as part of a wider school improvement strategy in the private sector’<sup>22</sup>. Within the SPEIP an assessment system concerning performance for private schools is being established. The objectives include:

- To devise mechanisms among private schools and districts for training support.
- To design a meticulous framework for process support, quality improvement and continuous accountability of private and religious education providers.
- To launch meaningful research projects to build the models for low cost and high quality institutions of learning.

### **Self Regulation in Other Sectors**

Self-regulation is commonplace in other areas of the economy—indeed, it is suggested that much of the regulation in the American economy is entirely private self-regulation, produced and enforced by trade associations and independent third parties<sup>23</sup>. Examples include:

- **Underwriters Laboratories Inc:** an independent non-profit organisation that establishes safety criteria for a wide variety of manufactured products, systems and components, including electrical appliances and

equipment. It offers testing, certification and quality assessment services<sup>24</sup>.

- **The American Dental Association (ADA):** a membership organisation for dentists and dental students. It establishes standards for dental products and equipments, reviews products for dental safety, and sets guidelines for advertisement of dental products. The ADA was founded in 1859. Its seal of acceptance is carried by many different companies and by dental products. A Seal of Acceptance from a product may be removed at any time if the manufacturer fails to abide by a standard after the seal has been awarded. The seal can also be removed from a product if a company violates the rules for use of the seal at any time. In order to apply for the ADA Seal companies need to:
  - “Submit ingredient lists and other pertinent product information for review and approval.
  - Supply objective data from clinical and/or laboratory studies that support the product’s safety, effectiveness and promotional claims.
  - Conduct clinical trials as needed in strict compliance with ADA guidelines and procedures.
  - Provide evidence that manufacturing and laboratory facilities are properly supervised and adequate to assure purity and uniformity of the product, and that the product is manufactured in compliance with Good Manufacturing Practices.
  - Submit all product packaging and labeling for review and approval by the ADA, and comply with the ADA’s standards for accuracy and truthfulness in advertising.
  - The ADA Seal usually is awarded for a five-year

<sup>22</sup> <http://www.sef.org.pk/speip.asp>

<sup>23</sup> Yilmaz 1998

<sup>24</sup> <http://www.ul.com/global/eng/pages/>

<sup>25</sup> <http://www.ada.org/aboutada.aspx>

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period. Companies must reapply to continue using the Seal. Whenever the composition of an Accepted product changes, the company must resubmit the product for review and approval before it is marketed with the Seal. As long as a product bears the ADA Seal, it must continue to meet these requirements”<sup>25</sup>.

- **The Council of Better Business Bureaus (CBBB):** is the umbrella organisation for the Better Business Bureau (BBB), which was set up in 1912. Through its self regulation system the CBBB is dedicated to providing an honest relationship between businesses and consumers. Membership has risen to more than 300 national corporations and 135 local BBBs. The CBBB helped form the National Advertising Review Council in 1971 in order to promote honesty and accuracy in advertising through voluntary self regulation. The mission of the CBBB is to “promote and foster the highest ethical relationship between businesses and the public through voluntary self-regulation, consumer and business education and service excellence.”<sup>26</sup>
- **The Good Housekeeping Institute:** the consumer product evaluation laboratory of Good Housekeeping magazine. Founded in 1909 for the purpose of consumer protection, education, and product evaluation, the Good Housekeeping Institute mainly tests for the durability and quality of products. Products that pass the evaluation tests can place an advert in the magazine. The Institute also award the Seal of Good Housekeeping, which is a warranty statement that promises that Good

Housekeeping will replace the product or refund the purchase price if the product bearing the seal proves to be defective at any time within one year of purchase.

## Conclusion

It is now generally recognised that private unaided schools are contributing significantly to India achieving the target of Education for All. With the introduction of the RTE comes an opportunity to stimulating the efficiency and effectiveness of private unaided schools through a new regulatory model. This paper has set out some examples where self-regulation and self evaluation currently operate. A self regulatory and evaluation strategy could be one way forward for improving and monitoring the quality of private unaided schools in India, moving regulatory authority from the state to private interest groups.

<sup>26</sup> <http://www.ftc.gov/bcp/workshops/disclosures/cases/about.pdf>

## Appendix

### Independent Schools Association Of Southern Africa (ISASA)

#### Conditions for Membership

ISASA recognises the autonomy of each independent school, however member schools that join the Association undertake to comply with the requirements below and endeavour to uphold the Principles of Good Practice.

Should a member school be found to have been in breach of the conditions for membership set out below, the school's membership shall come under review by the Executive Committee of ISASA and may be suspended or terminated according to the procedures detailed in Articles 31 through 36 of the Constitution of ISASA.

#### A. REQUIREMENTS

Every school that is approved for membership of ISASA must:

##### A.1. Vision, mission and objects of ISASA

Subscribe to the vision, mission and objects of ISASA as set out in its Constitution

##### A.2. Conditions of category

Comply with conditions of the relevant category of membership of ISASA as laid down in the ISASA Constitution

##### A.3. Annual subscriptions

Pay its annual subscriptions by March of each year.

##### A.4. Annual census

Complete the annual census by March of each year  
Conditions for membership Feb 2009 2

##### A.5. Quality and regular accreditation

Meet and maintain adequate quality criteria on entrance and as assessed through regular accreditation by ISASA or its agent

##### A.6. Democratic, just society

Promote and nurture a commitment to a society based on democratic values, social justice and fundamental human rights.

##### A.7. Diversity and equity

Produce and publicly display a positive affirmation of its commitment to a non-discriminatory society and a diverse, just and equitable school community.

##### A.8. No corporal punishment

Prohibit the practice of corporal punishment in the school.

##### A.9. Information to non-members

Ensure that the services it receives from ISASA are not directly or indirectly disclosed to or shared with other non-member education institutions, even where those education institutions are part of its group as contemplated in Article 1.3.3(a) of the Constitution.

##### A.10. Admission of learners

Not initiate the transfer of a learner from another ISASA school.

##### A.11. Advertising

Ensure that all advertising, articles, speeches, notices or any other form of publication are governed by professional ethics and in no way reflect adversely on any other school.

## B. PRINCIPLES OF GOOD PRACTICE

### B.1. General

The member school should:

B.1.1. act honestly and fairly, with due respect for the rights of staff, learners, parents and members of the governing body;

B.1.2. provide educational leadership and promote the professional development of the staff in order to improve the quality of learning and teaching;

B.1.3. ensure that sound administrative, business and financial principles are applied in the running of the school;

B.1.4. exhibit moral leadership, and as such, promote the adoption and practice of a sound value system in the school;

B.1.5. encourage a learner-centred philosophy in order to develop:  
each child to her/his full potential academically, emotionally, physically and spiritually, a community of learners who are self-disciplined and have a sound work ethic, and a code of conduct based on courtesy, mutual respect and acknowledgement of the rights of all groups in the school community;

B.1.6. foster good relations amongst all its stakeholders and with neighbouring schools and the education authorities;

B.1.7. ensure that it implements fair admissions and employment practices;

B.1.8. promote good citizenship in the school and social responsibility programmes in the wider community;

B.1.9. implement on-going quality assurance processes to maintain and improve the quality of education in the school.

### B.2. Admission of Learners

In all matters of admission and transfer, the member school should act fairly and professionally towards other schools, and ensure good co-operation between schools.

B.2.1. Member schools are encouraged to enter into local agreements with other member schools to govern the admission of learners and should honour such agreements, provided they are not in conflict with ISASA policy.

B.2.2. Schools operating in the same region and/or drawing from the same feeder schools should discuss mutual problems rather than announce changes at a time and in a manner which leaves other schools compromised.

B.2.3. Whenever a learner transfers from one independent school to another (including from a primary school to a high school), the receiving school should consult with the sending school to confirm that there are no fees, fees in lieu of notice or other financial liabilities outstanding, or that an agreement has been reached for the repayment of such fees.

### B.3. Scholarships, Bursaries and Awards

A member school should ensure that relevant details regarding scholarships and other awards are available to the public, and should recognise the following:

B.3.1. Scholarships are awarded on the basis of merit;

B.3.2. Candidates do not need to have been registered for the school or schools at which they compete for a scholarship;

B.3.3. Bursaries are awarded on the basis of financial need; and

B.3.4. While sports and other awards may be made, ISASA strongly disapproves of the practice of “shopping” for and poaching learners from other member schools.

#### **B.4. Staff**

A member school should observe the following code of conduct with regard to staff appointments:

B.4.1. In the interests of collegiality, it is not appropriate for a member school to make direct approaches to staff of other schools concerning vacant positions. Making a staff member aware of a public advertisement is not considered a direct approach

B.4.2. Staff should be free to make inquiries about positions in other schools, without informing their own head, and without the need for consultation between the heads of the two schools.

B.4.3. Staff may ask for a reference and seek a position elsewhere without prejudicing their present position.

B.4.4. The member school should offer assistance to staff members for the education of their children at ISASA schools.

#### **B.5. Diversity**

B.5.1. The school commits itself to compliance

with the Employment Equity Act and endorses its principles in respect of academic and support staff, together with an appropriate allocation of resources for staff development.

B.5.2. It uses inclusive, bias-free language in oral and written communication.

B.5.3. It respects, affirms and defends the dignity and worth of each member of the school community and ensures that the school’s ethos is enriched by the cultural heritages of all.

B.5.4. It develops an understanding of basic and universal human rights, linked indivisibly with civic responsibility and accountability at school and in the wider community.

B.5.5. It values each child individually and teaches to varied learning styles, abilities and life experiences.

B.5.6. It develops, publishes, implements and monitors policies promoting equity and justice in all aspects of school life.

B.5.7. It supports the ongoing education of the governing body, parents and all school personnel as essential to the creation and maintenance of a diverse, equitable and just community, with particular reference to teaching, assessment, curriculum, extra-curricula programmes and leadership opportunities.

B.5.8. It develops in its learners a sense of responsibility for equity and justice in the wider community.

B.5.9. The school strives to develop in all learners

an awareness and acceptance of others, sensitivity to opinions and values different from their own, and broadminded thinking, which is free of bias, prejudice and uninformed judgements.

### Standard Inspections with the ISI

This inspection schedule is set out in the ISI Handbook. Examples of reports provided to schools after the inspections can be located on the ISI website.

#### 1. The Characteristics of the School

- (a) The school's aim, distinctive features and governing structure.
- (b) Its type, location and history.
- (c) Any significant changes in the nature of the school since its last inspection.
- (d) The numbers of pupils on roll and the age range.
- (e) Information on the ability of the pupils (using standardised data and ISI standardised score programme where possible), gender ethnicity and background.
- (f) Any pupils requiring support for learning difficulties or disabilities and for English as an additional language.

#### 2. The Success of the school and action points

- a) The Main Findings
  - (i) The quality of the pupils' achievements and their learning, attitudes and basic skills.
  - (ii) The quality of the pupils' personal development.
  - (iii) The effectiveness of governance, leadership and management.

#### b) Action points

The report either a) states that the school meets all the requirements of the Independent School Standards Regulations 2003, as subsequently amended, OR b) specifies which Regulations the school did not meet at the initial inspection and which it does not meet at the final inspection. The Regulations are specified as necessary under the following Standards.

- The quality of education provided (Curriculum)
- The quality of education provided (Teaching)
- The spiritual, moral, social and cultural development of pupils.
- The welfare, health and safety of pupils.
- The suitability of staff, supply staff and proprietors.
- The premises and accommodation.
- The provision of information.
- The manner in which complaints are handled.

If a Regulation is not met, the report states the action which must be taken to meet it. The text of the report indicates where deficiencies in regulatory compliance identified at the initial visit are remedied by the end of the inspection.

#### 3. The Quality of the Academic and Other Achievements

##### 3 a) The quality of pupils' achievements and their learning, attitudes and skills

##### Inspection criteria

- i) Pupils are well educated in accordance with the school aim.
- ii) The pupils have suitable levels of knowledge, understanding and skill in curricular and extra-curricular activities (for example in

speaking, listening, reading, writing, logical and independent thought, creativity, the application of mathematics, the use of ICT and working individually or co-operatively).

- iii) In relation to ability, pupils reach acceptable standards in any national tests, public examinations and standardised measures of progress, including any trends over time.
- iv) Pupils have positive attitudes to learning.

3b) The contribution of curricular and extra-curricular provision (including community links of benefit to pupils)

#### Inspection criteria

- i) The curriculum is effective in its coverage of the requisite areas of learning.
- ii) It is suitable for all ages, abilities and needs and it supports the aims of the school.
- iii) It is supported by a suitable range of extra-curricular activities and links with the community.

#### The report will:

- a) comment on the school's response to any recommendations from the last inspection and note any significant changes in the quality of education.
- b) refer to any non-compliance with the regulatory requirements.

3c) The contribution of teaching

#### Inspection criteria

- i) Teaching is effective in promoting pupils' progress and supports the aims of the school.

#### The report will

- a) refer to significant features of the teaching

(for example, in: understanding pupils' needs, fostering interest and independence, planning, methods employed, management of time, subject knowledge, availability and use of resources, marking and assessment);

- b) comment on the school's response to any recommendations from the last inspection and note any significant changes in the quality of education;
- c) refer to any non-compliance with the regulatory requirements.

4. The Quality of the Pupils' Personal Development

4a) The spiritual, moral, social and cultural development of the pupils

#### Inspection criterion

- i) Pupils' personal qualities are developing well and in accordance with the aims of the school.

#### The report will:

- a) place emphasis on the pupils' development in each of the four areas of SMSC;
- b) comment on the school's response to any recommendations from the last inspection and not any significant changes;
- c) refer to any non-compliance with the regulatory requirements.

(Pupils' questionnaire responses may be reflected in this section.)

4b) The contribution of arrangements for welfare, health and safety

#### Inspection criteria

- i) the staff provide effective support and guidance for the pupils in accordance with the school's aims.

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- ii) relationships are positive between staff and pupils and among the pupils themselves.
- iii) the school has effective procedures for a) promoting good behaviour and guarding against harassment and bullying and b) dealing constructively with any unacceptable behaviour.
- iv) The safeguarding policy is compliant with Regulations and implemented successfully.
- v) All necessary measures are taken to reduce risk from fire and other hazards.
- vi) Arrangements to ensure health and safety are effective and include provision for pupils who are ill.
- vii) the school has a suitable plan to improve educational access for pupils with disabilities.
- viii) Pupils are encouraged to be healthy through developing healthy eating habits and taking regular exercise.
- ix) The admission and attendance registers are properly maintained and correctly stored for the previous three years.

### The report will:

- a) comment on the school's response to any recommendations from the last inspection and note any significant changes in the quality of care;
- b) refer to any non-compliance with the regulatory requirements.

(Pupils' questionnaire responses may be reflected in this section)

4c) The quality of boarding education (boarding schools only)

5. The effectiveness of governance, leadership and management

5a) The quality of governance

### Inspection criteria

- i) The governing body/proprietor(s) provide effective oversight of the school in line with its aims and discharge their responsibilities for educational standards, financial planning and investment in staff, accommodation and resources.
- ii) The governing body/proprietor(s) have a good insight into the working of the school and provide support and stimulus for growth and improvement.
- iii) The governing body/proprietor(s) are effective in discharging their responsibilities for child protection, welfare, health and safety throughout the school.

### The report will:

a) comment on the response to any recommendations from the last inspection and note any significant changes in effectiveness.

5b) The quality of leadership and management

### Inspection criteria

- i) At all levels of responsibility, the leadership and management of the school are effective, in accordance with the aims of the schools.
- ii) Leadership and management provide clear educational direction, as reflected in the quality of the pupils' education and the standard of their personal development.
- iii) Leadership and management are effective in self-evaluation, setting priorities and ensuring that they are achieved.
- iv) Management is successful in securing, supporting, developing and motivating sufficient high quality staff and ensuring they are suitably trained for their roles in safeguarding welfare, health and safety.

- v) The school has thorough arrangements for checking the suitability of staff, supply staff and governors/proprietors.

The report will:

- a) comment on the response to any recommendations from the last inspection and not any significant changes in quality.

- 5c) The quality of links with parents, carers and guardians

Inspection criteria

- i) the school maintains a constructive relationship with parents in accordance with its aims.  
 ii) Parents are satisfied with the education and support provided for their children and with the quality of communication with the school.  
 iii) Parents have good opportunities to be actively involved in the work and progress of their children.  
 iv) Parents of pupils and of prospective pupils are provided with the required information about the school and receive clear and useful reports about their children's work and progress.  
 v) The school handles the concerns of parents with care.

The report will:

- a) comment on the response to any recommendations from the last inspection and note any significant changes.  
 b) briefly report the parents' views as expressed in the questionnaire and include inspectors' judgements on the main positive and negative features.  
 c) make reference to any non-compliance with the regulatory requirements

## **The Council of International Schools Standards for Admission into Membership**

All schools need to accept the following criteria and meet the accompanying standards.

1. Is internationally minded, promoting international awareness in its students
2. Applies the CIS Code of Ethics
3. Is willing to undertake an external, CIS-recognised school improvement process.

### A. Philosophy and Objectives

1. The school shall have a clear statement of philosophy and objectives which is suitable for the enrolled student body.
2. The philosophy and objectives statement shall commit the school to providing international and intercultural experiences for its students.

### B. Curriculum

3. In its design and implementation, curricular programmes shall serve to put the school's philosophy and objectives into practice.
4. Curricular programmes shall be well organised and documented.
5. Curricular programmes shall be adequately resourced in terms of teaching staff and support materials.

### C. Governance and Management

6. The Governing Body and School Management shall be constituted to provide the school with sound direction, continuity and effective support.
7. The Governing Body and School Management shall observe legal and ethical principles in all dealings with the school community.

8. The Head of School shall be a suitably qualified, competent and experienced in education.
9. The school's financial resources shall be well managed and capable of sustaining chosen curricular programmes.

#### D. Staff

10. The school shall have management, teaching and support staff sufficient in numbers and with the qualifications and competencies to carry out satisfactorily the school's programmes, services and activities.
11. All staff shall be employed under clear written contracts and receive adequate compensation for their work.

#### E. Student Support Services

12. English Language Support, Special Education provision and Guidance/Counselling systems shall be commensurate with the needs and aspirations of the student body.
13. The school shall provide adequate health care, and shall insure provisions for emergencies on-site and at school functions which take place away from the school premises.

#### F. Resources

14. Any 'auxiliary' services which the school may be offering (food, security, transportation, cleaning, etc.) shall meet acceptable standards of safety and quality.

15. The school shall meet safety requirements of the local authorities, as well as those required by CIS where necessary.

16. The school grounds, buildings, installations, basic furnishings and equipment shall be adequate for effective support of the total school programme.

#### G. Student and Community Life

17. Relationships among the school management, staff and students shall be ethical, and shall be characterised by fairness and mutual respect among individuals and between groups.
18. The school shall have processes for the interchange of information and opinions with students and parents.
19. The school shall actively promote intercultural and international awareness.
20. (Boarding schools only) Residential services shall serve the best interests of all boarding students and staff.

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## **Centre for Civil Society**

### **Social Change Through Public Policy**

Established on 15 August 1997, the Centre for Civil Society (CCS) is an independent, non-profit public policy think tank devoted to improving the quality of life for all citizens of India by reviving and reinvigorating civil society. Through its award winning programs, CCS is a resource for innovative community and market based ideas for sound public policy solutions, particularly in the areas of education, livelihood, governance and environment. By bringing these ideas to current and future leaders, CCS is advancing opportunity and prosperity for all Indians.



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A-69 Hauz Khas, New Delhi 110016  
Tel: +91 11 2653 7456 / 2652 1882; Fax: +91 11 2651 2347;  
Email: [ccs@ccs.in](mailto:ccs@ccs.in)  
[www.ccs.in](http://www.ccs.in), [www.schoolchoice.in](http://www.schoolchoice.in) [www.jeevika.org](http://www.jeevika.org),  
[www.azadi.me](http://www.azadi.me), [www.righttoeducation.in](http://www.righttoeducation.in)