

<b>SOUTHWARK DIOCESAN BOARD OF EDUCATION</b>	
<b>BRIEFING SHEET</b>	
<b>SUBJECT: LEGISLATION UPDATE 12</b>	
<b>RECIPIENTS:</b> Headteachers, Chairs of Governors and Clerks to Governors of all C of E Schools and Academies.	
<b>SDBE CONTACT:</b> Carol Jerwood	<b>DATE:</b> September 2007

## **I COMPLAINTS TO OFSTED ABOUT SCHOOLS**

**1.1** The Education and Inspections Act 2006 enabled new regulations which allow parents to complain to OFSTED about the following:

- (a) the quality of the education;
- (b) the educational standards achieved;
- (c) how far the education provided meets the different needs of the pupils;
- (d) the quality of the school leadership and management, including whether financial resources are managed effectively;
- (e) the contribution made by the school to pupils' well-being; or
- (f) the spiritual, moral, social and cultural development of pupils.

**1.2** OFSTED will not investigate alleged incidents at the school, nor get involved in the school or academy's complaints procedures, or mediate in a dispute. Depending on the nature of the complaint, OFSTED may take one or more of the following actions: make informal contact with the school; consider the concerns during the next inspection; request further information from the school/LA; require the school to arrange a meeting of parents; arrange an immediate inspection of the school. OFSTED has produced a leaflet for parents which can be downloaded from their website through the following link:

[http://www.ofsted.gov.uk/assets/Internet\\_Content/Shared\\_Content/IIFD/Files/schoolcmplnts\\_pg.pdf](http://www.ofsted.gov.uk/assets/Internet_Content/Shared_Content/IIFD/Files/schoolcmplnts_pg.pdf).

## **2 DUTY TO HAVE REGARD TO THE VIEWS OF PARENTS**

**2.1** The Education and Inspections Act 2006 places a duty on governing bodies to have regard to the views of parents when exercising their functions. Most schools have a number of ways of keeping in touch with parents and giving them an opportunity to express their views. There is no prescription in law as to how and when schools should seek parents' view, but schools will have to demonstrate that they listen to and take account of the views of parents as part of school inspection. It is important therefore that schools log any consultation meetings, that the results of questionnaires or surveys are properly considered at governors' meetings or relevant committees and that consideration is given to involving parents in working parties when specific issues, such as homework policy, or behaviour, are under review.

## **3 IMPROVING BEHAVIOUR AND ATTENDANCE – NEW DCSF GUIDANCE**

**3.1** The DCSF has published new guidance which replaces the guidance on exclusions issued in September 2006. It is available to download on [www.teachernet.gov.uk](http://www.teachernet.gov.uk). Schools must follow the new guidance, including the model letters since these take account of the new provisions for schools to provide full-time education for pupils on the sixth day of any fixed-term exclusion. Academies are required to have procedures in place which are consistent with the DCSF guidance (unless they can give good reasons for departing from it). The provisions on providing education from the sixth day of a fixed period exclusion and the requirement for the head or principal to arrange reintegration interviews also apply to academies. A copy of the guidance has been emailed to headteachers. Copies are available in hard copy by emailing [dfes@prolog.co.uk](mailto:dfes@prolog.co.uk) and quoting 00611-2007BKT-EN. The main changes are as follows (references are to those paragraphs in the guidance):

- (i) Headteachers should ensure a record is kept of any action taken when deciding to exclude a pupil; any other staff involved should also record their actions (Paragraph 21(f));
- (ii) Further guidance on the breach of school rules on appearance (Paragraph 24(e));

- (iii) Revised guidance on what actions a school should take following a fixed period exclusion (paragraphs 35-38);
- (iv) New material on reintegration interviews (paragraphs 39-41) (**see separate briefing sheet**);
- (v) Changes to the guidance on what actions should be taken following a permanent exclusion (paragraphs 48-49);
- (vi) Revised guidance on Parenting Orders and Contracts for behaviour (paragraphs 42-44);
- (vii) Revised guidance on looked after children (paragraphs 64-70);
- (viii) Revised model letters;
- (ix) New guidance for exclusions panels on combined hearings and factors to consider when deciding whether or not to uphold an exclusion (paragraphs 111, 112, 147,148);
- (x) Guidance on the LA responsibility to provide full time education and reintegrate permanently excluded pupils is now available separately (see related documents).

#### **4 DCSF GUIDANCE ON EDUCATION-RELATED PARENTING CONTRACTS, PARENTING ORDERS AND PENALTY NOTICES**

**4.1** New guidance on the above has been published and new regulations came into force on 1 September. The guidance relates only to contracts and orders relating to truancy, exclusion or misbehaviour at school. There is an expectation that the guidance will be followed unless there is good reason to depart from it.

**4.2** The guidance explains when parenting contracts should be used in cases of non-attendance, behaviour and discipline issues and the processes when applying for a parenting order to the magistrate's court; applications may be made by local authorities or schools.

#### **5 COLLABORATION BETWEEN SCHOOLS AND FURTHER EDUCATION COLLEGES**

**5.1** The Education and Inspections Act enables governing bodies of further education colleges to collaborate formally with the governing body of a maintained school, this does not prevent schools and colleges from continuing existing arrangements, but provides a different route for collaboration through the setting up of joint committees. Such committees would act under delegated powers from the collaborating governing bodies and therefore governing bodies of the institutions involved would need to ensure that they receive regular reports.

**5.2** Regulations cover the establishment of such committees, the appointment of a clerk, the position of associate members, rights to attend meetings and proceedings and minutes. These are similar to those that already govern governors' committees. Details are in *The Collaboration Arrangements (Maintained Schools and Further Education Bodies) (England) Regulations 2007*, SI 2007 No 1321).