

SOUTHWARK DIOCESAN BOARD OF EDUCATION	
BRIEFING SHEET	
SUBJECT: LEGISLATION UPDATE 13	
RECIPIENTS: Headteachers, Chairs of Governors and Clerks to Governors of all C of E Schools and Academies.	
SDBE CONTACT: Carol Jerwood	DATE: January 2008

I PERMANENT EXCLUSIONS FROM SCHOOL

1.1 It has come to light through the experience of one of our secondary schools that a change in the DCSF guidance published last September may have an impact on the outcome of permanent exclusion appeals. The change means that the “victim” will be invited to attend the independent appeal hearing to give their views, or they may choose to be represented, or may submit a written statement. While on the surface this might seem fair and logical, there is a possible danger of which schools should be aware. The circumstances of the particular case that brought this to light were that the perpetrator signed a written statement that they were responsible for the action for which they were permanently excluded. As a result the headteacher decided not to take a written statement from the victim since the incident had caused the victim injury requiring hospital treatment and considerable distress; having already had a confession from the perpetrator, it was felt unnecessary to make the victim write a statement about the incident. The request from the independent appeal panel for a written statement from the victim, or attendance at the hearing, could result in the victim deciding that the effects of the incident were not so far-reaching to warrant permanent exclusion. If the victim were to say to the panel such things as “he didn’t mean it”, or “I’m sure he didn’t deliberately intend to hurt me”, this could undermine the governors’ case for permanent exclusion. It is recommended therefore that, whatever the circumstances, a written statement is made by the victim. This can then be relied on as part of the headteacher’s case for permanent exclusion and should remove the possibility of any potential change of heart by the victim having an impact on the panel’s decision.

2 EDUCATION AND SKILLS BILL

2.1 The Education and Skills Bill is making its way through Parliament. It proposes the following:

- (a) a change in the school leaving age to 18, with pupils continuing in education and training either full-time at school or college, work-based learning such as an apprenticeship or part-time education and training if they are employed, self-employed or volunteering more than 20 hours a week. The education or training may be given by more than one provider and the Bill will clarify governors’ power to arrange learning off-site. The Learning and Skills Council will have an explicit duty to ensure that apprenticeships are available to those suitably qualified.
- (b) the Connexions service will transfer to local authorities.
- (c) the Bill will place a duty on local authorities to collaborate with other local partners to secure the well-being of children and young people, including those with providers of 14-19 education and training. The Bill will strengthen existing partnerships.
- (d) representation on School Forums will include 14-19 and early years.

3 INDEPENDENT SAFEGUARDING AUTHORITY (ISA)

3.1 The DCSF published a consultation document in November on a new scheme to prevent unsuitable persons from working with or volunteering to work with children and vulnerable adults. The consultation ends on 20 February. The timetable for implementation of the new rules is set out below. There is no clarity yet on exactly how checks are to be made on governors and when this is to be phased in; more information will be available after the consultation ends, but, it is likely that the process of recruiting governors will take longer once the new procedures are in place and there will need to be a longer lead-in time when filling vacancies.

Independent Safeguarding Authority (ISA) becomes legal entity	January 2008
Testing of procedures and systems	Spring 2008
Review of whether scheme is ready for launch	Summer 2008
Phased scheme roll-out begins	Autumn 2008

4 GUIDANCE ON THE USE OF FORCE

4.1 The DCSF issued guidance on the use of force in November 2007; this replaces Circular 10/98. The guidance is aimed specifically at school leaders and those with specific responsibility for pupil behaviour, but is also relevant for all staff and governors. It can be downloaded from teachernet at http://www.teachernet.gov.uk/_doc/12187/ACFD89B.pdf. The guidance is non-statutory, but provides advice to schools on good practice. The law aims to protect staff and pupils, prevent serious damage or disruption and reduce the likelihood of actions by staff being successfully challenged in the courts. Schools are therefore strongly advised to follow the DCSF guidance.