



## January 2010

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### News

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#### **Vetting and Barring Scheme to be watered down**

The Vetting and Barring Scheme is to be diluted following a review by Schools Secretary Ed Balls. Under the new plans, adults will only be vetted if they come into contact with the same group of children once a week or more, rather than once a month. Teenagers under the age of 18 who help out in school activities will also be exempt from registering with the Vetting and Barring Scheme. Parents who host children on exchange visits of less than 28 days will no longer need to register. This means that two million people will no longer be affected.

#### **Review of "Working Together to Safeguard Children"**

Following Lord Laming's report in March last year on the progress being made across the country to deliver effective arrangements to protect children, the government is now consulting about his proposals.

Lord Laming stated that although progress had been made in establishing robust legislative, structural and policy foundations, and that Every Child Matters reforms were widely supported, more work needs to be done. He made 58 specific recommendations, all of which the Government has accepted. 17 of those recommendations will be addressed through the revision of Working Together to Safeguard Children guidance as will a further commitment from the Government's action plan relating to the appointment of lay members to Local Safeguarding Children Boards.

The recommendations and link to respond to the consultation can be read [here](#)

#### **Accepting overseas students – your obligations**

The final phase of Tier 4, Points Based System, for accepting overseas students comes into force in February 2010. From February, educational establishments will no longer be able to use visa letters to enable overseas students to enrol. Instead, the educational establishment will need to be registered as an accredited sponsor on the new sponsorship management system.

There is a registration fee of £400 and a further £10 for confirmation of acceptance of each overseas student and the educational establishment will need to remain an accredited sponsor throughout the

education of its overseas students.

### **Supplying diploma courses – will you need to find a partner?**

Under the Education and Inspections Act 2006, schools will be required to offer students aged 14 to 19 access to a range of 17 diplomas by 2013. As part of this, schools may consider that they need to form partnerships with other schools and FE Colleges.

So, how would the partnership be created and how will each party know what their obligations are? Such collaborations can either be formalised legally through creation of federations, academies or through the Collaboration Arrangements (Maintained Schools and Further Education Bodies) Regulations 2007, or more informally through a memorandum of understanding.

Practically speaking, there are many aspects that should be considered, from the right to use the partner's classrooms, sharing staff and facilities, the application of employment policies, how decisions are made and the apportioning of liabilities.

### **Minimum pension age increased for staff**

From 6 April 2010 the normal minimum pension age for any employees using registered pension schemes, will be raised from 50 to 55 years of age. As always there are some exceptions but the majority of staff will be affected by this.

## **Case reports**

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### **R (on the application of E) (Respondent) v The Governing Body of JFS and the Admissions Appeal Panel of JFS and others (Appellants) [2009] UKSC 15**

The Supreme Court has delivered its judgment in respect of the case for race discrimination brought against JFS.

JFS is a Jewish faith school that, when over subscribed, gives precedence in admission to those children recognised as Jewish by the Office of the Chief Rabbi of the United Hebrew Congregation of the Commonwealth.

E challenged JFS' refusal to admit his son, M, to the school on the basis that this admissions policy directly discriminated against his son on grounds of his ethnic origin. His son was not recognised as Jewish because his mother was not regarded as Jewish under the rules set by the Chief Rabbi.

The High Court rejected this claim, the Court of Appeal overturned the High Court's finding, holding that the JFS did directly discriminate against E's son. The Supreme Court agreed with the High Court, finding that the admissions policy did directly discriminate against E's son on the grounds of his race.

The judgment was careful to state that they did not consider the school to be racist as the word is generally understood. Further, the judgment also made it clear that the courts will be reluctant to go behind the reasons a faith school adopts in its admissions policy based on religion or ethnicity. The school is now reviewing its admissions policy and considering changing to that of a Jewish practice test.

## **Q & A**

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If you have a topic or question you would like answered and which can be covered in the bulletin, please forward it to us. The question will be edited so the identity of the questioner will not be given

and anonymity assured.

For further information or advice on any education issue please contact Julia Green, associate on:

[julia.green@footanstey.com](mailto:julia.green@footanstey.com)

01752 675504

[www.footanstey.com](http://www.footanstey.com)

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