



October 2009

Welcome to the new Academic year 09/10. What is new for the beginning of term? A number of new regulations came into force from 1st September:

News

Impartial careers education

Article 3 of the Education and Skills Act 2008 amends existing legislation so that from the beginning of September the requirement to provide a programme of careers education through guidance materials and a range of up to date reference materials must be 'impartial' and include 'the full range of learning and career options'. Thus it is not acceptable to promote options that are in the best interests of the institution giving the advice as opposed to the best interests of the student. Nor must one option be particularly promoted over another.

SEN in independent schools

The same article abolishes the requirement for independent schools in England to be approved by the Secretary of State for the placement of a child with a statement of special educational needs and also removes the requirement for the local education authorities to obtain consent to place a statemented pupil in an independent school which is not approved.

Additional bursary for looked after children going on to higher education

Following on neatly from the careers advice provision are regulations providing additional bursary monies to a former 'relevant child' (i.e. one under the care of the Local authority) from the local authority when they go on to pursue a course of higher education. The bursary of £2000 equates to evidence that such children finish education with an average of £2000 more debt than their peers.

Changes in performance targets

The 1st September brought a change in the performance setting targets to be set by the Local Authority for the period 09/10. The number of pupil groups for ethnic minority targets reduce from seventeen to eight. A further category is introduced based on a students entitlement to free school meals. This will be interesting in the wake of the recession driven increase in FSM numbers. Further, the local authority is required to set targets where defined ethnic groups under perform

locally by more than 10% relative to the whole cohort in the preceding year.

New Ofsted regime for independent schools

The new year sees changes in the way independent schools are inspected and charged. New regulations prescribe that the inspection fee is payable in each of the three calendar years unless it is a first inspection following registration, an inspection following up a complaint or an inspection resulting from a request from a first tier tribunal. The amount of the fees will vary depending upon size (over 150 pupils or less than 150) or whether the Secretary of State has exercised discretion for the school to be on the reduced tariff. The actual inspections, further to the enabling legislation, can be by the ISI or Ofsted and will take place every three years instead of six. Also the Secretary of State may direct the Chief Inspector to inspect the school at any time.

Cases

Personal injury claims against schools

Every year an estimated 350,000 serious accidents occur at schools across the UK. Claims of negligence against schools are growing as shown in a recent case, *Palmer V Cornwall County Council* [2009]. This case revolved around an injury sustained by accident as a result of a fellow pupil throwing a stone at a seagull. The question of whether the local authority was negligent rested on whether the students were sufficiently supervised during lunchtime when the accident occurred. In this instance one dinner lady was surveying a field of approximately 300 pupils. At first instance the case was dismissed but on appeal it was held that the school supervision was inadequate and therefore there was a breach of the school's duty of care. In reaching the decision, significant emphasis was placed on the lack of evidence of a risk assessment, or any guidance, warning or training in relation to lunchtime supervision. It was also held that the injury was a result of the breach as, if there had been more supervision, the students would not have thrown stones, an action that was prohibited.

Further cases and comments can be found in a larger article on our website [here](#) or can be obtained by contacting Julia Green.

Q & A

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 on:

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