

named person or being left at the last known address, or sent to that address. Parents must consent in writing.

Electronic Communications Order 2004.

A10 THE SCHOOL CURRICULUM

Each school's curriculum must be balanced and broadly based and promote the spiritual, moral, cultural, mental and physical development of pupils and "prepare them for the opportunities, responsibilities and experiences of adult life". Thus the whole school curriculum consists of more than the national curriculum. Each school is likely to provide a variety of experiences outside the national curriculum.

The national curriculum

The curriculum is divided into subjects. There are core subjects (English, mathematics, science, information and communication technology and religious education) and the remainder are called foundation subjects (geography, history, design and technology, art and design, music and physical education). Not all subjects have to be taught in every key stage. In England there are three useful publications for parents, which give an overview of the curriculum taught in schools. **'The Learning Journey-a parents guide to the curriculum' is a series of three booklets (3-7 ref 0122/2000) (7-11 ref 0123/2000) and (11-16 ref 0124/ 2000).**

<http://curriculum.qcda.org.uk> is the website for the **National Curriculum On-line (includes**

England and Wales). There is also information on: www.qcda.org.uk.

For Wales, **go to the Curriculum and Assessment section on the Welsh Assembly site** where you will find a broad introduction to the primary and secondary curriculum in Wales.

<http://wales.gov.uk/topics/educationandskills/curriculumassessment/?lang=en>.

Since September 2008 the Welsh Assembly Government has been phasing in gradually a revised curriculum. This should be complete by 2012. The revised curriculum comprises the following six areas:

- foundation phase;
- skills development;
- national curriculum;
- personal and social education;
- careers and the world of work; and
- religious education.

The Early Years Foundation Stage

The Early Years Foundation Stage (EYFS) has legal force through orders made under the **Childcare Act 2006**. It covers children from birth to five. The overarching aim of the EYFS is to help young children achieve the five **Every Child Matters** outcomes:

1. staying safe;
2. being healthy;
3. enjoying and achieving;
4. making a positive contribution; and
5. achieving economic well-being.

The EYFS contains legal requirements relating to:

- learning and development; and
- welfare.

The learning and development requirements comprise three elements:

- early learning goals;
- educational programmes; and
- assessment arrangements.

The welfare requirements are the over-riding aim of safeguarding and promoting children's welfare. They cover appointments of suitable persons, suitable premises, environment and equipment, organisation and documentation.

The Early Years Foundation Stage: Setting Standards for Learning, Development and Care for Children from Birth to Five (DfES, 2007). This contains guidance on the statutory framework and legal requirements and practice guidance (<http://publications.teachernet.gov.uk> and www.everychildmatters.gov.uk).

In Wales in 2008 a phased programme of experience and opportunities was introduced for children born in 2006. This includes:

- an experience of active learning in the Flying Start programme;
- active learning within a new foundation phase for 3-7 year-olds; and
- transfer to secondary school that is managed through statutory transition.

The primary strategy

Following the DCSF publication of **Excellence and Enjoyment. A strategy for primary schools**, schools are likely in the future to

have more freedom in delivering the primary curriculum. The vision is for a sector where high standards are obtained through a rich, varied and exciting curriculum. **For more information go to:** <http://nationalstrategies.standards.dcsf.gov.uk/primary> **The DCSF Standards site.**

Key stages 1 and 2

Primary education is divided into two phases: key stage 1 (5 – 7) and key stage 2 (7 –11); the second part of key stage 2 can be taught in middle schools.

In Wales the **Transition from Primary to Secondary Schools Regulations 2006** require governing bodies of maintained secondary schools and their feeder primaries to draw up plans to facilitate transition.

Key stage 3

Each school has to teach the national curriculum and religious education. The challenge for a school is to customise this basic entitlement to learning and in the context of the key stage 3 strategy and other relevant government initiatives, create its own distinctive and unique curriculum.

Key stage 4

The statutory requirements at this key stage are currently: English, ICT, mathematics, science (for which there will be a smaller programme of study), citizenship, PE, RE and work-related learning. Humanities, modern foreign languages and arts are available but do not have to be taught to all students. Sex education is a mandatory element

- the burden of additional costs;
- detrimental effect on ability to meet customer demands;
- inability to re-organise work among existing staff or recruit additional staff;
- detrimental impact on quality or performance;
- insufficiency of work during the periods the employee proposes to work; and
- planned structural changes.

You have a right of appeal within 14 days.

In a landmark case in 2008, the European Court of Justice ruled that a parent with a disabled child had been discriminated against on grounds of disability because she had been harassed for taking time off to look after him. This judgment suggests that any caring for a person may be protected by discrimination law and widens the range of flexible working claims. This ruling was upheld by the EAT in 2009.

Employment Act 2002. Employment Relations Act 1999 for parental leave rights and dependants' rights. Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002. Flexible Working (Procedural Requirements) Regulations 2002.

DBERR/DBIS booklet: Flexible working: The right to request and the duty to consider now only available in Internet copy form at: www.berr.gov.uk/whatwedo/employment/employment-legislation/

[employment-guidance/page35662.html](http://www.berr.gov.uk/employment-guidance/page35662.html).

DBERR/DBIS booklet: The right to request flexible working. A review of how to extend the right to request flexible working to parents of older children.

For advice from ACAS tel: 08451 414141, or refer to their website at:

www.acas.org.uk.

Quick Guides LA6 Family Friendly Rights: Maternity, Paternity, Adoption; LA4 Dependants' and Carers' Leave: Points of Law.

B17 CAPABILITY

If your capability to perform your duties is called into question the school must do what it can to help and support you. But in the end it is you that must make the improvement. If improvement cannot be achieved informally a more formal approach is required and the school must follow its capability procedures. In maintained schools these are set by the governing body usually based on the LA's model and must be made known to the staff. Independent schools may publish their own procedures.

The capability procedure has a number of formal stages and action is progressive, starting at the lowest stage unless the poor performance is very serious. No warning can be issued without you being given the opportunity to respond to the concerns and there is a right of appeal against formal warnings and dismissal. At all stages in the procedure you should receive appropriate support and/or training to help

you achieve the standards required of you.

For regulations refer to Regulations section in B2.

Quick Guides Capability Procedures (C) Section.

B18 SICK LEAVE

A member of staff absent from school is deemed to be absent without leave until he/she notifies the school. Staff must 'self-certify' a sickness absence, which lasts more than 3 days. A doctor's certificate will be required for illnesses lasting longer than 7 calendar days. It should be sent to the school on the eighth day of absence. If your absence from a maintained school continues into a school holiday period you must notify the school when you are fit again. This enables the employer to make statutory sick pay (SSP) adjustments. If you work in an independent school you may be subject to the same rule in your contract. On return to work after a prolonged illness you should hand to the school a medical certificate to say that you are fit for work.

If you have a prolonged single absence, or have many short but frequent absences, you may be required to submit to a medical examination at the employer's initiative. There is no definition of 'prolonged' but it is likely to be required after a three-month absence. Governing bodies and LAs may also refer school employees to the Occupational Health Service. Staff, too, may refer themselves to the Occupational Health Service, consulting their own doctor or asking the head

to refer them. There is a duty on the employer to make reasonable adjustments to enable disabled employees to continue at work, but if none can be made, the employee may be dismissed.

Quick Guides Absence through Ill Health (AB) Section includes a model policy.

B19 SICK PAY

All employers must pay statutory sick pay (SSP) for periods up to 28 weeks. Support staff in maintained schools, and some independent schools, have arrangements better than the statutory minimum. In the Green Book scheme employees are entitled to sick pay for the following periods:

- during the first year of service: 1 month's full pay;
- after four months' service: 2 months' half pay;
- during the second year of service: 2 months' full pay and 2 months' half pay;
- during the third year of service: 4 months' full pay and 4 months' half pay;
- during the fourth and fifth years of service: 5 months' full pay and 5 months' half pay; and
- after five years' service: 6 months' full pay and 6 months' half pay.

In 2009 the House of Lords upheld a European Court of Justice ruling on sick leave and holiday entitlement under the EC Working Time Directive. Employees on long-term sick leave accrue statutory annual leave under the **Working Time Regulations**. They are entitled to be paid for leave even if their sickness absence lasts for all the relevant leave year.

therefore unlawful disability discrimination. Although she herself was not disabled she nevertheless suffered discrimination because of her association with her son, a disabled person. This ruling was upheld by the EAT in 2009.

In 2008 a Scottish teacher claimed that his baldness was a disability. He was teased and bullied by pupils because he was bald. He claimed this had a "substantial and long-term adverse effect" on his ability to teach. The tribunal rejected his claim stating "if baldness was to be regarded as an impairment then perhaps a physical feature like a big nose, big ears or being smaller than average height might of themselves be regarded as an impairment."

Quick Guides Equal Opportunities (EO) Section.

C9 THE EQUALITY AND HUMAN RIGHTS COMMISSION

The EHRC was set up in 2007. It has taken on the work of the Disability Rights Commission and as well as supporting individual legal cases the Commission's priorities include influencing the development of law and government policy and promoting good practice. The **Disability Discrimination Act 1995** applies to England, Scotland and Wales. The Dept for Health has issued guidance to help with the question of determining disability.

Equality and Human Rights Commission www.equalityhumanrights.com.

The Code of Practice relating to employment is on the same website.

Schools/staff can contact the Disability Employment Adviser at the local Jobcentre to get help and information.

See also: the Disabled Living Foundation website: www.dlf.org.uk.

Quick Guides EO6 Disability Discrimination: Points of Law.

C10 EQUAL PAY

Men and women working in schools, like any other employees, must receive equal pay for work, which is: **like work** or **work rated as equivalent** or **work of equal value**.

In a 2006 case the EAT considered equal pay claims by teaching assistants, secretaries and supervisory assistants comparing themselves to LA manual workers. Some of the claimants worked in voluntary aided schools. Their claims were struck out because they were employed by the governing body and there was no single source employer for them and the manual workers. Other claimants worked in community schools. Their claim could proceed because there was a single employer.

In July 2008 the Court of Appeal ruled that pay protection arrangements put in place for predominantly male groups of staff after a job evaluation scheme were discriminatory and

could not be justified. Men who had been placed on the same salary scale as the women claimants were paid more because they received pay protection.

In 2009 in a landmark decision the EAT ruled that men could make equal pay claims on the back of successful equal pay claims by women. The women had lodged claims about bonuses paid to male colleagues and were given financial settlements by the employer. The male claimants were entitled to the same pay as the successful women claimants.

A person is in **like work** if he/she does work of a broadly similar nature with no real difference. A person is regarded as on **work rated as equivalent** if his/her job is given equal value in terms of the demands made under various headings, such as effort, skill, decision-making etc, on a job evaluation study.

A person is regarded as doing **work of equal value** if his/her work, in terms of the demands made, is of equal value to a comparator.

Equal Pay Questionnaires

School staff are able to request information about pay scales and the implementation of pay policies by using an **Equal Pay Questionnaire**. The questionnaire consists of a number of questions which require the school to state whether the complainant has received less than his/her comparator(s), and, if so,

why. The school will also be asked whether the people being compared are doing equal work or work of equal value. The school has eight weeks in which to reply. The school does not have to answer the questions, but if it does not do so, an employment tribunal may draw an adverse conclusion. While it is, of course, better for all concerned to settle equal pay issues by discussion and negotiation, schools should be aware that an **Equal Pay Questionnaire** can be served on them before the employee decides to go to an employment tribunal. Schools should in any event undertake 'pay audits' of their existing practices and policies, both in terms of what is paid and how the decisions are taken.

Equal Pay Act 1970. Equal Pay (Amendment) Regulations 2003.

Copies of the questionnaire can be downloaded from the government's **Women and Equality Unit website at www.equalities.gov.uk**.

D

D PAY

D1 PAY POLICIES

Governing bodies are required to have a pay policy in place covering all school staff and to update it annually. There are national pay scales in the National

Laboratory/workshop technicians

City and Guilds Certificate Allowance £191

City and Guilds Advanced Certificate Allowance £140

London weighting and fringe area allowances

Inner fringe area £798

Outer fringe area £555

Social workers – standby duty allowance

£26.50 (per session).

Details of your salary, your grade and your pay date are in your contract.

D2 THE SINGLE STATUS AGREEMENT

Single status is a national agreement negotiated by the National Joint Council (NJC) in 1997. The agreement covers:

- a standard working week of 37 hours for all employees; and
- a pay and grading review (job evaluation) based on principles of equal pay for work of equal value.

LAs are required to introduce a fair and non-discriminatory pay and grading structure for all workers below Chief Executive Officer level. This job evaluation should:

- create a rank order of jobs;
- provide a fair, transparent and equal pay structure; and
- define job families and create pathways.

There have been extensive negotiations between LAs and unions to develop new pay and grading structures for all local government jobs. This has included harmonisation of conditions of service and agreement on backdating pay awards and pay protection. Negotiations have to consider possible equal pay liabilities. Clearly when in due course the SSSNB introduces any changes in the pay and conditions of service of support staff, who work exclusively in schools, these changes will impact on the single status agreements in place for such staff.

D3 PENSIONS

New scheme rules were introduced from 1 April 2008. The final salary-defined benefit scheme was retained with some improved benefits and changes to contribution rates.

The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.

The Local Government Pension Scheme (LGPS) is available to all employees in local government, except teachers, police and fire fighters. It is administered at a local level. Staff requiring specific information about their personal benefits should contact their local administrator based on where the employee works, not where he/she lives. The scheme retirement date is age 65. The earliest date for early retirement on redundancy or efficiency grounds was raised to 55 on 1 April 2010.

Contributions

Your pension contributions attract tax relief and you are contracted out of the State Second Pension Scheme (S2P). You can make additional contributions to increase your retirement benefits and life cover. Employee contribution rates are tiered according to a table based on full-time equivalent pay. These band ranges are increased each April in line with the retail prices index.

Benefits

Retirement benefits relate to the period of your membership of the scheme (i.e. the period for which contributions have been made.) The yearly pension is 1/80 of final average pay for each year of membership before 31 March 2008 and the lump sum is three times the yearly pension. For service after 1 April 2008 there is a pension of 1/60 of final average pay, but there is no guaranteed lump sum. The pension fund administrator sends out an annual statement of pension benefits and near to retirement you can ask the administrator for an estimate of your retirement benefits. You can commute some of your pension to receive a larger lump sum, but you cannot convert the lump sum into additional pension. If you delay drawing your pension beyond age 65 your benefits are increased, but your pension has to be paid by age 75.

Ill-health retirement

If you give up work because of illness you can apply for ill-health retirement. There is a two-tier ill-health retirement scheme. You will be eligible for the higher enhancement scheme if

your employment is terminated because of permanent ill-health and you have no reasonable prospect of gainful employment for age 65. The lower enhancement scheme applies if you are unlikely to be re-employed in a reasonable time but likely to do so before age 65. You require an independent medical opinion to support your application.

Early retirement

Normal retirement age is 65. Pension benefits are available at 60, reduced for early payment. The earliest date at which benefits can be paid on grounds of redundancy or efficiency is now 55. From age 50 members can draw some of their pension benefits whilst continuing to work reduced hours or moving to a position of less responsibility. These benefits are reduced for early payment.

The 85-year rule

The 85-year rule is being phased out. It was used to decide if pension benefits are reduced on early retirement. If your age plus membership added up to at least 85 years when you took early retirement, there was no reduction in benefits. In 2007 the High Court decided that the rule discriminated on age grounds and that it could be removed on cost grounds. Pension rights accrued up to 31 March 2008 (or 31 March 2016 for members aged 60 or over by then) are unaffected.

LGPS contact details: Tel: 0207 296 6600, Website: www.lgps.org.uk

be destroyed when they have left the school.

BECTA Guidance on Biometric Technologies in Schools.

<http://www.becta.org.uk>.

E10 DISABILITY DISCRIMINATION AND PUPILS

It is illegal to discriminate against pupils with disabilities. Schools must also make reasonable adjustments to enable such pupils to have access to buildings, facilities and the curriculum. To enable this to happen, all schools must have accessibility plans in place. In disciplining a child with a disability you (and the school) should take the disability into account. **More information at:** www.teachernet.gov.uk/management/sen/schools/accessibility.

An admission policy with a blanket standard of continence or any other aspect of development for young children could contravene disability legislation. Schools should make reasonable adjustments for individual children to meet their needs. There should be provision for managing continence and children with delayed continence should not be unreasonably excluded from school activities. Staff should be given appropriate training and provided with safe systems of work when they are supporting these children.

In 2007 a disabled student won a claim against a university for denying him wheelchair access at his graduation ceremony. The county court ruled that

the university had failed to make reasonable adjustments by providing temporary ramps onto the stage for graduation day. The student who was in a wheelchair was given his graduation certificate at the bottom of the steps up to the stage.

In August 2008 the Local Government Ombudsman ruled that a grammar school had failed to make reasonable adjustments for an autistic boy sitting its 11+ entrance exam. The school had taken incorrect advice that adjustments were not needed unless a child had a statement of special educational needs. The boy's identified needs included dyspraxia and attention deficit with hyperactivity disorder (ADHD), which equated to a disability, and the school had a duty to ensure that he was not disadvantaged.

In 2009 the High Court ruled that schools have to make reasonable adjustments for disabled children with conditions that cause behavioural problems. A pupil with ADHD was excluded after he scratched a teacher's arm whilst being removed from the classroom. The court ruled that the school should have made reasonable adjustments to prevent the incident escalating. They should have trained staff and/or brought in a specialist support team.

E11 SAFEGUARDING CHILDREN

All schools must have arrangements in place to safeguard and promote the welfare of pupils. Protecting from harm and neglect has a wide application. It includes practices such as female circumcision (female genital mutilation) and forced marriage. Schools have a duty to act on these matters and where they suspect that a child is at risk. The DCSF has issued guidance.

The Department of Health has also issued guidance on what you should do if you think a child is being abused. The phrase 'safeguarding children' has taken over from 'child protection'.

What to do if you're worried a child is being abused 2006.

Safeguarding Children and Safer Recruitment in Education 2007 – updated in 2010.

More information at www.teachernet.gov.uk.

Quick Guides Child Protection (CP) Section.

Local Safeguarding Children Boards (LSCB)

These replaced Area Child Protection Committees on 1 April 2008. Each LA will have an LSCB, although it will be possible for CSAs to join together to run a joint Board. Each Board must develop policies and procedures to safeguard and promote the welfare of children in the CSA area, including:

- action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention;

- training of persons working with children or in services affecting the safety and welfare of children;
- recruitment and supervision of persons who work with children;
- investigation of allegations concerning persons who work with children;
- safety and welfare of children who are privately fostered;
- co-operation with neighbouring children's services authorities and their Board partners;
- communicating to persons and bodies in the area of the authority the need to safeguard and promote the welfare of children. Raising their awareness of how this can best be done, and encouraging them to do so;
- monitoring and evaluating the effectiveness of what is done by the authority and their Board partners individually and collectively to safeguard and promote the welfare of children and advising them of ways to improve;
- participating in the planning of services for children in the area; and
- undertaking reviews of serious cases and advising the authority and their Board partners on lessons to be learned.

Local Safeguarding Children Boards Regulations 2006.

In Wales the **Children and Young People's Plan (Wales) Regulations 2007** required each local authority to publish a Young People's Plan to 31 March 2011 by September 2008.

Special Educational Needs and Disabilities

spot - and encourage them to sit upright or lean forward slightly and breathe deeply. Get them to loosen their clothing and offer water. If the inhaler has no effect after 10 minutes, an ambulance should be called. Every school needs to have procedures that all staff know.

The **National Asthma Campaign** has a free school pack: www.asthma.org.uk
Quick Guides AM4: Helping Children with Asthma.

Diabetes

About 1 in 550 pupils suffer from diabetes, which means that they cannot naturally control their blood sugar levels. Diabetes is either due to a lack of insulin (Type 1 diabetes) or because there is insufficient insulin for the child's needs or the insulin is not working properly (Type 2 diabetes). Each child with diabetes may experience different symptoms and therefore each child will require an individual health care plan. The majority of children have Type 1 diabetes. They normally need to have daily insulin injections, to monitor their blood glucose level and to eat regularly according to their personal dietary plan. Type 2 diabetes, once known as adult-onset diabetes, is now also found in young adults and children.

All staff need to be aware of the signs of a 'hypo' in a diabetic pupil. These include – hunger, sweating, drowsiness, pallor, glazed eyes, shaking, lack of concentration, headache, mood changes, especially angry or aggressive behaviour and

irritability. If a pupil has a 'hypo', a fast-acting sugar e.g. a glucose tablet or sugary drink should be given immediately. Slower acting starchy food, such as a sandwich or two biscuits and a glass of milk, should be given once the child has recovered some 10-15 minutes later. If the pupil's recovery takes longer than 10 to 15 minutes, or the child becomes unconscious, an ambulance should be called immediately.

Some children may experience hyperglycaemia (high glucose level) and have a greater than usual need to go to the toilet or to drink. If the child is unwell, vomiting or has diarrhoea, this can lead to dehydration. If the child is giving off a smell of pear drops or acetone this may be a sign of ketosis and dehydration and the child will need urgent medical attention. Your responsibility is to know the school's policy and how to implement it. Further information is available from **Diabetes UK** at: www.diabetes.org.uk.
Quick Guides AM6: Helping Children with Diabetes.

Epilepsy

You should know what to do if a child has a seizure. If epilepsy is dealt with calmly and reassuringly it helps the child, and the rest of the class will develop a healthy and accepting attitude towards epilepsy. Epilepsy is not an illness. Children with epilepsy have repeated seizures that start in the brain. An epileptic seizure, sometimes called a fit, turn or blackout can happen to anyone at any time. Seizures can happen for many reasons. Five percent of

Special Educational Needs and Disabilities

people with epilepsy have their first seizure before the age of 20.

As epilepsy is a very individual condition it is unnecessary for you to be able to recognise all the different kinds of fits. Seizures can take many different forms and a wide range of descriptors are used for the particular seizure patterns of individual children. Schools should have detailed information from parents and health care professionals about each individual.

WHAT YOU SHOULD DO if a child has a fit:

- keep calm and reassure the other pupils in the class;
- During a seizure it is important to make sure:
 - ◇ the child is in a safe position;
 - ◇ not to restrict a child's movements; and
 - ◇ to allow the seizure to take its course.
- In a convulsive seizure something soft should be put under the child's head to help protect it. **Nothing should ever** be placed in the mouth.
- After a convulsive seizure has stopped, the child should be placed in the recovery position and stayed with, until he/she has fully recovered.

Where possible if a child is having a fit in class there should be an agreed procedure for ensuring that the rest of the class are catered for and are not distressed. A school's emergency plan will depend on the age of the class (e.g. in some situations it might be preferable to move very young children out of the situation to avoid any distress.)

Schools normally agree a plan of action with the parents and health professionals, which all staff should be aware of.

PE and off-site activities

Epileptic children should normally be able to take part in all activities organised by the school, except those specifically agreed with the parents and/or relevant health professional.

Epilepsy Action www.epilepsy.org.uk publishes **Epilepsy - A teacher's guide** - <http://www.epilepsy.org.uk/info/education/index.html>.

The National Society for Epilepsy (NSE) <http://www.epilepsysociety.org.uk/>

UK Epilepsy helpline, telephone 01494 601 400 (Monday-Friday 10:00 am -4:00 pm.)

Epilepsy Wales: Helpline: 08457 413774.

Quick Guides AM5: Helping Children with Epilepsy.

F7 PROVISION FOR PUPILS WITH SEN AND DISABILITIES

The following types of provision may be available for pupils who have SEN:

1. modifications to the curriculum;
2. varying levels of support within normal lessons;
3. access to health professionals;
4. access to specialist staff resources and/or equipment;
5. specialist facilities or a base in mainstream schools;
6. resourced provision in a mainstream school where pupils with particular needs

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responsible for work experience arrangements and should have policies clarifying their objectives, and clarifying their and their partners' responsibilities. Each placement should be as safe as it is reasonably practicable to make it. Schools are recommended to develop coordinated arrangements with partners to ensure that checks are made by competent agents.

Managing Health and Safety on Work Experience: A Guide for Organisers – HSE. A Guide to Health and Safety Good Practice in Work Experience – DCSF Publications.

The HSE produced a video and book ISBN 07176-2351-3 called **Check it Out: Risk Assessment for Young People on Work Placement**. It explains the risks present in workplaces. Identifying hazards and assessing risks are covered. **HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA. Fax 01181 313 995.**

HSE Books: Tel: 01181 881 165. Website at www.hsebooks.co.uk. The Right Start – Work Experience for Young People: Health and Safety.

In 2009 a company employed by a school to arrange extended work experience placements was prosecuted by the HSE for breaches of the **Health and Safety at Work Etc Act**. A 14-year-old student was placed with a garage without a health and safety audit and risk assessment. The pupil was supervised by one employee who spoke very little English and he suffered burn injuries during a petrol-draining operation.

G7 MANUAL HANDLING

Over one third of all reported three-day injuries at work are caused by lifting and handling loads, whether objects or persons. Manual handling operations are required for SEN and disabled pupils to assist them in moving around and with toileting and with physical activities in and outside school, travelling and in the course of emergency procedures. All staff in school are advised to:

- avoid the need for hazardous handling as far as is reasonably practicable;
- carry out risk assessments for manual handling that cannot be avoided; and
- reduce the risks from manual handling as far as possible e.g. using lifting aids.

Employers are required to provide employees with information and training on lifting and handling.

Manual Handling Operations Regulations 1992.

Health and Safety Matters for SEN: Moving and Handling (HSE Books) EDIS4 (free leaflet).

Health and Safety Matters for SEN: Legal issues including Risk Assessment (HSE Books) EDIS3 (free).

Also for the handling of special needs pupils see: **Health and Safety Matters for Special Educational Needs: Moving and Handling Pupils (HSE Guidance EDIS4 www.hse.gov.uk/education).**

G8 WORKING WITH VDUS

If you use a computer display screen at work for long periods

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the school must provide safeguards. You should be able to work comfortably with reasonable breaks and your workstation should meet minimum requirements covering desks, chairs, screens and keyboards. You can ask your employer to pay for special spectacles if you cannot use normal ones. If you use a laptop for work the same considerations apply.

Health and Safety (Display Screen Equipment) Regulations 1992.

HSE Working with VDUs (Revised 2003) Ref: INDG36.

G9 OFFICE WORK

Offices are relatively safe places but there are simple things you can do to avoid accidents. If you think a plug, socket or electrical lead is damaged report it straightaway and take it out of use. Do not overload sockets. Watch out for trailing leads which are tripping hazards. Spillages that have not been cleared up also cause trips and falls. Employers should provide a minimum of 11 cubic metres for each person permanently occupying an office. Is there proper lighting in your office? Is it adequately ventilated?

There is a sample risk assessment for an office on the HSE website www.hse.gov.uk/risk/casestudies/office.htm.

Workplace (Health, Safety and Welfare) Regulations 1992.

HSE Officewise, 2002 INDG173.

G10 MEDICAL ROOMS

All **maintained schools** must have a medical room – which could be

used for other purposes (other than teaching). It must contain a washbasin and be reasonably close to a bathroom. In **special schools**, whether maintained or non-maintained, provision must be made for the care and supervision of pupils by an 'appropriately qualified person with relevant experience'.

G11 TRESPASSERS, THREATS AND ASSAULTS

Any person on maintained or independent school premises without lawful authority, who causes or permits nuisance or disturbance to those on the premises, commits an offence. Abusive or insulting behaviour by a pupil or adult on or off the school premises, which causes you to feel harassed or fear violence (even if you are not actually attacked) could also be an offence. A person who fails to stop this behaviour when warned can be arrested. In some instances one incident alone can be an offence. If you suffer an injury, even if only minor, your assailant could be punished with a fine or imprisonment. Injury includes psychiatric harm. If there is a racial element it becomes even more serious. You would also be entitled to seek an order restraining the harassment, if necessary. If you sustain a serious injury, the DCSF advises that the school should inform the police.

It is very important that all incidents of assault are recorded by the school to give the school an overview so that preventative measures can be introduced if necessary.

by a relaxation of the European Driving Licence Directive adopted by the UK, which allows them to drive a minibus if:

- it is used by a non-commercial body for social purposes;
- they are over 21 and have held a full licence for 2 years;
- they are a volunteer; and
- the vehicle does not exceed 3.5 tonnes excluding an allowance of 150kg for a tail lift.

Teachers and support staff might not be volunteers because they are paid for their work in school, but the government takes the view that so long as teachers and support staff are 'incidental' drivers, then they will not need to have a D1 licence. They should, however, be appropriately trained. You should ensure that there is nothing in your local contract with the school or LA that obliges you to drive and that you receive appropriate training. **For DCSF guidance see note on:** www.teachernet.gov.uk/wholeschool/healthandsafety/visits.

The Motor Vehicles (Driving Licences) Regulations 1999 as amended in 2007.

Quick Guides EV8 School Minibuses: Points of Law.

H9 INSURANCE

Your school/college/LA should already hold cover for you, as a group leader or assistant for public liability, so long as the visit is an authorised school visit. As standard practice the school should set out in its educational visits policy what other insurance is necessary. Adequate cover is required for all the activities and eventualities, including specific

cover for any high risk activities, personal accident to all members of the party, medical, damage and loss to belongings, transport and other arrangements in an emergency, compensation for cancellation and delay, legal aid and failure of the tour operator. You will find that most 'holiday/activity' policies contain the same headings; it is the amount of cover on offer that you need to check, especially if you are taking a group to the USA. You will need specialist advice on this.

LA Outdoor education Advisers (OEs) should be able to give guidance.

Quick Guides EV14 Insurance for School Visits.

H10 SAFEGUARDING CHECKS

Child protection issues should be considered at the early planning stages. Decisions to require enhanced CRB checks from volunteer helpers should be based on the frequency of their involvement and the level of contact they will have with children. Where there is an overnight stay, an enhanced CRB check will be required.

Vetting and barring registration (see B3) is required if contact with children is "frequent" or "intensive". Host families for exchange visits lasting less than 28 days and selected by the overseas parents themselves do not require registration because they are regarded as private arrangements.

H11 GUIDANCE

From 2010 the HASPEV document will be retitled **Health and Safety of Learners Outside the Classroom (HASLOC)**.

DCSF 'How to' guidance and CPD modules

As part of its 'Out and About' package, the DCSF has produced a comprehensive set of 'How to' guidance and downloadable CPD modules to support learning outside the classroom. **The guidance and CPD modules are available on the Manifesto website:** www.teachernet.gov.uk/teachingandlearning/resourcematerials/outsideclassroom.

You can get copies of all the DCSF guidance by contacting DCSF publications on Tel: 0845 600 9506 or go to: www.teachernet.gov.uk/visits to download DCSF guidance documents.

The Protection of Young People in the Context of International Visits. Guidelines for Organisers. Published by City of Edinburgh Education Dept. Tel: 0131 469 3328.

Quick Guides Educational Visits (EV) Section gives extensive guidance on the law and procedures.

Useful organisations
Adventure Activities Licensing Authority (AALA); Tel: 0292075 5715.

More information at www.aals.org.uk.

British Activity Holidays Association (BAHA). www.baha.org.uk.

British Canoe Union: www.bcu.org.uk.

Duke of Edinburgh's Award Scheme: www.dofe.org.
Mountain Leader Training Board: www.mlte.org.
Royal Lifesaving Society: www.lifesavers.org.uk.

J

J USEFUL INFORMATION

J1 DCSF, TEACHERNET, WELSH ASSEMBLY

The Department for Children, Schools and Families

The DCSF provides information and resources for schools and colleges.

- **TeacherNet** brings people who work in schools comprehensive guidance, tools and information. Sections of the website include teaching and learning, professional development, whole-school issues, management, research and education overview. There is also a popular-questions database and a community area for sharing ideas and debating education issues. www.teachernet.gov.uk.
- **Spectrum** keeps you updated with the latest news about DCSF publications.

Read it online on TeacherNet. www.teachernet.gov.uk/spectrum.

- **Welsh Assembly Government –** The Welsh Assembly Government is the devolved government for Wales. Led by the First Minister, it is responsible for many issues, including health, education, economic development, culture,

HI	Hearing Impairment	OT	Occupational Therapist
HLTA	Higher Level Teaching Assistant	PACTS	Parents of Autistic Children Training and Support
HMI	Her Majesty's Inspectors	PAN	Pupil Admission Number
HSC	Health and Safety Commission	PRU	Pupil Referral Unit
HSE	Health and Safety Executive	PSHE	Personal, Social and Health Education
IBP	Individual Behaviour Plan	PMLD	Profound and Multiple Learning Difficulties
ICT	Information Communication Technology	QCDA	Qualifications and Curriculum Development Agency (formerly QCA)
IEP	Individual Education Plan	SALT	Speech and Language Therapy
IIP	Investors in People	SAP	Statutory Adoption Pay
INSET	In-Service Education and Training	SAP	Statutory Assessment Panel
ISA	Independent Safeguarding Authority	SATs	Standard Assessment Tasks
ISP	Internet Service Provider	SEBD	Social, Emotional and Behavioural Difficulties
ITT	Initial Teacher Training	SEN	Special Educational Needs
KS	Key stage -KS1-age 5-7, KS2 -age 7-11, KS3 -age 11-14 KS4 -14 -16	SENCO	Special Educational Needs Co-ordinator
LA	Local Authority	SENDIST	First-Tier Tribunal (SEN and Disability)
LGPS	Local Government Pension Scheme	SENTW	SEN Tribunal for Wales
LSA	Learning Support Assistant	SLCN	Speech Language and Communication Needs
LSCB	Local Safeguarding Children Boards	SLD	Severe Learning Difficulties
LSU	Learning Support Unit	SMART	TARGETS Specific, Measurable, Attainable, Realistic, Time-Limited
LVA	Low Vision Aids	SMP	Statutory Maternity Pay
LVD	Low Vision Devices	SpLD	Specific Learning Difficulties
MIST	Major Incident Support Team	SSP	Statutory Sick Pay
MLD	Moderate Learning Difficulties	STF	School Travel Forum
NC	National Curriculum	S2P	Second Pension Scheme
NCB	National Children's Bureau	VA	Voluntary Aided (School)
NJC	National Joint Council	VC	Voluntary Controlled (School)
NPD	National Pupil Database	VCN	Voice Care Network
NVQ	National Vocational Qualification	VI	Visual Impairment
OEA	Outdoor Education Advisor		
Ofsted	Office for Standards in Education		
OHS	Occupational Health Service		

CASE STUDIES

Special educational needs and disability

Ten case studies are provided as a resource for discussion and in-service training of support staff. Each case study has a short introduction, followed by the text of the case study. Where the SENCO is the lead trainer in a school for SEN, it is suggested that they ask their audience at least 3 questions at the end of a training session. The SENCO should devise questions that check the understanding of the audience and are to their needs. For example, question one could test audience comprehension of case study content; question two could address issues relevant to the school concerned and question three could address the wider issues relevant to the local community. It would also be relevant to consider whether any of the children are disabled as well as SEN, issues to consider can be found at F2. SENCOs should be aware of the training needs of support staff even though requirements will change year-on-year as staff and pupils change.

The SEN Code of Practice, including what is meant by *School Action*, *School Action Plus*, statutory assessment and statements, is explained in F3. However even though F3 also includes consideration of each type of need, further details are included in the case studies.

Using the case studies

Although the individual studies relate to either a primary or secondary aged child it should

be noted that the details of the special educational needs and the particular strategies employed are not age or phase specific. SENCOs should either adapt the case studies to their phase of education or use them as written as a starting point for discussion.

The case studies could also be used as a starting point for considering the types of learning that could be offered outside the classroom. Research carried out by Ofsted found that sports, the arts and other learning activities can transform attitudes, build self-esteem and encourage more effective learning. Extra-curricular activities can also improve motivation and attendance and have a positive impact on learning.

Social and personal development is suited to situations where problem-solving, exploration, adventure activities and personal challenge are involved. For younger children, these might be provided close to school/home, whilst older pupils need greater challenges. Residential experiences provide unique opportunities for social living and development for all ages. Fieldwork, investigation, practical skills and research may extend scientific and mathematical understanding whether undertaken within the school grounds or further afield. All children and young people enjoy subjects and activities where the curriculum involves participation and has practical application. Learning outside the classroom should be an integral part of the school offer for all pupils every week throughout the year.