

# The Pupil and Parent Guarantees



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DRAFT FOR CONSULTATION

# Foreword by the Secretary of State



Every child and young person in this country deserves an excellent start in life: they should have the support and opportunities they need to develop and achieve at the highest level.

That means guaranteeing an education which combines universal entitlements for all – designed to lead to a broad curriculum and the best possible teaching – with personalised and targeted support which meets the particular needs of individual learners.

Every parent in this country should feel confident that their child's needs will be met. They should feel able to take up any concerns with their child's school and know that these concerns will be taken seriously and addressed. Every parent should also know that they will be supported and encouraged to play their essential role in their child's education within and beyond the school day and gates.

School governing bodies, head teachers and all members of the school staff team should feel confident that they have the scope to tailor their provision to meet the needs of their pupils. They also deserve to know that parents will support them by ensuring that children attend school regularly, are ready to learn and behave well.

Over the last 12 years, we have reformed the school system. We have achieved much, driving up standards in schools, increasing the number of teachers and other staff and making massive

investments in school buildings and in the amount we spend on each pupil.

In the White Paper *Your child, your schools, our future: building a 21st century schools system*, we committed ourselves to build upon that success and especially to do more to help meet the individual needs of children. That commitment is at the heart of the Pupil and Parent Guarantees.

We recognise that each child is unique and will have different needs at different stages of his or her education. We also believe passionately that – with the right support – every child can succeed.

The Pupil and Parent Guarantees<sup>1</sup> accordingly introduce important new entitlements and expectations. For pupils who are at primary school – both at Key Stage 1 and Key Stage 2 – or in Year 7 and have fallen behind in the critical areas of literacy or numeracy, there will be individual or small group support to help them to catch up, with a progress check where necessary in Year 7. For all secondary school pupils, there will be personal tutoring to support them throughout their secondary careers. There will be, for all parents, home-school agreements outlining their responsibilities (and those of the school), for their children's schooling.

And now that we have made the historic commitment to raise the participation age to 17 by 2013 and to 18 by 2015, every young person

<sup>1</sup> The technical, legally-binding section of the Guarantee begins in Part 1. This foreword and the introduction are not part of the Guarantee.

needs the provision and support that will enable them to continue in education and training after they turn 16, and then progress to further learning and skilled employment.

Education is a shared endeavour and responsibility among pupils, schools and parents, and so parents and schools each need to know what they can expect from the other and how they can work together to help children succeed. Pupils and parents can only play a complete part when they have a full picture of the work of schools. We all share a responsibility for the next generation's success and wellbeing, and for their ability to respond to the challenges of a more diverse society, an uncertain global economy, rapid technological innovation and a changing planet.

The Pupil and Parent Guarantees describe the key elements of our schools system. They in large part reflect existing legislative requirements and codify existing expectations of schools. Some of these requirements derive from legislation dating back to the Education Reform Act 1988. In a small number of important areas we are introducing new entitlements – for example, one-to-one tuition, personal tutoring and strengthened home-school agreements.

As well as setting out what schools should do and how parents should support them, the Pupil and Parent Guarantees also explain what pupils and parents can do if they are concerned that they are not receiving something they are entitled to.

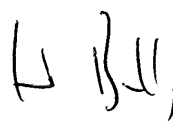
We are confident in our schools and in the commitment of their staff and governing bodies to do their utmost to help every child. But we also think it is right that, on rare occasions where pupils or parents are not satisfied, they should be

able to have their concerns or complaints dealt with in an effective and open way. That is why we introduced legislation<sup>2</sup> to provide an independent complaints system for pupils and parents. That complaints system – which will listen carefully to the voices of parents and schools – has now also been extended to cover complaints about the Pupil and Parent Guarantees.

It is also important that parents and carers understand their responsibilities to their child's school. The Pupil and Parent Guarantees accordingly emphasise the need for parents and carers to play their part in supporting their child's school, and wider learning and development.

There is overwhelming evidence which demonstrates the importance of parental involvement in children's education for their success at school and in later life. Our Pupil and Parent Guarantees set out our actions to ensure that parents and other carers are able to play their role as full partners in their child's learning and wider development.

Together, the Pupil and Parent Guarantees – taken with the reforms of the past 12 years and the unstinting efforts of the school workforce – will enable us to be sure that we are creating a 21<sup>st</sup> century schools system where achievement for all becomes a reality.



**Ed Balls**

Secretary of State for Children, Schools and Families

<sup>2</sup> The Apprenticeships, Skills, Children and Learning Act 2009.

# Introduction

The last 12 years have seen an unprecedented transformation of our schools system. We have invested in our school workforce – with teacher numbers rising from 400,300 in 1997 to 442,700 in 2009 and support staff numbers from 133,900 to 345,900. We have invested in our school buildings so that in the three years to 2010–2011, we will have invested over £21.9 billion in schools through Building Schools for the Future, the Academies programme and wider capital programmes. We now spend £6,350 on each pupil annually compared to £3,030 in 1997. We have built a near-universal specialist secondary school system which offers children access to centres of excellence across the curriculum. The September Guarantee, under which all 16 and 17 year olds are guaranteed an offer of a suitable place in education or training, has helped to deliver record levels of participation in post-16 education and training.

This investment has paid off in improvements in school standards and an increase in the proportion of young people remaining in learning and gaining good qualifications. We have gone from a position where England's education system was below average compared to other advanced countries to one where it is above average. These achievements are in large part due to the greatly improved leadership and teaching in schools.

The Children's Plan published in 2007 and the White Paper *Your child, your schools, our future: building a 21st century schools system* set out our plans to build further on these achievements.

In all that we have done, we have been concerned to do the best for every child in the country. Because we believe that every child matters, we are determined to provide support for children when they face setbacks or difficulties in their learning, including those with special educational needs (SEN). We are also committed to challenging and stretching those capable of achieving most, and determined that we will break the link between disadvantage and poor educational achievement.

It is no longer enough to have a schools system that meets the needs of most children most of the time. The world is changing fast and this means that we must ensure that every young person completes their education having achieved well and equipped to go on learning throughout life. The Pupil and Parent Guarantees are at the heart of our drive to deliver the best education for every child – including those children who face difficulties in learning, such as those with SEN, those who are looked after by local authorities and those from disadvantaged backgrounds. Defining the Guarantees in terms of what pupils and

parents can expect is an important reform which shifts the focus onto meeting the needs of parents and pupils, prioritising results rather than processes. That said, the Guarantees build on existing good practice already in evidence in our schools.

Reflecting their importance, we have placed the Pupil and Parent Guarantees on the face of legislation<sup>3</sup>.

## The Pupil Guarantee

The legislation explains that every aspect of the Pupil Guarantee must support one or more of the following five ambitions for all pupils:

- every pupil will go to a school where there is good behaviour, strong discipline, order and safety;
- every pupil will go to a school where they are taught a broad, balanced and flexible curriculum including skills for learning and life;
- every pupil will go to a school where they are taught in a way that meets their needs, where their progress is regularly checked and where particular needs are spotted early and quickly addressed;
- every pupil will go to a school where they take part in sporting and cultural activities; and
- every pupil will go to a school which promotes their health and wellbeing, where they have the chance to express their views, and where they and their family are welcomed and valued.

The Pupil Guarantee accordingly sets out a series of entitlements under each of these ambitions.

Some of the entitlements are for all pupils. All pupils are entitled to a broad and balanced curriculum and to be taught by skilled, well-trained teachers in well-ordered, safe and disciplined classrooms. All pupils deserve the chance to take part in sporting and cultural activities and to have their say about their school. All pupils in secondary school will benefit from personal tutoring and good advice and guidance on the options for further learning and the careers open to them.

Other entitlements are targeted at specific groups of pupils. These are not universal but rather are designed to meet the particular needs that individual children and young people may have at different points during their school careers. These include the important new provisions for one-to-one and small group teaching in literacy and numeracy which are designed to ensure that children who are not making the necessary progress in these core areas catch up and do not fall further behind at secondary school. They include too the existing programmes for gifted and talented pupils, which are so important in ensuring that the brightest pupils achieve all that they can.

Some of the entitlements in the Pupil Guarantee are new, while many have existed for a number of years. We are publishing them together in one document because it is important for children, schools and families to have access to a comprehensive account of what children and young people can expect from their school career.

<sup>3</sup> Sections 1 to 3 of the Children, Schools and Families [Act 2010], subject to the will of Parliament.

This Pupil Guarantee represents the culmination of the reforms of the past 12 years.

## The Parent Guarantee

The involvement of parents and carers is vital to children and young people's success. Some parents and carers find it easy to navigate the system and are comfortable and confident communicating with schools and local authorities. Others find this difficult, even though they are just as anxious for their children to do well. We want to support all mothers, fathers and other carers to be active partners in their children's learning, so alongside the Pupil Guarantee and the pupil ambitions, the legislation provides for a Parent Guarantee and sets out a series of parent ambitions.

The parent ambitions are:

- for all parents to have opportunities to exercise choice with and on behalf of their children, and to have the information and support they need to help them do so;
- for there to be, for all parents, a home-school agreement outlining their responsibilities, and those of the school, for their children's schooling;
- all parents to have opportunities to be engaged in their children's learning and development, and to have the information and support they need to help them do so; and
- all parents to have access to a variety of activities, facilities and services, including support and advice with regard to parenting.

## The effect of the Pupil and Parent Guarantees

The Pupil and Parent Guarantees in large part reflect existing legislative requirements and codify existing expectations of schools. Some of these requirements derive from legislation dating back to the Education Reform Act 1988. In a small number of important areas we are introducing new entitlements – for example, one-to-one tuition, personal tutoring and strengthened home-school agreements. Through the Guarantees we have set out a comprehensive picture in plain English of what every child and young person can expect of their school, and what parents and carers can expect too.

Further, the Guarantees also add important new entitlements which move forward the cause of personalised learning. We have included a system for things to be put right where a pupil or parent is denied one of the Guarantees.

For all to play their part, we need good communications and good relations. The Guarantees are part of that – they help to create a system where all are clear about what parents can expect schools to do for their children and what parents in turn should do to support schools. They provide in one place an account of the key components of a good education with the focus on pupils and parents.

The Guarantees are about respect and mutual responsibility. Just as schools should offer children what they need to thrive and succeed in life, there is a responsibility on pupils and parents to make that possible. Pupils must arrive at the school gate ready and willing to learn. The ambition to have



good behaviour, strong discipline, order and safety in schools, and the revised home-school agreements, rely most of all on pupils and parents understanding their responsibilities alongside their rights, and being held to account for them.

We believe that schools should have flexibility in the way they allocate their resources and in the ways they organise themselves to provide for their pupils, and the Pupil and Parent Guarantees are framed with this in mind. So, for example, the new secondary curriculum and the proposed new primary curriculum focus on reducing the level of prescription they contain. The intention is to create greater freedom for teachers to use their professional judgement and expertise to design the curriculum, tailoring teaching and learning to local circumstances and the needs of all the children in their care. The Guarantees also recognise local flexibility in some places by indicating that governing bodies, head teachers, local authorities or others “should” do something (rather than that they “must” do it), allowing them to take account of local circumstances.

### **Accountability for the Pupil and Parent Guarantees**

Because the provisions in the Pupil and Parent Guarantees are so important, parents and carers must have confidence that their child will receive his or her entitlements under the Guarantee. It is our belief that schools and local authorities will take their legal responsibilities to deliver the Guarantees extremely seriously.

We have provided for an efficient and easy-to-use system for pupils or parents who are concerned that they are missing out on any part of the

Guarantee which he or she should be receiving. The complaints system we are putting in place will be fair to parents and to schools.

All maintained schools and all Academies must already have arrangements in place to consider any complaints from parents. But for those rare cases where concerns and complaints cannot be resolved at school level, parents can as a last resort take their complaint further. Parents can complain to the Local Government Ombudsman where their complaint relates to a maintained school or a local authority. Parents can complain to the Young People’s Learning Agency where their complaint relates to an Academy.

# Part 1: How the Pupil and Parent Guarantees work

1. The Pupil Guarantee provides important new entitlements for pupils at maintained schools, maintained nursery schools, maintained special schools, Short Stay Schools<sup>4</sup> (previously known as Pupil Referral Units), Academies, City Technology Colleges (CTCs) and the City College for the Technology of the Arts (CCTA). Where this Guarantee document refers to “maintained schools”, it means maintained schools, maintained nursery schools and maintained special schools unless otherwise indicated<sup>5</sup>. Where this document refers to Academies, it means Academies, CTCs and the CCTA, unless otherwise indicated. It is made clear throughout the document which elements of which Guarantee apply to maintained schools, Short Stay Schools and Academies.
2. Some of the entitlements in this Guarantee document are for all pupils and some are for particular groups of pupils (for example, for pupils of particular ages or with particular needs). The Parent Guarantee provides important new entitlements for the parents of these pupils. The Parent Guarantee entitlements are designed to ensure that parents have the information and support they need to play their part in their children’s education.
3. Alongside the new entitlements the Pupil and Parent Guarantees create, they also contain:
  - a. summaries of other mandatory requirements imposed on the bodies listed at paragraph 407 of this document by primary or secondary legislation; and
  - b. summaries of other statutory guidance which the bodies listed at paragraph 407 of this document should have regard to.
4. These requirements and guidance are unaffected by the Pupil or Parent Guarantee. They are included in the Guarantee document in order to give parents and others key information about what they can expect from their child’s schooling in one place, and are clearly marked at the beginning of each relevant section.
5. Where the Pupil or Parent Guarantee imposes a mandatory requirement on one or more of those listed at paragraph 407 in this document, it says that they **must** or **must not** do something. In each case, the

4 Pupil Referral Units renamed Short Stay Schools under provisions of the Apprenticeships, Skills, Children and Learning Act 2009.

5 Section 39, Education Act 2002.

Guarantee makes clear which of these groups the entitlement applies to.

6. The Pupil and Parent Guarantees also include a number of guidelines which the bodies at paragraph 407 **should** have regard to, **should** follow or **should** take into account. Where one or more of these guidelines applies, the Guarantee says that the bodies listed **should** or **should not** do something.
7. We expect that all the organisations which deliver the Pupil and Parent Guarantees take their responsibilities seriously. However, it is also right that robust and fair mechanisms for dealing with any concerns or complaints about the Guarantees be put in place.
8. The governing body of every maintained school **must** have a complaints procedure and **must** publicise this<sup>6</sup>. Complaints procedures vary, but generally provide for the complaint to be considered first by a class or subject teacher or Personal Tutor, to progress to more senior management and the head teacher and finally to the governing body. Similar arrangements exist for Short Stay Schools (formerly known as Pupil Referral Units).
9. Academies **must** have a complaints procedure which **must** be available on request to parents. The procedure **must** provide for complaints to be managed within clear timescales. If initial informal consideration does not resolve the complaint, then the procedure **must** also

include steps to escalate a complaint through both a written stage and, if necessary, a hearing before a panel that includes at least one member who is independent of the academy.

10. Most complaints will be resolved at school level. Where a complaint cannot be resolved at school level, parents or pupils can take their complaint further. For complaints about some particular issues, there are specific mechanisms, which are described in paragraphs 24–31 of this Guarantee document. For complaints about all other aspects of the Guarantees, parents or pupils can take their complaint to:
  - a. the Local Government Ombudsman (LGO) where the complaint concerns provision by a maintained school (including a Short Stay School) or a local authority; and
  - b. the Young People’s Learning Agency (YPLA) where the complaint concerns provision by an Academy.
11. Where this Guarantee document says that the standard schools route of redress applies, it means that the pupil or parent will complain using the school complaints procedure and, if the matter cannot be resolved by the governing body, they may complain to the LGO (or to the YPLA in the case of Academies). Where it says that the standard local authority route of redress applies, it means that the pupil or parent will complain using the local authority’s complaints procedure and, if the matter

<sup>6</sup> Section 29, Education Act 2002. A model complaints policy produced by the DCSF is available at <http://www.governornet.co.uk>

cannot be resolved through this route they will be able to complain to the LGO.

### Children with Special Educational Needs

12. Around 20 per cent of children will have special educational needs (SEN) at some point during their school career. School governing bodies and local authorities have duties to identify and assess children's SEN and make suitable provision to meet their special educational needs. The governing bodies of maintained schools have a duty to use their best endeavours to make the special educational provision that the learning difficulties of a child with SEN call for<sup>7</sup>. Local authorities have a duty, where necessary, to assess the special educational needs of children in their areas, to draw up statements of special educational needs and to arrange the special educational provision specified in the statements.
13. Where a pupil at a school has a statement of special educational needs, the statement will specify the special educational provision to be made for that child. The local authority is under a statutory duty to arrange the special educational provision in the statement. Where that provision fulfils elements of the Pupil or Parent Guarantee then the governing body's duty to arrange for the pupil to receive his or her entitlement to that element of the Guarantee will have been met.
14. Where arranging the special educational provision makes it impossible to meet the

terms of the Guarantee then the duty to arrange that provision will take precedence over the Guarantee. However, where the stated special educational provision provides less than the Pupil and Parent Guarantees, then the child **must not** be deprived of his or her entitlement under the Guarantee just because he or she has a statement.

### What happens if there are problems: the role of the Local Government Ombudsman and the Young People's Learning Agency

15. The Local Government Ombudsman (LGO) provides a free and accessible complaint handling service for parents and pupils with complaints about maintained schools<sup>8</sup>. The LGO will consider complaints on the basis of whether a significant injustice has been done to a pupil or parent by their being denied one of the Guarantees. He makes independent, evidence based decisions on complaints that are made to him by speaking to those who have been involved. He considers all of the available evidence and information about the matter in dispute as well as any relevant legislation, guidance, policies and procedures that may be applicable. The LGO has the power to require people to give him the information he needs.
16. The LGO has broad discretion when considering whether to initiate, discontinue or complete an investigation. Some of the

<sup>7</sup> Under Section 317 of the Education Act 1996.

<sup>8</sup> Chapter 2, Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009.

factors which inform these decisions are the extent of personal injustice claimed; whether the complaint has been brought to the LGO in a timely fashion; or if there are opportunities to resolve complaints without completing formal investigations through agreeing a common way forward or mediation. The LGO can discontinue an investigation if he considers that the complaint is unfounded or that there is no real injustice at stake, or if he is satisfied with the action that the school governing body or local authority concerned has already taken. He will normally only consider complaints that relate to an injustice which has taken place in the previous 12 months.

17. In exercising his discretion, the LGO is aware that, whilst the Pupil and Parent Guarantees set out a number of prescribed entitlements which “must” be delivered, a number of “should” provisions also exist. These provide guidance to schools and others for making informed decisions about how they best manage and conduct their activities on an individual basis.
18. If the LGO upholds a complaint, then he will look to the school or local authority to put things right (depending on which of these had the responsibility for delivering the entitlement in the Guarantee which was the subject of the complaint). The LGO will propose a timely, proportionate and fair remedy having first taken account of the views of the both the complainant and the school or local authority concerned.

19. The LGO can recommend one or more of the following:
- a. where there has been a failure to make provision promised in the Guarantees, the LGO could seek to ensure that it is delivered;
  - b. a different action by the school or provider, which may be appropriate when something to which a parent or pupil is entitled has not been provided for a significant time to their detriment;
  - c. that an apology be given;
  - d. that practices be changed for the future; and
  - e. that the school or local authority provide additional training for its staff.
20. Where school governing bodies or local authorities do not comply with the LGO’s recommendations, the LGO has the power to publicise his findings (where appropriate to do so), and to require that the school or local authority concerned publish its response. Although the Ombudsman does not have the power to “direct” school governing bodies or local authorities to behave in a particular way, the Secretary of State for Children, Schools and Families has the power to do so (in response to a request from the Ombudsman, or independently) if he is dissatisfied with the action the school governing body or local authority has taken, or proposes to take, in response to the LGO’s recommendations.

21. The LGO's role in relation to the Guarantees is not to promote entitlements in the community in a general sense but rather to provide specific, direct, redress for the entitlements laid out in the Pupil and Parent Guarantees.
22. The important task of promoting awareness of a wide range of entitlements for children and young people in the community remains a key role of local authorities. Local authority scrutiny can be a powerful tool for enabling local people through their democratically elected representatives to influence decisions which affect their day-to-day lives. For instance, local authority scrutiny committees can undertake reviews of how the local authority is providing a specific service, including education services, and make recommendations on how the local authority may better provide that service. Where local authorities have a direct role in the provision of redress, it is clearly marked in the Pupil and Parent Guarantees.
23. In relation to Academies, the free and accessible complaints handling service will be provided by the Young People's Learning Agency (YPLA). The Secretary of State has signed a Funding Agreement with every Academy. Those agreements make clear the obligations of each Academy. In future, the YPLA will be responsible for ensuring that Academies meet the contractual requirements within their Funding Agreements and any additional statutory obligations – this will include any requirements within the Pupil and Parent

Guarantees. The YPLA will therefore be responsible for handling complaints from pupils and parents where an individual academy may be failing in its obligations under the Pupil and Parent Guarantees. The YPLA will have similar powers to the LGO to ask Academies to take action to remedy any failure to meet the requirements. Where such failures are not remedied, a referral to the Secretary of State may be made.

#### Other rights available to parents

24. Where appropriate alternative routes exist for dealing with complaints about specific issues (e.g. a complaint to the Schools Adjudicator in relation to admissions or an appeal to the First-tier Tribunal (SEND) on a special educational needs or disability issue), then pupils or parents will use these routes. The LGO will not investigate complaints in these cases, since they will be beyond his jurisdiction.
25. Admission authorities have a statutory duty to consult parents when determining admission arrangements. Once admissions arrangements have been determined, parents have the right to refer an objection to the Schools Adjudicator (or to the YPLA, which will consider the objection on behalf of the Secretary of State in the case of Academies) if they consider that they do not comply with the law or the mandatory requirements of the School Admissions Code.
26. Parents and pupils aged 18 or over can appeal to an independent appeals panel

following a permanent exclusion from a school and we expect this process to continue as at present. The panel's decision is final.

27. The rights of parents to complain to the Ombudsman or the YPLA in relation to the Pupil Guarantee do not affect any rights they may have to seek a Judicial Review of a school's decision in relation to the Pupil Guarantee and their child. A number of the obligations of head teachers, governing bodies and local authorities in the Pupil Guarantee are existing statutory duties, or are imposed as requirements by this document. Where a parent, or a pupil, has a right to bring judicial review proceedings in respect of any breach of those statutory duties deriving from this document, such a right is unaffected by the Guarantee. Any complaint to the Local Government Ombudsman does not alter any right which a parent or pupil may have to commence legal proceedings. Pupils and parents should consider taking advice from a qualified lawyer before commencing any legal proceeding.
28. The parents of a child with special educational needs (SEN) have the right to ask the local authority to assess their child's SEN. Local authorities, where necessary, have a duty to conduct such an assessment, draw up an SEN statement and arrange the special educational provision set out in the statement. The interaction between statements of SEN and the Pupil and Parent Guarantees are set out in paragraphs 12–14.
29. Education law also gives parents the right to appeal local authority decisions about assessments and statements to the First-tier Tribunal (SEND). That is the appropriate forum to appeal these decisions rather than through these Guarantees.
30. Parents also have the right to complain to OFSTED about certain matters relating to their child's school<sup>9</sup>, including that:
- a. the school is not providing a good enough education;
  - b. the pupils are not achieving as much as they should, or their different needs are not being met;
  - c. the school is not well-led and managed, or is wasting money; and
  - d. the pupils' personal development and wellbeing are being neglected.
31. However, OFSTED cannot and does not investigate complaints about matters that relate only to individual children. The right of parents to complain to OFSTED is not affected by the Guarantee.

<sup>9</sup> Education and Inspection Act 2006. See also <http://www.ofsted.gov.uk>

# Part 2: The Pupil Guarantee

## This Part constitutes the Pupil Guarantee<sup>10</sup>

### Pupil ambition 1: Good behaviour, strong discipline, order and safety in every school

32. Under this Ambition, paragraphs 34–56 describe existing legal requirements and paragraphs 58–67 provide new entitlements under the Pupil Guarantee itself.
33. In this Chapter all references to maintained schools mean all maintained schools – including nursery, primary, secondary and special schools. References to head teachers and governing bodies mean the head teachers and governing bodies of those schools. They also mean principals and Academy Trusts in the case of Academies. This chapter also applies to Short Stay Schools and references to head teachers and governing bodies also include the teachers in charge and management committees of Short Stay Schools (SSSs).

**Guarantee 1.1: All schools have effective policies in place to promote good behaviour and discipline**

<sup>10</sup> The technical, legally-binding Pupil Guarantee is constituted by this part of the document.

34. The Government’s behaviour improvement strategy<sup>11</sup> sets out in detail the measures the Government is taking in partnership with schools and local authorities, to deliver the behaviour elements of the Pupil Guarantee. This includes ensuring that teachers are fully aware and make use of their powers to enforce school discipline and tackle bullying, and that parents and pupils understand the school’s powers to discipline and their responsibilities to support the school’s behaviour policy.
35. Every maintained school, Short Stay School and non-maintained special school **must**<sup>12</sup> have a behaviour policy, including disciplinary measures, determined by the head teacher in the light of principles set by the governing body. The head teacher **must** publicise the measures in the behaviour policy and draw them to the attention of staff, all pupils and all parents at least once a year. Governing bodies **must** ensure that policies designed to promote good order

<sup>11</sup> Behaviour Challenge launched on 30 September 2009 at: [www.teachernet.gov.uk/wholeschool/behaviour/bc/](http://www.teachernet.gov.uk/wholeschool/behaviour/bc/)

<sup>12</sup> For maintained schools (including nursery, special, and Short Stay Schools) and for non-maintained special schools, the relevant legal duties are set out in sections 88–89 of the Education and Inspections Act 2006. Similar duties are placed on Academies, under their Funding Agreement with the Department under the Independent Schools Standards Regulations [2010].



and discipline are pursued at the school and head teachers **must** determine measures aimed (among other things) at securing an acceptable standard of pupil behaviour, encouraging self-discipline and respect among pupils, and preventing all forms of bullying.

36. The Department's guidance on pupil behaviour<sup>13</sup> explains the duties on governing bodies and head teachers, in more detail. The Government's behaviour strategy encourages schools to intervene as early as possible with pupils whose behaviour is not acceptable so that a school's overall standard of behaviour is not undermined and that disruptive pupils are brought back on track.
37. Governing bodies **must** publish a Disability Equality Scheme<sup>14</sup>. The governing body **must** involve pupils in the development of their Disability Equality Scheme, including collecting the views of disabled pupils about how school discipline and behaviour policies impact on them. The Department's behaviour guidance provides further advice on this as well as detailed advice on taking account of the needs of vulnerable pupils, including disabled pupils.
38. The exclusions guidance<sup>15</sup> also makes clear that head teachers **should** use exclusions as a last resort in the case of pupils with SEN (both those that have statements of SEN and

those that do not) and that they **should** take account of whether reasonable adjustments have been made before making a decision to exclude a disabled pupil. The governing body has a duty to ensure that reasonable adjustments have been made to prevent discrimination against disabled pupils.

Reasonable adjustments can include developing strategies to prevent or manage a pupil's poor behaviour or drawing on expert advice to train pupils and staff. The guidance also highlights the disproportionately high rate of exclusion for Black Caribbean and Mixed Black/White Caribbean pupils. The governing bodies and head teachers of schools/Short Stay Schools, through behaviour and attendance partnerships, **should** develop effective early intervention strategies and commission services to address these issues, and **should** ensure that all staff are trained to understand how their own perceptions, values and beliefs affect their interaction with pupils from black and minority ethnic backgrounds.

39. Parents will be expected to signal that they understand and will abide by schools' key policies (including their behaviour policy) during the application process. This will be reinforced following admission, when parents will be asked to sign their child's home-school agreement (HSA) (the head teacher may also ask pupils to sign their HSA if the pupil has sufficient understanding). The HSA, which will be renewed annually, will set out each pupil's learning, developmental and behavioural goals. It will

13 *School Discipline and Pupil Behaviour Policies: Guidance for Schools*

14 The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005

15 *Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units 2008*

help schools, parents and pupils to work together so that all parties have consistent expectations of their roles and responsibilities in helping children's learning, and supporting better behaviour in the classroom. Failure to comply with the behavioural elements of the HSA may be taken into account when consideration is being given to Parenting Contracts or Orders. Whilst there is no requirement for Short Stay Schools or other alternative providers to have HSAs, they may choose to do so voluntarily.

**Guarantee 1.2: All schools have effective policies in place to prevent and tackle all forms of bullying**

40. Governing bodies **must** promote community cohesion and the wellbeing of pupils in their schools<sup>16</sup> and exercise their functions with a view to safeguarding and promoting the welfare of pupils<sup>17</sup>. Head teachers **must** also determine and publicise measures aimed at preventing all forms of bullying among pupils. Governing bodies **must** ensure that there is a procedure in place, for recording incidents of bullying between pupils, and incidents of verbal or physical abuse towards school staff, and that this procedure is followed<sup>18</sup>.
41. Each governing body **must** have a policy on bullying, which may be part of the school's

wider behaviour policy. In framing these policies and procedures, governing bodies **should** take account of the fact that pupils with SEN and disabilities can be particularly vulnerable to bullying. More advice and guidance is contained in DCSF guidance for schools to help them recognise, prevent and tackle bullying<sup>19</sup>.

**Guarantee 1.3: All schools involve pupils in developing and reviewing the school behaviour policy**

42. Governing bodies **must** review the school or Short Stay School behaviour policy. This **should** be done at least once every two years.
43. When the behaviour policy is reviewed, governing bodies **must** consult all pupils and parents. Governing bodies **must** draw the behaviour policy to the attention of parents and pupils at least once every year. The consultation can be organised in various ways but **must** be done in such a way that all pupils have the opportunity to express their views. This **should**, in particular, take account of ways in which pupils with special educational needs, including those with communication difficulties, can contribute.

**Guarantee 1.4: All schools engage with parents when a pupil fails to attend school regularly, persistently misbehaves or is excluded**

44. Parents **must** be given 24 hours written notice before the pupil is put in detention

16 Section 21(5) of the Education Act 2002. Similar requirements are applied to Academies through their Funding Agreements.

17 Section 175(2) of the Education Act 2002

18 New Regulations made under Section 21 of the Education Act 2002 and Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007

19 DCSF publication *Safe to Learn*

outside normal school hours. Parents **must** also be informed about exclusions as they happen<sup>20</sup>.

45. Governing bodies **should** adopt an inclusive ethos and consider different strategies to address poor behaviour so that in most cases exclusion is used as the last resort. Pupils **should** be invited and encouraged by the head teacher to give their views and to attend governing body review meetings where they can state their case. Pupils **should** be allowed to state their case at all stages of the exclusion process, where appropriate, taking account of their age and understanding. The head teacher **must** arrange reintegration interviews with parents and pupils to help them reintegrate back into the school or SSS following the expiry of a fixed period exclusion: for primary school and SSS pupils this is any fixed period exclusion, and for secondary school pupils it is exclusions of six days or more. The pupil **should** normally attend all or part of the interview. Parents **must** also ensure their excluded child is kept off the public streets during school time during the first five days of any exclusion as failure to do so can result in a penalty notice (fine) or prosecution. During the first five days of a permanent exclusion, local authorities **should** arrange to assess the pupil's needs by undertaking a Common Assessment Framework process where one has not already been carried out.

46. Parents **must** ensure that their compulsory school aged child (5–16) who is registered at school attends regularly<sup>21</sup>. Failure to do so can mean the local authority could prosecute the parent<sup>22</sup>. All local authorities **must** ensure that there are sufficient school places or suitable alternative provision for those without a mainstream school place available in their area for all children.<sup>23</sup> With the change in the participation age, parents **must** also continue to support their child to participate in education and training post-16<sup>24</sup>.

47. If a head teacher or local authority considers that parental influence could be better brought to bear in improving the behaviour and attendance of a pupil, a Parenting Contract may be offered. It will provide support to the parent and help parents take responsibility for their children. If a parent refuses or fails to engage with the school or local authority in attempting to improve his or her child's behaviour or attendance, the head teacher or local authority may consider applying to the magistrates' court for a Parenting Order to compel the parent to comply with certain requirements including attendance at parenting classes.
48. The DCSF leaflet for parents *Working together for good behaviour in schools* sets out the legal powers that the governing body, head teacher and staff have in relation to children's behaviour, what parents can

20 Section 4 of The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002. Similar requirements are applied to Academies through their Funding Agreements.

21 Section 7 of the Education Act 1996

22 Section 444 of the Education Act 1996

23 Section 13 of the Education Act 1996

24 Education and Skills Act 2008

expect from the school and their responsibilities in terms of their child's behaviour.

**Guarantee 1.5: All schools maintain a safe environment and take measures, where appropriate, to keep weapons out of school**

49. School employers<sup>25</sup> **must** ensure the health and safety of pupils, insofar as that is practicable<sup>26</sup>. The employer must also provide guidance, training and policy on health and safety matters. It is for school employers to determine the measures that they take to comply with these duties.
50. Head teachers and school staff have the power to search, without consent, pupils suspected of carrying a weapon<sup>27</sup>. The Department has provided guidance to schools on using this power<sup>28</sup>. It also explained in the same guidance that governing bodies and head teachers had existing powers to screen pupils at random for weapons: 'screen' in this context would mean using a screening arch or wand. There is no specific duty upon head teachers to use this power; it is a power not a duty. School staff also have powers to search without consent to also include alcohol, illegal drugs

and stolen property<sup>29</sup>. The Department issued revised guidance to take account of the new powers which come into force in September 2010.

51. If a member of school staff seizes a suspected illegal weapon found in a search, they **must** deliver that weapon to the police as soon as is reasonably possible. The law also provides for the treatment of other items seized from pupils<sup>30</sup>.
52. If a head teacher plans to use the power to screen or the statutory power to search, he or she, in drawing up the policy, **should** take the views of, for example, the employer, governing body and staff. Information provided to parents by the school ought to include relevant information about these school security measures; for example, in the narrative section about health and safety. The head teacher can present the information as a school policy which sits alongside, and complements, a school's policies on behaviour and on the use of force (a head teacher has the option of using powers to screen or search in support of measures to ensure acceptable behaviour by pupils).
53. Such a policy **should**:
- remind pupils and parents that it is a criminal offence to have a knife or offensive weapon in school and that the penalties for a pupil on conviction can be severe; and

25 Local authorities in the case of community and voluntary controlled schools, Short Stay Schools and other alternative provision. Governing bodies in the case of voluntary aided and foundation schools.

26 This duty is covered by the Health and Safety at Work Act 1974 and the associated Health and Safety at Work Regulations 1999.

27 This power is set out in section 550AA of the Education Act 1996, inserted by the Violent Crime Reduction Act 2006.

28 Guidance on Screening and Searching Pupils for Weapons, May 2007

29 Section 242, *Apprenticeships, Skills, Children and Learning Act 2009* and [forthcoming] *Regulations for Short Stay Schools*

30 Section 242, *ASCL Act 2009*

- b. include details of how, when a pupil is suspected of carrying a weapon but school staff choose in this particular instance to call the police instead of using the power to search, school staff will manage the pupil in order to keep other pupils and staff reasonably safe while the police are not present.
54. If a school has such a policy, the head teacher can authorise a member of staff either generally to conduct searches, or particular types of searches, or to conduct a particular search.
55. If the local authority chooses to draw up a model policy, schools maintained by that authority **should** refer to it, and it might be helpful to other schools, as might advice from professional associations. The policy **should** be based on safety management, including risk assessment. It **should** include advice given by trainers on, for example, weapons awareness, searching, likely scenarios and control measures.
56. Head teachers **should** ensure they understand the local context and any particular risks or vulnerabilities their pupils may face. They **should** work with the police and local authority partners to address these needs, including agreeing information sharing arrangements with local partners<sup>31</sup>.

### Pupil Guarantee provisions relating to behaviour, discipline, order and safety

57. The Pupil Guarantee extends existing entitlements by the provisions in paragraphs 58–67 below.

#### Guarantee 1.6: That all pupils know what behaviour is expected of them and the consequences of misbehaving

58. The governing body and head teacher **must** consult and communicate with pupils about the school behaviour policy. The head teacher/teacher in charge **should** ensure that expected behaviour standards and the consequences of misbehaving are effectively communicated to children and young people in schools.
59. The Government has issued new advice to pupils<sup>32</sup> which clearly communicates their own responsibilities for good behaviour in schools and the consequences of misbehaviour. Using on-line technology, this advice makes clear how pupils ought to respect school rules and instructions from teachers, show respect for others, not tolerate bullying and contribute actively to their own learning and to behaviour standards in school.
60. These messages to pupils have been reinforced by information for parents – both through a booklet and discussion groups that we have arranged through parent teacher associations – to ensure they understand and can explain to children

31 In doing this, head teachers may have reference to the DCSF publication “*Learning together to be Safe: a toolkit to help schools contribute to the prevention of violent extremism*”.

32 [forthcoming]

about expected behaviour standards and what schools can do to enforce school discipline. In partnership with the NASUWT, we have also issued advice to schools on their legal powers, which is now available both as a leaflet and as a poster for display in schools.

61. This new advice builds on the existing legal duty on governing bodies (and management committees of Short Stay Schools) to consult regularly on the general principles of the school's behaviour policy and to include all pupils in that consultation. It also builds on the duty of the head teacher to communicate the behaviour policy – including rules, punishments and measures for recognising good behaviour – to pupils, parents and staff. Heads do this using a variety of channels such as the school prospectus, classroom displays, the school library and pupil/staff planners. With the new communications drive that we have undertaken, all pupils ought now to know what behaviour is expected of them and what consequences schools are able to impose if they break school rules, defy teachers' instructions or otherwise behave in a way that is not acceptable.

**Guarantee 1.7: That all pupils have the opportunity to have their say about standards of behaviour in their school**

62. Governing bodies, management committees and local authorities are already required to have regard to statutory guidance on

consulting with pupils<sup>33</sup> and the guidance *'Working Together: Listening to the voices of children and young people'* published in May 2008. We want to ensure that schools, including Academies, are committed to involving all pupils in the running of their school, including having a say on behaviour standards and preventing bullying. Statutory guidance sets out a range of ways in which schools can engage with their pupils. All pupils **should** be made aware of how their school engages with them on the running of the school, the benefits of participation, and how they can get involved, if they wish.

63. The governing body, head teacher and staff **should** be listening to pupils' views about how their behaviour policy is working in practice. The wellbeing indicators which schools **should** use in evaluating their contribution to wider pupil wellbeing, and which Ofsted will use in inspection, will collect information on pupils' views in relation to bullying and how safe pupils feel while in school.
64. In consulting with pupils, governing bodies and head teachers **should** take account of children's differing abilities to give feedback and participate e.g. including where they have speech, language and communication needs.

### **Making this section of the Pupil Guarantee work for pupils and parents**

65. The standard schools route of redress will apply. Examples of issues that parents might

<sup>33</sup> Section 176 of the Education Act 2002

bring forward as complaints would include concerns that:

- a. the behaviour policy is not being enforced by the head teacher and school staff;
  - b. a child's education is being damaged because the school/Short Stay School/ other alternative provider is not adhering to its policy;
  - c. the governing body, head teacher and school staff are not dealing with children's misbehaviour properly; and
  - d. a child has been or is being punished unreasonably or in a manner that is not consistent with the school's behaviour policy.
- 66.** Governing bodies, head teachers and school staff need to tackle behaviour which disrupts the education of other children whatever the cause. This includes any cases where poor behaviour results from the special educational needs or disabilities of children. In any such cases, governing bodies and head teachers **should** consider whether enhanced or altered support and interventions for disabled children and those with SEN will address these children's behavioural difficulties.
- 67.** When dealing with complaints from parents of other children about the behaviour of children with SEN or disabilities, schools will have to take account of their duties under the Disability Discrimination Act not to discriminate against the child for a reason related to their disability without justification

and to promote positive attitudes towards, and eliminate harassment of, disabled children<sup>34</sup>.

### **Pupil ambition 2: A broad, balanced and flexible curriculum including skills for learning and life for all pupils**

- 68.** Under this Ambition, paragraphs 68–74 describe existing legal requirements on local authorities, governing bodies and head teachers and management committees and teachers in charge of Short Stay Schools and paragraphs 75–106 are new entitlements under the Pupil Guarantee itself.
- 69.** Academies are granted flexibility in the curriculum they teach to allow them to raise standards in the often very challenging circumstances in which they operate. So, the Guarantees under this ambition do not apply to Academies – except where they are part of the 14–19 agenda as part of Raising the Participation Age. Academies are required to teach a broad and balanced curriculum with an emphasis on a particular specialism or specialisms, but are only required to teach the National Curriculum programmes of study in relation to English, mathematics, Science and PSHE.
- 70.** Short Stay Schools and other alternative provision do not have to provide the National Curriculum for England. For this reason, with the exception of the broad aims of Guarantee 2.1, none of the rest of this section on the curriculum applies to children

<sup>34</sup> Disability Discrimination Act 2005

in Short Stay Schools or other alternative provision. Short Stay Schools are required to provide education suitable to the needs of the child<sup>35</sup>. Statutory guidance on the core entitlement to alternative provision sets out what we expect that suitable education to be<sup>36</sup>.

**Guarantee 2.1: Provide a balanced and broad-based curriculum which gives opportunities to learn and achieve and which prepares all pupils for the opportunities, responsibilities and experiences of later life**

71. All maintained schools, maintained nursery schools and Short Stay Schools are under a duty to provide a balanced and broad-based curriculum which promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society and prepares pupils at the school for the opportunities, responsibilities and experiences of later life<sup>37</sup>. Every local authority in England and every governing body and head teacher of every maintained school, maintained nursery school and maintained special school **must** exercise their functions with a view to ensuring that the curriculum at the school meets these requirements.
72. Within the balanced and broad-based curriculum which all maintained schools **must** provide, the National Curriculum for England establishes a core entitlement for all pupils to be taught essential knowledge, skills and understanding across a range of subjects. The subjects and areas which make up the National Curriculum for Key Stages 1–4 are set out in the Act<sup>38</sup>. All maintained schools **must** teach the knowledge, skills and understanding (which are set out in programmes of study<sup>39</sup>) in relation to the areas of learning and subjects of the National Curriculum during each Key Stage. All maintained schools **must** ensure that they teach the whole of the programmes of study for each Key Stage, but they are free to decide when and how they are taught and how much time is spent on each.
73. Children with SEND should follow the curriculum along with other children, and there should be ambition for children with SEND to achieve. The law allows for children with statements to have all or part of the National Curriculum disapplied so that their needs can be better met, but this would only take place in cases where this was specified in the child's statement of SEN.
74. If a parent or pupil believes they are not receiving aspects of the curriculum to which they are entitled, they are able to complain using the standard schools route of redress.

35 Section 9 of the Children Schools and Families [Act 2010]

36 *Statutory guidance for local authorities and schools on Information Passports, Personal Learning Plans and the Core Entitlement for all pupils in Pupil Referral Units and other Alternative Provision – draft for consultation*, DCSF, published 10 December 2009

37 Section 78 Education Act 2002. Section 482 of the Education Act 1996 and the Independent Schools Standards Regulations impose similar duties on Academies.

38 The Education Reform Act 1988, as amended by Sections 84 and 85 of the Education Act 2002

39 Programmes of study for each subject are set out in the curriculum handbook. See <http://curriculum.qcda.gov.uk/>



### Pupil Guarantee provisions relating to a broad and balanced curriculum including skills for learning and life

**Guarantee 2.2: The curriculum is tailored to every child's needs so that every pupil receives the support they need to secure good literacy, numeracy and ICT skills, learn another language and about the humanities, science, technology and the arts**

75. Recent reviews of the primary and secondary curriculum have resulted in less prescription within the programmes of learning as to what is required to be taught<sup>40</sup>. The revised curriculum offers schools greater flexibility to develop teaching and learning to individual needs and local priorities.
76. Teachers are already expected to teach the knowledge, skills and understanding set out in the programmes of study in ways that suit their pupils' abilities. This may mean choosing knowledge, skills and understanding from earlier or later key stages so that individual pupils can make progress and show what they can achieve.
77. The curriculum for all pupils **should** be designed to raise attainment, particularly in English, mathematics, science and ICT and introduce pupils to the essential knowledge, skills and understanding of other subject disciplines.
78. The Pupil Guarantee builds on the existing right of a parent or pupil to complain to the school if they believe they are not receiving

aspects of the curriculum to which they are entitled, or which suit their abilities.

79. The route of complaint will be the standard schools route, and this Guarantee does not apply to Academies.

**Guarantee 2.3: That every primary pupil should have the opportunity to learn to play a musical instrument**

80. Through the National Curriculum "Understanding the Arts" area of learning the curriculum offered by maintained schools **must** include the teaching of musical instruments, but this is to a limited degree. This experience **should** follow Ofsted, QCDA and DCSF guidance on what constitutes a good experience<sup>41</sup>:
- all pupils have a meaningful experience of learning to play an instrument – normally this would last a year;
  - all pupils enjoy making music in their peer groups – normally as a whole class;
  - the skills of class teachers and specialist instrumental teachers are maximised by ensuring they work closely and learn from each other – ensuring greater sustainability;
  - programmes are developed as an integral part of the pupils' whole musical experience, building on previous work and extending beyond the programme – ensuring continuity for pupils;

41 Instrumental and Vocal Tuition at KS2 (Revised guidance 2007)  
This guidance note can be viewed on-line or downloaded from <http://www.musicmanifesto.co.uk/>

- e. programmes are based on well planned progressive experiences that clearly complement National Curriculum requirements and ensure pupils know how well they are doing and what they need to do to improve further; and
  - f. programmes contain appropriate strategies for supporting pupils who initially do not have the encouragement or support from their parents/carers, or who need additional support for other reasons.
81. The route of complaint will be the standard schools route, and this Guarantee does not apply to Academies.

**Guarantee 2.4: That every 11–14 year-old enjoys relevant and challenging learning in all subjects and develops their personal, learning and thinking skills so that they have strong foundations to make their 14–19 choices**

82. The governing body and head teacher of every maintained school are currently required to<sup>42</sup> ensure that sufficient time is allocated to the teaching of the whole of the programmes of study for each subject at each key stage. Governing bodies and head teachers are free to decide when and how they are delivered.
83. In the new secondary curriculum, there is stronger emphasis on the development of personal, learning and thinking skills (PLTS) – such as initiative, enterprise, ability to work in teams, and the capacity to learn independently – which will be taught across the curriculum.
84. The PLTS framework has been developed and refined over a number of years in consultation with employers, parents, schools, students and the wider public, and every curriculum subject has been considered in the light of the contribution it makes to PLTS.
85. Any complaint in relation to PLTS would follow the standard schools route.

**Guarantee 2.5: That every learner from 14–19 will have the choice of learning route and qualifications from Apprenticeships, Diplomas, Foundation Learning and GCSEs/'A' Levels**

86. The learning pathways are designed as they are, because every young person ought to have opportunities to develop the skills and knowledge that will enable them to progress to further learning, higher education and skilled employment and give them the best chance of success in adult life. In order to make this happen at a local level, the local authority, IAG providers, learning providers, employers, higher education and the third sector **must** work through their 14–19 Partnerships to ensure that learners have access to these national qualifications routes.
87. The duty to deliver the 14–19 entitlements and ensure young people can choose from these four routes rests on the local authority. To support local delivery, there is a duty on

<sup>42</sup> Part 6 of the Education Act 2002

14–19 providers to co-operate with the local authorities and Children’s Trusts<sup>43</sup>. In advance of the 14–19 entitlements taking effect from 2013, we will publish further statutory guidance that will set out the detail of redress mechanisms for pupils and parents

**Guarantee 2.6: That every learner has the opportunity to gain functional skills**

88. All pupils in Years 7–11 – no matter what route they are following – are required to be taught functional skills (English, mathematics and ICT) as part of teaching the National Curriculum<sup>44</sup>.
89. Governing bodies and head teachers can choose to secure the teaching of functional skills in different ways including through consortium arrangements with colleges and other providers. The ideal is to embed functional skills in cross-curricular teaching – i.e. drawing out how they are used in all subjects, including Diploma principal learning – not just in English, mathematics and ICT lessons. But some may deliver functional skills as part of English, mathematics and ICT lessons or as separate lessons.
90. This Guarantee applies to pupils in maintained schools and Academies. Because the local authority has the overall responsibility for co-ordination, the standard local authority route of redress applies.

**Guarantee 2.7: That every pupil understands they have, and are encouraged to take up, the opportunity to study at least two science GCSEs**

91. All pupils are already entitled to the opportunity to follow a course of study that leads to either GCSE Science and GCSE Additional Science or triple science GCSEs (physics, chemistry and biology)<sup>45</sup>. In order to deliver this, the curriculum for all maintained schools **must** provide for all Key Stage 4 pupils to study either GCSE Science and GCSE Additional Science or triple science GCSEs.
92. The Pupil Guarantee enhances this entitlement by requiring that governing bodies and head teachers take steps to ensure that pupils are made fully aware of their existing entitlement and are encouraged to take it up. This entitlement **should** be made clear in discussions with Year 9 pupils about their Key Stage 4 science options. Head teachers **should** make sure that it is made clear to pupils that do not wish to take up their entitlement how this could impact on their eventual choice of A level subjects and potential career opportunities. Head teachers **should** also ensure that it is made clear to pupils who want to take up this entitlement but who are advised not to, the reasons for this.
93. Pupils and their parents can seek redress through the standard schools route where the head teacher has not put in place

43 Part 1 of the Education and Skills Act 2008

44 Part 6 of the Education Act 2002

45 Part 5 of the Education and Inspections Act 2006.

arrangements for pupils to be offered the opportunity to take up their entitlement or the opportunity to discuss this.

94. This Guarantee applies to maintained schools and Academies, and the standard schools route of redress applies.

**Guarantee 2.8: That pupils who would benefit from a more stretching science curriculum have the opportunity to study triple science GCSE (physics, chemistry and biology) by September 2014**

95. This will be a new entitlement for pupils from September 2014. All governing bodies and head teachers **must** ensure that access is provided to triple science as part of their Key Stage 4 science curriculum. Schools **should** do this by either providing it themselves or providing access to it by working in collaboration with nearby schools (who do offer it), and colleges and/or universities who can provide resources and facilities to support teaching and learning.
96. Governing bodies and head teachers **must** offer access to study triple science GCSEs to those pupils who would benefit from a more stretching science curriculum. These pupils will be those that perform higher than the expected level of achievement in science at the end of Key Stage 3, i.e. those who through teacher assessment are determined to have reached Level 6 or above in science.
97. Pupils who achieve lower than this but believe they are capable of taking triple science GCSEs – and want to do so – but

have not been offered the opportunity to study it **should** be told clearly the reasons for this.

98. This Guarantee applies to maintained schools and Academies, and the standard schools route of redress applies. The LGO and YPLA will not, however, investigate complaints about teachers' professional judgement in determining whether a pupil has or has not reached Level 6 or above in science.

**Guarantee 2.9: That every pupil aged 14–19 has the opportunity to undertake community service and high-quality work-related learning**

99. The Community Service element (for 14–16 year olds) is delivered both within and beyond the Citizenship Curriculum. The programme of study for citizenship at Key Stage 4 includes an active citizenship component which promotes Community Service<sup>46</sup>. There are opportunities throughout the curriculum for pupils to engage in activities that benefit others as well as their own learning and development. Examples include representational activities such as membership of School and Youth Councils, action research in geography or history with an outcome that can be applied in the local community, mentoring younger pupils, contributing to an environmental project, or organising an event to promote intergenerational engagement.

46 For further information, see: <http://curriculum.qcda.gov.uk/>

- 100.** Governing bodies and head teachers **should** work with public, private and third sector organisations to offer a diverse range of high-quality opportunities which are available to all pupils aged 14–16. The roll-out of Foundation Learning – the 14–19 learning route for those working mainly below Level 2 – is also important here as community service opportunities may increasingly be offered as part of collaborative delivery of engaging and personalised learning programmes. Activities can take place within the school environment or outside. Governing bodies and head teachers **should** also encourage youth-led approaches, with staff and other agencies (including volunteers) acting as facilitators for activities whilst taking steps to ensure that the wellbeing of their pupils is safeguarded. There **should** also be suitable recognition for pupils’ engagement in Community Service. Providing Community Service opportunities for every pupil is a powerful way in which a school can fulfill their duty to promote community cohesion and to promote the wellbeing of their pupils, by supporting pupil-led activity that reaches out to and benefits the community of which they are a part.
- 101.** This Guarantee applies to maintained schools and Academies, and the standard schools route of redress applies.
- 102.** Pupils ought to be able to expect that their school has an effective relationship with employers. Every maintained secondary school already has a statutory duty to

provide all pupils at Key Stage 4 with a programme of work-related learning<sup>47</sup>. Schools should extend this programme across the entire age range and should have a member of the leadership team, delegating as appropriate, and the governing body responsible for relationships with employers. Schools should provide 14–19 year olds with work experience placements in a real workplace environment. Work-related learning, including work experience and enterprise education, is a key part of ensuring the economic wellbeing of children and young people alongside access to a range of activities such as mock interviews, CV writing and workplace visits. Work-related learning activities should be closely linked to provision for and pupils’ entitlement to impartial information, advice and guidance.

**Guarantee 2.10: That every young person is participating in education or training up to the age of 17 from 2013 and up to the age of 18 from 2015**

- 103.** Most young people participate in education or training until 18 already. However a significant minority are either not in employment, education or training (“NEET”) or in a job without training between 16 and 18 and this includes a disproportionate number of disabled young people.
- 104.** Local authorities **must** provide appropriate education provision and support to enable

<sup>47</sup> Section 85 of the Education Act 2002, as amended by the Education and Inspections Act 2006

all learners – especially young people who face the biggest challenges – to participate to age 17 by 2013 and to age 18 by 2015.

- 105.** The Raising the Participation Age delivery plan (published in 2009) sets out the roadmap to make this happen. In preparing for 2013 and 2015, local authorities will take account of the following factors:
- using evidence and analysis of local needs and demand;
  - ensuring all young people are on a path to success;
  - providing better options for all young people;
  - ensuring integrated support for all young people; and
  - enabling local areas to deliver.
- 106.** This Guarantee applies to pupils in maintained schools and Academies and, because it is primarily provided by local authorities, the standard local authority route of redress applies.

**Pupil ambition 3: All pupils taught in a way that meets their needs, where their progress is regularly checked and where particular needs are identified early and quickly addressed**

- 107.** Under this Ambition, paragraphs 110–121 describe existing legal requirements on local authorities, governing bodies and head teachers; and paragraphs 122–190 are new entitlements under the Pupil Guarantee itself.

- 108.** The Guarantees under this ambition relate to maintained schools and Academies unless otherwise indicated.

- 109.** The individual Guarantees under this ambition do not relate to children in Short Stay Schools and other alternative provision. However, children who are in this provision for at least 10 days **should** have a personal learning plan in place<sup>48</sup>. Personal Learning Plans focus on outcomes, progression, and reintegration (whether to school, college or employment) and will contain information such as clear goals and targets and any support (SEN, other agencies, etc) that the pupil needs to receive.

**Guarantee 3.1: Ensure teachers are appropriately qualified and receive training so that they can teach well**

- 110.** Teachers are trained and gain their Qualified Teacher Status (QTS) through the initial teacher training (ITT) process. A prescribed set of professional standards for teachers and requirements for ITT apply to all programmes of ITT. QTS Standards include a full range of necessary professional attributes, professional knowledge and understanding and professional skills. Knowledge and understanding includes requiring newly qualified teachers to be confident in the subjects they teach and to have a clear understanding of how all

<sup>48</sup> *Statutory guidance for local authorities and schools on Information Passports, Personal Learning Plans and the Core Entitlement for all pupils in Pupil Referral Units and other Alternative Provision – draft for consultation, DCSF, December 2009.*

children and young people make progress. Additionally, they require an understanding of how teachers contribute to the wellbeing of children and young people and of the variety of influences affecting child development.

111. The ITT requirements lay down a range of conditions by which teacher training providers must abide. These include entry and suitability requirements for trainees. They stipulate that courses must enable trainees to demonstrate the QTS standards in two consecutive Key Stages and that trainees must have a minimum total number of weeks of placements in at least two schools or educational institutions, wholly or mainly in England. The requirements also lay down that teacher training courses must be designed to meet all of the QTS Standards. They require that, before and during training, trainees are given the support they need to succeed.
112. Qualified teachers will be required to attain and work to renew a 'Licence to Practise' from September 2011<sup>49</sup>. This goes hand-in-hand with a separate but linked entitlement to continuous professional development for qualified teachers, which builds on performance management/review arrangements and is designed to raise the quality of teaching across the board, by creating a new learning culture which puts professional development at the forefront.

113. In addition to teachers who have been trained through ITT, other staff may deliver lessons (e.g. overseas trained teachers), and it is up to the governing body of the school to ensure that such staff are competent and able to deliver lessons as required.

**Guarantee 3.2: Encourage teachers to tailor their teaching to the needs of each individual pupil**

114. Personalisation is part of the everyday practice of teaching. Head teachers **should** ensure that teachers tailor their teaching to pupil needs: this is consistent with good teaching practice in place in the best schools. What this means in practice is that the teacher takes a highly-structured and responsive approach to each child and young person's learning. It also means strengthening the link between learning and teaching by engaging pupils – and their parents – as partners in learning. Pupils' progress **should** be reviewed periodically – with the parent engaged in feedback and next steps through schools' regular reporting and parent communication systems.
115. Personalisation features as an integral part of the standards for the award of QTS<sup>50</sup> – teacher trainees **must** have knowledge and understanding of a range of teaching, learning and behaviour strategies and know how to use and adapt them, including how to personalise learning and provide opportunities for all learners to succeed.

116. Critical to this personalisation of learning is Assessment for Learning (AfL) – the ‘process of seeking and interpreting evidence for use by learners and their teachers to decide where the learners are in their learning, where they need to go and how best to get there’. This is a core teaching practice that is expected to be evident within all schools<sup>51</sup>.
117. Governing bodies and head teachers **should** take clear steps to ensure that their teaching staff are using AfL techniques to monitor the progress of pupils, and are making accurate teacher judgements about where pupils are in their learning against National Curriculum levels. One clear way a school can ensure that learning progress is being monitored at a detailed level would be for teachers to use *Assessing Pupils’ Progress* (APP) materials.
118. Head teachers **should** ensure that staff make effective use of data to inform lesson planning and tailor teaching, consistently throughout the school. This might take any number of forms; for example, preparing lessons to address specific identified learning gaps, grouping pupils in a particular way, setting by ability, ‘Wave’ teaching, guided learning, or targeted use of teaching assistants. Similarly, head teachers **should** ensure that staff use pupil tracking data alongside other relevant school data, to inform intervention plans and extended schools activities to target areas of need at a personal level.
119. Provision for gifted and talented pupils to ensure stretch, or SEN needs, **should** be factored into these planning activities throughout<sup>52</sup>.
- Guarantee 3.3: Have teachers who are trained to effectively assess and monitor each pupil’s progress**
120. All teachers are expected to be able to assess and monitor effectively the progress of individual pupils. These are skills which are embedded within the standards to be achieved for QTS. The standards require that trainee teachers are able to use a range of assessment, monitoring and recording strategies as an integral element of teaching in order to monitor learners’ progress, inform planning and teaching, and secure learning. They are trained to be able to assess learners against national benchmarks using, as relevant, the early learning goals, National Curriculum level descriptors, criteria from national qualifications, requirements of awarding bodies, National Curriculum assessment frameworks, and objectives from the National Strategies. The accurate assessment of learning needs is based on evidence of past and current achievement, together with assessment data and information from national assessments, that allow teachers to set specific and challenging learning objectives appropriate to the ages and abilities of learners.
121. Providing learners with effective feedback is integral to teaching and can have a major

51 See <http://www.qcda.gov.uk/>

52 <http://curriculum.qcda.gov.uk/>



impact on learning. Impact is maximised when learning objectives are clearly expressed and are understood by learners. Accurate feedback, given at the right time and in a constructive and positive way, helps learners to identify what they have or have not understood, and helps them to progress. Teachers make good use of AfL strategies to improve their skills in providing effective feedback, to engage learners in dialogue about their progress, and to develop in learners an increased sense of control and ownership over their learning.

#### Pupil Guarantee provisions relating to personalised teaching and learning:

**Guarantee 3.4: Where a child is not on track to achieve Level 2 by the end of Key Stage 1, the school will inform the parents of what additional support the school will provide – including through small group and one-to-one tuition – and what they, as parents, can do to help their child**

122. The entitlement to catch-up support for Key Stage 1 pupils is new. To be eligible, the head teacher **must** determine, taking into account appropriate evidence in line with their professional judgement, that the pupil is unlikely to achieve at least Level 2 by the end of Key Stage 1. This evidence should include:

- a. the progress the pupil has made when compared with their Early Years Foundation Stage Profile; and

- b. ongoing monitoring of pupils' class and home work against the National Curriculum attainment.

123. It is primarily for the class teacher to judge whether a child is making sufficient progress in their studies. Teachers should make these judgements based on sound methods (for example through using the APP materials). Parents will be free to complain through the standard schools' route of redress, and any complaint should be to the school in the first instance as normal. If the complaint reaches the LGO, he will not be able to substitute his judgement for that of the head teacher (i.e. he cannot decide that a child is or should be entitled) but will be able to judge whether the method used to reach a conclusion was unfair or inappropriate.

124. The guarantee is to a reasonable offer of extra support, provided by the school, to help pupils progress and catch up with their classmates. If a child has been assessed as eligible in English and/or mathematics they **must** receive a reasonable offer of support in one or both subjects. Qualifying pupils are guaranteed one period (of a length determined by the school) of structured support (as described in paragraph 125(a)–(e)) during the Key Stage, rather than one course per year. It **must** be offered and, so far as it lies within the power of the school, delivered within a reasonable period after the child's entitlement is identified. During this period the head teacher **should** ensure the class teacher discusses with the pupil's parents: the child's progress, the need for

support and what they, as parents, can do to support their child's learning at home.

**125.** The support **should** be designed and delivered with the aim of putting the child on track to reach Level 2. Schools will decide what type of extra support or intervention is most appropriate for each child, based on the primary school's teacher assessments, transition information and their own judgment. Schools **should** consider a wide range of interventions once a pupil has been assessed as eligible for the entitlement, and these include:

- a. integrated classroom support;
- b. small group work;
- c. individual support;
- d. participation in programmes such as Every Child Counts and Every Child a Reader; or
- e. any other form of support the teacher thinks is appropriate and which is designed to increase a pupil's rate of progress.

**126.** Where support is offered, it can take a variety of forms. For the purposes of the Guarantee it **must**: be designed to increase a pupil's rate of progress; involve a structured programme that is carefully targeted to address specific identified learning issues; and help pupils to apply their learning in mainstream lessons. It can be delivered by a range of people, including a school teacher, a teaching assistant, a learning mentor or a person with specialist skills to address a

particular learning need. The support can take place within normal lessons, for example as part of guided learning or through in-class support, or outside normal lessons, for example within time allocated for homework clubs or by appropriate withdrawal from lessons. The number of hours of support may vary, but **should** be delivered at a time and place that is suitable for the child.

**127.** If a pupil qualifies for the Guarantee it **must** be offered to them. The head teacher **must** ensure that the parent is informed within a term of identifying the pupil as being at risk of falling behind. Before support begins, the head teacher **must** ensure that the parent receives written notification which sets out the support that the child will receive (including details such as frequency and length of support) and the learning need it is intended to address. Any change to the support plan **should** be agreed by the teacher, school and parent. It is the responsibility of the governing body of the school to meet the Guarantee for each eligible pupil. Where the school fails to provide the support, as set out in the support plan, the parent is able to seek redress through the LGO after attempts to address the issue have been made through the school's internal complaints process.

**128.** The head teacher **must** ensure that pupil progress is monitored during and after the support has been given so that pupils and parents understand how the child has progressed; and the result of the progress

assessment **must** be communicated to parents by the end of the year.

**Guarantee 3.5: That every secondary school pupil, from September 2010, receives personalised support from a Personal Tutor who knows them well, has an overview of their progress and ensures any learning needs or issues are quickly addressed**

129. This is a new entitlement for pupils in secondary schools, including middle deemed secondary schools, and for pupils in Year 7 and above in all-through schools (i.e. schools which take pupils from age 3–8 up to age 16–19). This Guarantee applies to Academies.
130. Whilst we believe that many schools already have good models of personal tutoring, there has hitherto been no requirement on them to provide it. From September 2010, every head teacher **must** ensure that a named member of staff is assigned to each pupil, to provide tutoring and co-ordinate help. The head teacher **must** ensure that each pupil is told which member of staff has been assigned to them and what they can expect from the personal tutoring process and **must** ensure that a record is kept of which member of staff has been assigned to which pupil.
131. There are limited circumstances in which it would not be reasonable to expect every pupil to have a named contact at all times. For example, if a member of staff was away from the school over a long period, the school would have to make alternative arrangements for the pupils they had been tutoring, during which technically it would not be meeting the Guarantee for some pupils.
132. It will be up to individual head teachers (in the light of any guidance provided by the governing body) to decide which members of the school workforce will undertake personal tutoring. Named members of staff **should** know the pupil well, **should** have an overview of the pupil's progress across the curriculum (while recognising that this knowledge will not be as detailed as that of their individual subject teachers in relation to particular subjects) and **must** be able to direct the pupil towards advice, support or resources to help the pupil to address any learning needs and issues and to succeed at school.
133. Individual head teachers (in the light of any guidance provided by their governing bodies) will choose to arrange these wider aspects of personal tutoring in different ways – all the help needed by a pupil may not necessarily be provided by one person.
134. It is reasonable for pupils (or parents on their behalf) to complain if a particular need had been identified and discussed (e.g. referral to specialist careers advice or to a health professional) but there had been no direction as to where the appropriate provision might be found. It is not necessary for the member of staff personally to make contact with the third party (though that might be appropriate in some circumstances). Providing a name and email address or telephone number would be

sufficient for the Guarantee to be met. It would not, however, be sufficient to tell a pupil to look up the phone number in the telephone directory or to carry out an internet search.

135. Where a head teacher is aware of particular needs that an individual pupil has (e.g. SEN or English as an additional language), then they **should** have regard to those needs when assigning the named person to the pupil. Pupils will generally keep the same contact throughout their time at secondary school, though that will not always be desirable or practicable in every case – for example, if there is a change in the pupil's needs, or if a member of staff moves to a new post or leaves the school.
136. The provision by schools will depend on what is reasonable and proportionate in any individual case, which may vary from one pupil to another, and may well change over time. Moreover, many secondary schools already provide some form of personal tutoring and schools do not need to feel under any obligation to set up a new or additional system. We wish to ensure that schools are, as far as possible, able to retain current good practice.
137. The standard schools route of redress will apply to this Guarantee.

**Guarantee 3.6: All pupils in Years 7 to 11 have access to high-quality careers education and information, advice and guidance so they can make informed choices about learning, work and lifestyles and are well supported during transitions**

138. The responsibilities in this area are shared between schools (responsible for careers education) and local authorities (responsible for information, advice and guidance (IAG)).
139. The governing body **must** ensure that all pupils in Years 7 to 11 are provided with a programme of careers education<sup>53</sup>. It is for individual governing bodies and head teachers to decide when and how this is delivered. In making these decisions, governing bodies and head teachers **should** have regard to the two main routes as set out in Statutory Guidance:
- careers education lessons delivered within Personal, Social, Health and Economic Education; and
  - careers education embedded within other subject teaching.
140. It is for individual head teachers to decide which members of the school workforce will be responsible for delivery of careers education/IAG, but head teachers **should** ensure that a senior member of staff takes overall responsibility for careers education/IAG. That senior member of staff **should** also ensure, where responsibilities are further devolved to a middle leader (the 'careers

<sup>53</sup> Section 43 of the Education Act 1997

leader' or 'careers coordinator'), that this person has the skills and knowledge, and is allocated sufficient time, to undertake their duties effectively.

- 141.** All those providing careers advice **must** provide impartial information and advice that promotes the best interests of their pupils<sup>54</sup>. The school's programme of careers education **must** include information on 16–18 education or training options and apprenticeships<sup>55</sup>. The statutory guidance specifies the 'Key Information' that schools **should** provide<sup>56</sup>, which includes details of Higher Education. Head teachers **should** ensure that careers education is effective in promoting access to Higher Education, and **should** ensure that young people are positively challenged to consider all opportunities, including through taster sessions and visits to Higher Education.
- 142.** Every local authority **must** make IAG services available to pupils<sup>57</sup>, which reflect and meet local needs, to encourage, enable or assist their effective participation in education or training. This includes making sure, through 14–19 and Aimhigher Partnerships, that young people from low income backgrounds with the potential to do well at University are informed during their time at secondary

school about support available to access Higher Education. Every local authority **must** provide access for all maintained secondary school pupils to one-to-one IAG and support from a specialist Connexions adviser when needed.

- 143.** Local authorities **should** provide targeted youth support to vulnerable pupils who are at risk of not achieving the five Every Child Matters outcomes. This **should** include a personalised package of support, IAG and learning and development opportunities, with support for their parents or carers as appropriate. This **should** be co-ordinated by a trusted lead professional and delivered by agencies working well together. The support **should** reflect the local context and, in particular, the views, experiences and needs of young people.
- 144.** Local authorities **must** arrange for a Section 139 learning difficulty assessment to be carried out during a person's last year of compulsory schooling where he or she has a statement of SEN and is expected to leave school and go on to further or higher education<sup>58</sup>. Local authorities may conduct a learning difficulty assessment for young people with a learning difficulty but without an SEN statement. This power applies where the young person is receiving, or in the authority's view is likely to receive, further or higher education. The Secretary of State has issued guidance concerning this matter<sup>59</sup>.

54 Section 43 of the Education Act 1997, as amended by the Education and Skills Act 2008. Note, this amendment does not cover Academies and this duty is applied to Academies through the text of this Guarantee.

55 Section 43 of the Education Act 1997, as amended by the Apprenticeships, Skills, Children and Learning Act 2009. This amendment does not cover Academies and this duty is applied to Academies through the text of this Guarantee.

56 Statutory Guidance: Impartial Careers Education available for download from <http://publications.dcsf.gov.uk/>

57 Section 68 of the Education and Skills Act 2008

58 Section 139 of the Learning and Skills Act 2000, as inserted by the Education and Skills Act 2008

59 Revised s139 Guidance available for download from <http://publications.dcsf.gov.uk>

145. The local authority **should** also ensure that the local 14–19 Prospectus provides up-to-date information on the local education and training opportunities available to young people aged 14–19, from entry level through to Level 3. From 2011, the expectation is that all Year 11 pupils will be able to apply for courses online through a Common Application Process (CAP).
146. The Local authority **should** have clear guidelines in place to support those pupils who might need additional help to move to adult IAG services when they reach the appropriate age.
147. The provision of information and advice as part of a programme of careers education is the responsibility of schools whereas local authorities are under a duty to provide IAG services.
148. If a parent or pupil believes they are not getting access to high quality careers education, which can be understood with reference to the careers education Statutory Guidance<sup>60</sup>, they will be able to complain to the school as part of the standard schools redress process.
149. If a parent or pupil believes they are not getting access to high quality IAG services commissioned and managed by the local authority<sup>61</sup>, they will be able to complain to the local authority and then follow the standard local authority redress process.
150. However, pupils and parents **should not** be expected to make these fine distinctions themselves and can direct any complaint to either the school or the local authority. The partnership agreement between the school and local authority **should** include an agreed process to resolve the complaint. Pupils and parents **should not** be asked to go through *both* a school *and* a local authority complaints process before proceeding to the LGO or YPLA.

**Guarantee 3.7: That every pupil goes to a school that identifies their particular needs quickly and is linked up to health and other specialist services, so they can access the help they need swiftly and easily**

151. Early intervention is the process whereby additional needs are identified, leading to appropriate assessment and support then quickly being put into place. Effective practice ensures this work is routine and that problems are picked up early in their 'life-cycle' and prevented so they cannot develop. This supports children in achieving the five Every Child Matters outcomes.
152. Achievement and attainment, along with a positive experience at school, are important protective factors for children and young people and help promote resilience against problems later in life. Early intervention in schools stems from the governing body's duty to promote the wellbeing of pupils in

60 Statutory Guidance: Impartial Careers Education available for download from <http://publications.dcsf.gov.uk/>

61 Quality Standards for Young People's Information, Advice and Guidance (IAG) available for download from <http://www.dcsf.gov.uk/everychildmatters/>

their schools<sup>62</sup> and forms part of a strategy to promote pastoral care.

**153.** Some children with additional needs are vulnerable to becoming “children in need”<sup>63</sup>. One of the first signs that a child or young person might be struggling, and they might be a vulnerable child, is through a decline in their engagement at school. For this reason, the classroom and the wider school environment is one of the most powerful places where early intervention can be initiated as part of skilled and effective teaching practice (and other work to support learning).

**154.** The school governing body is responsible for setting the school ‘framework’ for early intervention. The governing body **must** ensure that:

- a. their school has a clear policy for consistently identifying, assessing and supporting vulnerable children (in partnership with other services if necessary). This policy can be set through existing policies, for example, those covering teaching and learning (SEN included), pastoral care, or extended services (or the policy may be separate in itself);
- b. early intervention policies reflect the local Children’s Trust Board priorities and protocols on how other children’s services partners co-operate to provide

support where a range of barriers against learning and wellbeing are identified, and a wider response is necessary. As part of these, schools in partnership **should** have staff members who are able to follow the Common Assessment Framework (CAF) process to develop a holistic view of the child; and

- c. staff are able to access training to enable early intervention.

**155.** Head teachers **should** ensure that:

- a. all school staff are able to appropriately identify and begin to support vulnerable children (including how the school might draw on wider expertise). Continuing professional development or in-service training may be required;
- b. effectively tailored teaching for individual pupils (see Guarantee 3.2) and effective assessment and monitoring of progress for all learners (see Guarantee 3.3) is in place, so that teachers can identify where low attainment or coasting may be linked to additional support needs that are not addressed;
- c. teachers consider a number of measures to ensure that pupils remain engaged with their learning. Teachers may do this through one-to-one or small group catch-up tuition (see Guarantees 3.8 and 3.9), support from specialist teachers, learning mentors, education welfare officers and other appropriate interventions;

<sup>62</sup> Section 21(5) of Education Act of the Education Act 2002, inserted by s38 of the Education and inspections Act 2006. Similar provisions are applied to Academies through Funding Agreements.

<sup>63</sup> As defined under section 17(10) of the Children Act 1989.

- d. alongside the learning provision, a range of other in-school provision is available to provide for the additional needs of pupils. This could include provision for the Social and Emotional Aspects of Learning (SEAL)<sup>64</sup> in order to promote the development of social and emotional skills of children and young people. For some vulnerable children, it may be appropriate to provide SEAL through small group work or on an individual basis. Support may also be provided through schools' use of their powers to provide community facilities or other wider services<sup>65</sup> (see Guarantee 4.7) or healthy school initiatives (see Guarantee 5.3). Other wider family support might be provided through extended services and could involve Parent Support Advisers or Family Workers;
- e. use of the CAF is encouraged where it is suspected that learning and wellbeing needs require a multi-agency response;
- f. a named and trusted adult within the school is identified where a child is identified as vulnerable, and that adult is given the responsibility for building a relationship with the child. This adult could be a Personal Tutor, Learning Mentor, subject teacher, school nurse, or counsellor, for example. Where there are a range of supporting interventions, the named and trusted adult **should** periodically link with teachers in order to reinforce these interventions within the classroom (enabling personalisation of teaching or sharing of key information);
- g. vulnerable children remain challenged by their learning goals and targets in order to remain engaged with their education. Teachers need to set challenging learning goals for all children and not lower expectations; and
- h. where children are thought to have special educational needs, school staff have regard to the SEN Code of Practice<sup>66</sup>.
- 156.** Finally, governing bodies **should** work together in school clusters to offer a wider range of support for vulnerable children. Through priorities agreed within the Children and Young People's Plan (CYPP), Children's Trust Board partners **should** set out their local strategy for early intervention. This **should** include how school clusters will work with multi-agency services so vulnerable children have quick and early access to specialist services. It could also set out when school clusters may commission services themselves.
- 157.** Governing bodies **should** use their Children's Trust Board representation to highlight where there remain unmet local needs due to service gaps so these can be jointly addressed.

<sup>64</sup> [www.teachernet.gov.uk/seal](http://www.teachernet.gov.uk/seal)

<sup>65</sup> These wider services can be provided under Section 27 of the Education Act 2002, and are likely to include facilitating access to childcare (especially in primary schools), parental support, swift and easy access to health and social care, and community access to school facilities.

<sup>66</sup> <http://www.teachernet.gov.uk/wholeschool/sen/sencodeintro/>



**Guarantee 3.8: That every pupil, aged 7–11 who has fallen behind national expectations and is not making good progress, receives one-to-one tuition to get them back on track – from September 2010**

158. This is a new entitlement to one-to-one tuition. A pupil **must** meet two criteria in order to be entitled to it:
- every child in a maintained school or an Academy receives an end-of-Key Stage 1 teacher assessment. If that assessment shows that the child is below Level 2 in any of reading, writing and/or mathematics, then the first criterion has been met. Parents will not be able to dispute the outcome of the statutory Key Stage 1 assessments; and
  - at any point during Key Stage 2, the pupil's teacher may assess that the child is not on course to make at least two levels of progress by the end of Key Stage 2 in English or mathematics. In this case, the second criterion has been met.
159. In addition, all Looked After Children are entitled to one-to-one tuition under this guarantee, even if either or both of the criteria are not met.
160. If a child does not have a Key Stage 1 assessment, then the child **should** receive a reasonable offer of one-to-one tuition if they are not on course to make nationally expected levels of progress.
161. Where these eligibility criteria are met, the governing body **must** make a reasonable offer to the pupil of 10 hours of one-to-one tuition in English and/or mathematics. If a child meets the criteria in English and mathematics they **must** receive a reasonable offer of tuition in both subjects. The tuition **should** be designed and delivered with the aim of putting the child on track to reach Level 4 or to make at least two expected levels of progress during Key Stage 2. Qualifying pupils are guaranteed one course of tuition during the Key Stage, rather than one course per year.
162. The terms of tuition are flexible – it may be delivered at a variety of times and in a variety of places. It **must** be offered and, so far as it lies within the power of the school, delivered within a reasonable period after the child's entitlement is identified and it **should** be delivered at a time and place that is reasonable for the child. Tuition **must** be delivered by a qualified tutor.
163. If a pupil qualifies for the Guarantee it **must** be offered to them. In some exceptional cases if the school judges that the pupil's particular learning needs cannot be met through a course of one-to-one tuition then the school may disapply this Guarantee in relation to that child. This exception is intended to cater for pupils with defined individual learning needs where other interventions are more effective or appropriate. It **must not** be used to avoid providing children with this entitlement. The parent or carer of a child for whom this Guarantee is disapplied **must** receive written

notice of this fact containing a reason why this was considered appropriate.

164. It is for teachers to assess whether a child is making sufficient progress in their studies. It is, of course, right that teachers should make these judgements based on sound methods (for example through using the *Assessing Pupils' Progress* materials). Parents will be free to complain through the standard schools route of redress. If the complaint reaches the LGO or YPLA, they will not be able to substitute his judgement for that of the head teacher but will be able to judge whether the method used to reach a conclusion was unfair or inappropriate.
165. It is the responsibility of the governing body of the school to meet the Guarantee for each eligible pupil. However, if the entitlement to tuition has been established but the school is unable to deliver the tuition, then the local authority **must** ensure that provision is made so that the child receives a reasonable offer of tuition and the school must cooperate with the local authority in this respect. If the tuition is not provided by the school or the local authority, then the parent is able to seek redress through the LGO or YPLA. There will be no need for the parent to go through the local authority's complaints process before approaching the Ombudsman or YPLA, because they will already have been through the school's internal complaints process.

**Guarantee 3.9: That every pupil beginning Year 7 behind national expectations in English and mathematics receives one-to-one or small group tuition and their learning is assessed through a progress check which is reported to parents – from September 2010**

166. The entitlement to one-to-one tuition or small group support for pupils entering Year 7 behind national expectations is new. If a child does not reach Level 4 at the end of Key Stage 2 in either English or mathematics, then he or she is eligible for the Guarantee. Pupils will be eligible if either their Key Stage 2 test result or primary school's teacher assessment shows they are not yet working at Level 4.
167. Every child in a maintained school or an Academy in England receives an end-of-Key Stage 2 test result and a teacher assessment. Parents will not be able to dispute the outcomes of the statutory Key Stage 2 test result or teacher assessment. Where the child has no end-of-Key Stage 2 test result and no primary school teacher assessment, then they **should** receive one-to-one tuition or small group support if the secondary school's assessment is that they are working at below Level 4.
168. In addition, all Looked After Children are entitled to additional support under this Guarantee, even if they have reached Level 4 or above at the end of Key Stage 2.
169. Where these eligibility criteria are met the governing body **must** make a reasonable offer of either one-to-one tuition or small

group support by the end of Year 7 in English and/or maths. If a child meets the criteria in English and maths they **must** receive a reasonable offer of support in both subjects. The aim **should** be that all children capable of reaching Level 4 do so and others make their expected levels of progress.

170. Governing bodies **must** decide which intervention is most appropriate for each child, based on the primary school's teacher assessments, transition information and their own judgment.
171. Where one-to-one tuition is the chosen intervention, the governing body **must** make a reasonable offer to the pupil of 10 hours of tuition. The tuition **must** be delivered by a qualified tutor. The terms of tuition are flexible – it may be delivered at a variety of times and in a variety of places. It **must** be delivered within a reasonable period after the child's entitlement has been identified and it **should** be delivered at a time and place that is suitable for the child.
172. Where small group support is the chosen intervention it can take a variety of forms. For the purposes of the Guarantee it **must**: be designed to increase a pupil's rate of progress; involve a tightly structured programme of small group or individual support that is carefully targeted to address specific learning issues; and help pupils to apply their learning in mainstream lessons. It can be delivered by a range of people, including a qualified teacher, a teaching assistant, a Learning Mentor or a person with specialist skills to address a particular

learning need. The support can take place within normal lessons, for example as part of guided learning or through in-class support, or outside normal lessons, for example within time allocated for homework clubs or by appropriate withdrawal from lessons. The number of hours of the support may vary.

173. If a pupil qualifies for the Guarantee it **must** be offered to them. In some exceptional cases if the school judges that their particular learning needs cannot be met through a course of one-to-one or small group tuition then the school may disapply the Guarantee. This exception is intended to cater for a pupil who has specific, defined individual needs where other interventions are more effective or appropriate. It **must not** be used to avoid providing children with this entitlement.
174. It is the responsibility of the governing body of the school to meet the Guarantee for each eligible pupil. However, where the school judges that one-to-one tuition is the most appropriate intervention, but the school is unable to deliver the tuition, the local authority **must** ensure that provision is made so that the child receives tuition and the school **must** cooperate with the local authority in this respect. If the tuition is not provided by the school or the local authority, then the parent is able to seek redress through the LGO or YPLA. There will be no need for the parent to go through the local authority's complaints process before approaching the Ombudsman or YPLA,

because they will already have been through the school's internal complaints process.

175. Governing bodies **should** ensure that the type of intervention, either one-to-one tuition or small group support, is communicated to parents as soon as possible so that they are aware of what the school is doing to support the child entering Year 7 below expectations to make accelerated progress. A progress check **must** be made by the end of Year 7 and will mean that pupils and parents understand how the child has progressed; and the result of the progress check **must** be communicated to parents by the end of the year. The progress check will be based on teachers' own assessments.

**Guarantee 3.10: That every pupil identified as gifted and talented receives written confirmation by their school of the extra challenge and support they will receive**

176. Existing regulations<sup>67</sup> require schools to confirm, in respect of all pupils on the school register: "whether the pupil has been registered or identified by the school as belonging to its gifted and talented cohort". This information is collected through the termly school census.
177. DCSF guidance is that every school **should** identify its gifted and talented learners, recognising that this population will change over time. Each census response therefore provides a snapshot of the identified population at that point.
178. The following duties are imposed on the governing body of the school, or the proprietor of an Academy.
179. Within one month of identification as gifted and talented through a school census, the school **must** define the provision that the school will make or secure as a consequence and **must** communicate that in writing to the pupil via his or her parents, making clear that this is a response to their identification as gifted and talented.
180. If and when a learner is no longer identified as gifted and talented, the school **must** communicate that in writing to the pupil via his or her parents
181. If the pupil continues to be identified as gifted and talented, the school **must** update the provision that the school will make or secure as a consequence within a month of the start of each academic year and **must** communicate that in writing to the pupil via his or her parents.
182. The description of provision need not amount to an individual education plan unless the school expressly wishes to use this approach. It **must** address the following elements of the Institutional Quality Standards for Gifted and Talented Education:
- a. effective provision in the classroom;
  - b. enabling curriculum entitlement and choice;
  - c. assessment for learning;

<sup>67</sup> The Education (Information about Individual Pupils) (England) Regulations 2006

- d. school ethos and pastoral care;
- e. engaging with the community, families and beyond; and
- f. learning beyond the classroom.

- 183.** It **must** also follow those Standards as defined at entry level, unless there is a specific reason relating to the circumstances of the individual child concerned which makes it impracticable or inappropriate to follow them.
- 184.** Further guidance is available to schools<sup>68</sup>, and the Parent Guarantee sets out how schools are to consult and involve parents as co-educators of their gifted and talented children (in Guarantee 8.8).
- 185.** Where a parent, on behalf of their child, does not receive a communication in accordance with the description above, or where the communication fails to meet the description above, the parent may complain using the standard schools route of redress.

**Guarantee 3.11: That every pupil has an opportunity to have a say on how well their school is doing and how it can be improved**

- 186.** Pupils, as key stakeholders in their school, can contribute effectively to the improvement and effectiveness of the school, as well as benefiting from this engagement in terms of their personal development and wellbeing as individuals.
- 187.** Under regulations<sup>69</sup>, the governing bodies of maintained schools **must** invite and consider

the views of pupils on the time of school sessions, curriculum policy, gender equality schemes, race equality policies and accessibility plans.

- 188.** In addition, governing bodies **must** have regard to statutory guidance issued by the Secretary of State about consultation with pupils in connection with the taking of decisions affecting them, having regard to their age and understanding.
- 189.** There is no central prescription as to the means by which governing bodies and head teachers consult with pupils. This is a matter for each governing body and head teacher to determine in the light of their views on the most effective ways of engaging pupils in the school. However, the statutory guidance draws on a wide range of research and successful practice in schools across the country; and it is illustrated by case studies which aim to show the reasons why schools have adopted different approaches, why they have been successful and the benefits that different stakeholders in the school community have derived. It is intended to support and inspire schools in identifying and adopting the most appropriate approaches for them.
- 190.** Governing bodies **should** ensure that pupils with particular communications needs are positively catered for rather than unable to participate because there is insufficient support.

<sup>68</sup> [forthcoming]

<sup>69</sup> [forthcoming, in place from September 2010]

## Pupil ambition 4: All pupils able to take part in sporting and cultural activities

- 191.** Under this Ambition, paragraphs 194–198 describe existing legal requirements on local authorities, governing bodies and head teachers and paragraphs 199–219 are new entitlements under this Guarantee.
- 192.** The Children Schools and Families Act 2010 sets out the specific ambition that every pupil will go to a school where they take part in sport and cultural activities.
- 193.** Academies are granted curricular flexibilities and, where Guarantees under this ambition reflect the National Curriculum, they do not include Academies. However, where the Guarantees create new entitlements, Academies are included. This is indicated clearly in the text of each Guarantee. In addition, pupils in Academies will also benefit from a total of three hours sporting activity which can include Physical Education (PE).

### Guarantee 4.1: Deliver two hours high-quality Physical Education (PE) and sport

- 194.** PE (which includes games) is already a compulsory part of the National Curriculum for all pupils aged 5–16, as a subject in its own right at secondary level and a component of the area of learning ‘understanding physical development, health and well-being’ at primary level. Schools are therefore already required to teach the full programme of study for PE to

their pupils during this time<sup>70</sup>. This usually takes around two hours a week.

- 195.** High quality PE and sport produces young people with the skills, understanding, desire and commitment to continue to improve and achieve in a range of PE, sport and health-enhancing physical activities, in line with their abilities. DCSF has published, and circulated widely, guidance and more detail on what is meant by high quality PE and sport, and how to recognise it<sup>71</sup>.

### Guarantee 4.2: Promote pupils’ spiritual, moral and cultural development

- 196.** Every pupil has an entitlement to a curriculum which is balanced and broadly based and which “promotes the spiritual, moral, cultural, mental and physical development of pupils and of society, preparing pupils for the opportunities, responsibilities and experiences of later life”<sup>72</sup>. It **should** have a distinctive character and ethos rooted in the local community. The duty to do this falls on both local authorities and school governing bodies<sup>73</sup>. Head teachers **should** ensure that pupils have opportunities to develop moral and social responsibility, to think about values and the meaning of life, and to widen their cultural horizons.

<sup>70</sup> For information on the programme of study, see: <http://www.qcda.gov.uk/>

<sup>71</sup> <http://www.teachernet.gov.uk/teachingandlearning/subjects/pe/>

<sup>72</sup> Education Act 2002, Section 78(1)

<sup>73</sup> Education Act 2002, Section 79

197. This can be done in the curriculum but also through the development of a whole school ethos which emphasises these issues in all parts of the daily life of the school.
198. Academies are not subject to these National Curriculum requirements, but are required to enable the spiritual, moral and cultural development of their pupils<sup>74</sup>.

**The Pupil Guarantee builds on these arrangements by adding the entitlements at paragraphs 199–219, below**

**Guarantee 4.3: Every 5–16 year old should have access to five hours, and every 16–19 year old access to three hours, of high quality PE and sport per week, in and out of school.**

199. The National Curriculum requires that schools **must** teach the full programme of study for PE to all 5–16 year olds. In delivering the programme of study, governing bodies and head teachers **must** ensure that they provide at least two hours high quality curriculum PE per week for their pupils and **should** provide at least one further hour of sport per week, beyond the curriculum, out of school hours on school sites<sup>75</sup>. Community and club providers will work together to seek to ensure that these three hours of high-quality PE and sport are topped up with an additional two hours of sport. The programme of study does not apply to Academies. However, governing
- bodies and principals of Academies **must** ensure that pupils aged 5–16 have two hours PE and/or sport each week and **should** have at least one further hour.
200. School governing bodies and head teachers **should** work in partnership with community groups and clubs to ensure an appropriate three hour sporting offer is in place for 16–19 year olds in education.
201. Community providers, in partnership with county sport partnerships, National Governing Bodies of sport, sports clubs and local authorities, will be expected to provide access to affordable opportunities to take part in sport for 16–19 year olds not in education, employment or training.
202. This Guarantee will apply in maintained schools and Academies. The standard schools route of redress applies.
- Guarantee 4.4: Every pupil should have access to regular competitive sport, coaching to improve their skills and enjoyment, a choice of different sports, pathways to club and elite sport, and opportunities to lead and volunteer in sport**
203. The National Curriculum requires that all 5–16 year olds in maintained schools **must** be taught competitive sporting activities as part of their compulsory curriculum PE provision. Head teachers **should** ensure that there are opportunities for children to take part in competition both within the school and with other schools.

<sup>74</sup> Education (Independent School Standards) (England) Regulations 2003

<sup>75</sup> For further information see: <http://www.qcda.gov.uk> and <http://www.teachernet.gov.uk/teachingandlearning/subjects/pe/>

204. The entitlement to regular competitive sport, coaching, range of different sports, pathways to club and elite sport and opportunities to lead and volunteer in sport is not universal and **should** be decided on a child-by-child basis.
205. This Guarantee will apply in maintained schools and Academies, although Academies are not bound by the requirements of the National Curriculum. The standard schools route of redress applies.

**Guarantee 4.5: That through partnerships between schools and other external providers (such as libraries, museums and performing arts organisations), every pupil should have access to high-quality cultural activities in and out-of-school, with an aspiration that, over time, this will reach five hours a week for all**

206. Involvement in the Arts can have a positive impact on personal, social and educational development for a child. For these effects to be felt, schools **should** consider what children need in order to experience meaningful engagement in cultural activity as part of and above and beyond what is covered in the curriculum.
207. For example, children may see an artist, writer or performer come into the school to run a workshop aimed at a specific creative outcome; they may be involved in a trip out of the school to a museum, heritage site gallery or concert; or they may have opportunities after school to develop their

own talents, for example in art, drama, music or film.

208. The involvement of a wide range of cultural organisations is needed to deliver a broad range of opportunities and they need to work in conjunction with schools – this is the only way that all children will have opportunities to experience a wide range of different cultural activity and to develop their creative talents. Schools **should** consider how they can play their part in fostering links.
209. Where a pupil or parent believes that this Guarantee is not being delivered, the standard schools route of redress applies.
210. This Guarantee will apply in maintained schools and Academies. The standard schools route of redress applies.

**Guarantee 4.6: That every primary school pupil should have access to childcare in response to the local pattern of demand**

211. Local authorities **must** assess the local childcare market and **must** secure so far as is reasonably practicable, sufficient childcare for working parents<sup>76</sup>. This includes childcare for both pre-school-aged children and school-aged children. It can include supervised activities before or after school as well as other forms of childcare. The childcare available **should** meet the needs of the community in general and in particular those families on lower incomes and those with disabled children. Governing bodies

<sup>76</sup> Sections 6, 8–11 and 13 of the Childcare Act 2006



**should** co-operate with local authorities when local authorities undertake their childcare sufficiency assessment and in their efforts to secure sufficiency.

- 212.** Governing bodies of primary schools **must** facilitate access to childcare (including supervised activities) for their pupils before or after school, in response to the local pattern of demand. Facilitating access in this context means offering childcare on the school site (using the governing body's powers under section 27 of the Education Act 2002) and/or offering advice and assistance to parents on obtaining childcare elsewhere. Thus, the childcare does not necessarily need to be delivered on the school site or by the school itself; schools can signpost to other schools or third party providers. Governing bodies **should** work in partnership with other schools in the area (as part of a cluster arrangement) and in partnership with the third sector to facilitate the development of appropriate childcare arrangements. Parents can generally expect to pay for childcare. However, they may be eligible for support through Working Tax Credits and childcare vouchers to help pay for these costs.
- 213.** If a parent or family is having difficulty finding appropriate childcare, they can pursue the standard local authority route of redress.
- 214.** This Guarantee will apply in maintained schools and Academies. The standard schools route of redress applies.

**Guarantee 4.7: Every pupil should have access to activities out-of-school hours, which may include study support, play/recreation, sport, music clubs, arts and crafts and other special interest clubs, and business and enterprise activities. And every young person should have access to a range of positive activities**

- 215.** Governing bodies **must** facilitate access to out-of-school activities for all their pupils. Facilitating access in this context means either by providing activities itself as part of the school's offer to its pupils and/or by providing information and assistance to parents and pupils on other providers of activities. The activities offered by the governing body are subject to the resources and facilities available and to consultation with parents and pupils.
- 216.** Governing bodies **should** work in partnership with other schools in the area (as part of a cluster arrangement) and others to facilitate access to a range of activities. Individual schools can decide which activities appropriate, in the context of resources, local provision, local demand and in consultation with parents and pupils.
- 217.** Under section 507B of the Education Act 1996, local authorities must, so far as is reasonably practicable, secure access to positive activities outside school for certain children and young people aged 13 and over, and to publicise these activities. This might include sports clubs, arts groups or youth clubs. As part of this, local authorities

should work with governing bodies in the provision of such activities including the commissioning of activities and widening access to school premises after 6pm and at weekends, including Friday and Saturday nights.

**Guarantee 5.1: Promote the five Every Child Matters outcomes of: be healthy, stay safe, enjoy and achieve, make a positive contribution, and achieve economic wellbeing**

- 218.** When planning out-of-school activities for its pupils, governing bodies **should** consult pupils of the range of activities and take into account the views expressed by children to ensure the activities on offer reflect demand. Governing bodies **should** be open with children about the results of consultation and action taken following consultation. Schools are not required to provide all activities free of charge, but governing bodies **should** make every effort to ensure their offer is inclusive and accessible to all children, taking into account financial, transport and other barriers.
- 219.** This Guarantee will apply in maintained schools and Academies. The standard schools route of redress applies.

**Pupil ambition 5: Health and wellbeing are promoted, pupils are able to express their views and both they and their families are welcomed and valued**

- 220.** Under this Ambition, paragraphs 221–228 describe existing legal requirements on local authorities, governing bodies and head teachers and paragraphs 229–238 are new entitlements under the Pupil Guarantee itself.

- 221.** The governing bodies of all schools, including Short Stay Schools<sup>77</sup>, **must**, in discharging their functions relating to the conduct of the school, promote the wellbeing of pupils at the school. Academies established since 2007 are under a similar requirement by virtue of their funding agreements. Wellbeing is defined for these purposes in terms of the five ECM outcomes<sup>78</sup>:
- a. be healthy;
  - b. stay safe;
  - c. enjoy and achieve;
  - d. make a positive contribution; and
  - e. achieve economic wellbeing.

- 222.** The school's distinctive contribution to wellbeing is helping each child to succeed through excellent personalised teaching and learning. But governing bodies **must** also consider how, through their conduct of the school, they can contribute to all aspects of children's wellbeing which are important in their own right and which also affect children's ability to learn and develop. Governing bodies and head teachers **should** do this through their curriculum, activities beyond the school day, pastoral care

<sup>77</sup> Regulations under the Education Act 2006

<sup>78</sup> Education Act 2006

systems, specific policies to promote wellbeing such as anti-bullying and safeguarding policies and through the ethos and values of the school as reflected in the behaviours modelled by staff.

223. In order to promote pupils' wellbeing, governing bodies and head teachers **should** have effective arrangements in place for:

- a. knowing each child and his or her family circumstances;
- b. early identification of any child with emerging problems, and for responding to those needs within the school if possible; and
- c. collaboration with other children's services so that schools can access multi-agency teams of professionals where necessary.

224. In order to promote all aspects of pupil wellbeing effectively, governing bodies and head teachers **should** also seek to work with:

- a. each other to support a wider offer to pupils and parents – for example, as currently undertaken through school clusters which are developing partnership working arrangements, or through behaviour and attendance partnerships;
- b. their Children's Trust, by contributing to discussions about local needs and priorities to be reflected in the Children and Young Person's plan; and

- c. parents and carers, working with them as partners in their children's learning and development.

225. Schools are inspected by Ofsted on the contribution they make to all aspects of a child's wellbeing. In promoting wellbeing, governing bodies **must** have regard to the Children and Young People's Plan for their area and **must** have regard to the views of parents. Governing bodies and head teachers **should** consider their contribution to all aspects of pupil wellbeing in their cycle of self-evaluation, improvement planning and review. Governing bodies and head teachers **should** start by considering the evidence available about their pupils in relation to each of the five Every Child Matters outcomes, taking account of their particular responsibilities under equalities legislation.

226. Governing bodies and head teachers' assessment of their contribution to the wellbeing of their pupils will in future be informed by new school level wellbeing indicators, including measures based on pupils' views of the school's contribution. The intention is that these will provide robust benchmarked data that will allow schools to compare their contribution to that of other schools. The comparative information will be available to parents on the School Report Card.

227. Examples of schools' contribution to pupil wellbeing include: having a supportive school ethos which values each child as an individual and promotes self-respect and

respect for others; delivering good health education in PSHE, with input as appropriate from health professionals; creating a healthy environment in the school with good, appetising school food and by promoting physical activity through sport, dance and active play; looking out for signs of any abuse or neglect; ensuring effective arrangements for dealing with any incidents of bullying; offering sport, cultural and volunteering opportunities both within and outside the school day; and developing the personal attributes and non-cognitive skills such as resilience, initiative and social skills that are essential for success in life.

228. This guarantee applies to maintained schools and Academies, and the standard schools route of redress applies.

**The new Pupil Guarantee extends existing entitlements by the provisions in paragraphs 229–238 below**

**Guarantee 5.2: That every pupil receives personal, social, health and economic education (PSHE)**

229. Governing bodies and head teachers **must** ensure that pupils are taught PSHE covering<sup>79</sup>:
- alcohol, tobacco and other drugs;
  - emotional health and wellbeing;
  - sex and relationships (subject to parents' right to withdraw their children up to the age of 15);

- nutrition and physical activity;
- personal finance;
- individual safety, and
- careers, business and economic education.

230. The detailed requirements of the subject, and the extent of coverage of each of the above areas are set out for Key Stage 1 and 2 pupils as part of the 'Area of Learning'<sup>80</sup> 'Understanding physical development, health and wellbeing' and for Key Stage 3 and 4 pupils in separate programmes of study. Head teachers and governing bodies **must** ensure that these are adhered to and **must** have regard to statutory guidance issued by the Secretary of State.

231. Teaching of PSHE follows these principles:
- it **must** be accurate and balanced;
  - it **must** be appropriate to the age of the pupils concerned and to their religious and cultural backgrounds, and reflect a reasonable range of religious, cultural and other perspectives, and
  - it **must** be taught in a way that endeavours to promote equality, encourages the acceptance of diversity and emphasises the importance of both rights and responsibilities.

232. In the specific case of sex and relationships education governing bodies **should** consult with parents (and pupils in secondary

<sup>79</sup> Sections 11 and 12 of The Children, Schools and Families [Act 2010]

<sup>80</sup> 'Areas of Learning' in the primary curriculum were introduced by s. 10 of the Children, Schools and Families [Act 2010], and allow teaching across traditional subject divides at this level.

schools) in developing their policy and **must** make that policy publicly available to parents.

233. This Guarantee will apply in maintained schools and in Key Stages 3 and 4 in Academies. The standard schools route of redress applies.

**Guarantee 5.3: That every pupil should go to a Healthy School that promotes healthy eating, an active lifestyle and emotional health and wellbeing**

234. All schools **should** have accredited Healthy Schools status, which promotes healthy eating, physical activity, and emotional health and wellbeing. In supporting healthy eating, schools **must** be providing school food that meets the required school food and nutritional standards and **should** be encouraging all pupils to take up the offer of healthy school lunches.
235. Once a school has achieved Healthy School status, it can consider applying for Enhanced Healthy School status. The Healthy Schools enhancement model encourages schools, in consultation with local partners such as the local authority and local health services, to agree a limited number of key health outcomes, which the schools will work towards improving in partnership with others. In agreeing which outcomes to focus on schools **should** consider the key health and wellbeing needs of the school population, including those most at risk of poor health outcomes.

236. Commitment to developing healthy eating, an active lifestyle and emotional health and wellbeing will be further enhanced by schools becoming Sustainable Schools. It is expected that all schools will be Sustainable Schools by 2020. A Sustainable School delivers its core business of school improvement and children's wellbeing in a way that supports wider sustainable development such as efforts to reduce carbon emissions and mitigate climate change.

237. A Sustainable School has an ethos based on care: for oneself, each other and the environment, and it delivers this focus on care through its curriculum, how it operates its campus and in its relationships with its community. This sets a strong foundation for supporting the emotional health and wellbeing of pupils, as it is grounded in strong relationships and a sustainable community.

238. This Guarantee will apply in maintained schools and Academies. The standard schools route of redress applies.

# Part 3: The Parent Guarantee

## This Part constitutes the Parent Guarantee<sup>81</sup>

### Parent ambition 1: Parents have opportunities, information and support to exercise choice with and on behalf of their child

**239.** From the time they first consider the schools they would like their child to attend, to their decisions with their child about what they do when they leave school – it is critical that parents have the information to make the choices (and support their child in making choices) that are right for their child. The Government is also clear that the choices and views of parents are essential to driving improvement through the education system.

**240.** First, it is essential that all parents have confidence that all schools will deliver high-quality education and that Government will take action when they do not. Parents need to feel that their views on the choice of schools available locally are taken into account; and are entitled to have their application for a school place handled by a fair admissions process. To help parents

decide which schools would best meet their child's needs, all parents need information on school policies and performance. Some parents need help to understand that information and so they have access to Choice Advice.

**241.** Once their child has joined a school, parents are entitled to have their views on extended services, behaviour, the curriculum and travel listened to and acted upon by the governing body. To enable their child to get the most out of their time at the school, parents need information on the policies that the school has in place and need opportunities to become involved in school governance.

**242.** It is essential that parents' views on how each school is doing can be taken into account by other parents, the school and the organisations that support schools. Parents' views on how the school is doing are therefore reflected on the School Report Card and their views are taken into account by Ofsted when the school is inspected.

**243.** Finally, parents need information, advice and guidance on careers and subject choices open to their child while they are at school

<sup>81</sup> The technical, legally-binding Parent Guarantee is constituted by this part of the document.

and when they are making decisions about moving on from the school.

**Guarantee 6.1: Parents can be confident that the Government will take action where schools or local authorities are not delivering a high-quality education**

244. Every parent needs and wants their child to go to a good school that continually improves itself. That is why the Government is creating a system where every school gets challenged and supported to improve in ways that meet the particular needs and circumstances of the children, the school and the parents. The Government has set out the roles and responsibilities of itself and of local authorities with regards to schools' improvement. All governing bodies are responsible for their own improvement and local authorities (or the YPLA acting on behalf of the Secretary of State in the case of Academies) **should** work to support and challenge them to achieve their aims. This includes governing bodies being clear about the actions that will be taken by local authorities and the Government if they do not improve.

**Guarantee 6.2: Local authorities will seek and listen to parents' views on the range and quality of the schools in their local area**

245. Local authorities already have a number of duties in relation to involving parents in planning and securing the provision of schools.

246. Prior to the publication of any proposal for a new school the proposers **must** consult all interested parties providing them with sufficient information on the proposal(s) and allowing adequate time for responses to be made. In reaching a decision, the Decision Maker **should not** simply take account of the numbers of people expressing a particular view when considering representations on proposals. Instead, the Decision Maker **should** give the greatest weight to representations from those stakeholders likely to be most affected by the proposals, for example the parents of children who might be eligible to attend the new school.

247. Local authorities **should**, as a matter of course, be designing diversity of provision and factoring in parental views and wishes as part of their planning process, in order to drive up standards. Consulting with parents, carers and local partners will be part of the proactive work undertaken by local authorities in designing a school system responsive to the local community. Engagement with local parents **should not** only take place when there are specific proposals for closing or opening a school in the area, but be an ongoing integral part of the authorities planning process.

248. Under the parental responsiveness duty, local authorities **must** seek and analyse the views of Year 6 parents annually on the provision of school places in their area. Where their analysis shows 'material parental

dissatisfaction<sup>82</sup> with the existing range and quality of provision, the local authority **must** consult parents and **must** develop a plan that addresses the dissatisfaction, as far as is reasonable within the context of that authority. Local authorities **must** also publish the outcomes of the survey.

249. Parents must be given an opportunity to make representations on the content of the plan. Where those representations are not sufficiently favourable the local authority must refer the plan to the Schools Adjudicator. If the Adjudicator rejects the response plan, the authority must withdraw this and must prepare and publish a further plan. The Adjudicator may also determine that a plan is approved or that specific modifications are required.

**Guarantee 6.3: Parents can have confidence that the School Admissions Code ensures that a fair local process must be in place to allocate a school place to their child**

250. Parents can have confidence that fair access policies, when properly implemented, will remove barriers for parents in securing a school place on a fair basis. Fair access policies also encompass local policies on pupil travel and uniform. Admission arrangements are locally devised, proposed, consulted upon and adopted ('determined') to fit local needs.
251. Parents can object to any aspect of a school's admission arrangements during local consultation on proposals, or once they have been adopted, by raising their concern with the independent schools adjudicator (in the case of maintained schools) or the YPLA (in relation to Academies) either of whom can direct revision to ensure compliance. Admissions Forums, comprised of local executive, educational, community and religious bodies, **must** meet regularly to consider how fair access is.
252. Parents also have a right of appeal to an independent panel for each refused place. Panels **must** establish the facts and balance the arguments to reach a fair outcome. Panels are essentially a form of tribunal, and their decisions can only be reviewed by the courts. However, their conduct can be reviewed on application by parents to the Local Government Ombudsman in relation to maintained schools or the YPLA, acting on behalf of the Secretary of State, in relation to Academies. The School Admission Appeals Code has statutory force, and **must** be followed by panels, clerks and others concerned with the appeals process.
253. Governing bodies and local authorities (admission authorities) **must** follow the entire School Admissions Code and the Appeals Code, or risk the independent Schools Adjudicator/YPLA requiring them to do so. Local authorities are primarily responsible for ensuring fair access, and **must** report each year on their local area to the Schools Adjudicator.
254. Parents **must** be consulted when governing bodies and local authorities propose new or

82 What constitutes 'material parental dissatisfaction' is set out in regulations [forthcoming].



revised admissions policies. These **must** explain how applications will be handled, and how places will be allocated if there are more applicants than places.

- 255.** Every applying child **must** get an offer of a state school place, which is co-ordinated by local authorities. If there are too many applications for a school, children in care **must** be given priority. Other priority groups may include, for example, children with SEN or disabilities, those living nearest to the school, twins or siblings, or children from service families.
- 256.** Under the Disability Discrimination Act 1995 (as amended by the SEN and Disability Act 2001) governing bodies and local authorities (admission authorities) **must** publish accessibility plans and strategies. They **must not** discriminate against disabled children in their admissions arrangements, in the education and associated services provided by the school for its pupils or in relation to exclusions from the school. Governing bodies and local authorities must also publish a “disability and equality scheme”.
- 257.** Governing bodies and local authorities **must** limit the school’s intake each year, but **must not** impose conditions such as interviews, donations or signing agreements in advance. The governing bodies and local authorities of designated schools can set tests for children’s ability or aptitude, or prioritise children of their faith.
- 258.** If unsuccessful in getting a specific school place, governing bodies **must** give parents

reasons and the option to appeal against the decision. The school place **must not** be withdrawn once a child is in school, unless their place was obtained dishonestly.

**Guarantee 6.4: Parents get a package of information on every school in which they are interested that includes the School Report Card, giving information on school performance, and its prospectus, giving information on its policies, including expectations of behaviour**

- 259.** This is a new requirement on local authorities to make available to parents information on schools in their local area from school prospectuses alongside information from School Report Cards. This will inform parents’ choices while making applications to schools for their children.
- 260.** Regulations<sup>83</sup> require local authorities and governing bodies to make information available to parents on schools in the local area. Every year, in line with timescales set out in legislation, local authorities **must** publish a composite prospectus (or separate composite prospectuses covering primary and secondary schools) which **must** include all maintained schools, Academies, and City Technology Colleges and City Colleges for the Technology of the Arts in the composite prospectus area.
- 261.** Composite prospectuses **must** include: the application process for schools; a copy of the common application form and guidance on

<sup>83</sup> Education (School Information) (England) Regulations 2008 (SI 2008/3093)

how to complete it; details of local travel arrangements (including specific arrangements for children with SEN and where preferences for schools are expressed on the grounds of religion or belief); a summary of the local authority's co-ordinated admission scheme; and an explanation of the local authority's fair access protocol.

262. Local authorities **must** also publish other information on their educational policies including: contact details for any enquiries to the local authority on its educational policy; provision for school meals and school uniforms; local arrangements and policies for on educational grants and allowances; the local policy on entering pupils for public examinations; local provisions for pupils with SEN, and their families; local charging and Sustainable Modes of Travel Strategy and summary; and local educational travel arrangements and the travel strategy.
263. Composite prospectuses **should** also signpost parents towards further information directly from schools (for example from their websites); or towards sources of independent advice on local schools and admissions processes (like independent Choice Advisers who are already targeting their support towards the more vulnerable parents when choosing secondary places); and Parent Partnership Services (PPS) for parents of children with SEN, which **should** be provided by dedicated staff working separately from the local authority's SEN team to provide neutral

advice and information to parents about their child's needs, SEN policies, interpretation of information, empowerment and support through the statutory assessment process.

264. Governing bodies **should** also make available to parents their behaviour policies. They **must** ensure that their policies are designed to promote good order, encourage self-discipline and respect among pupils, and prevent all forms of bullying.
265. Governing bodies and local authorities **must** meet their statutory responsibilities to provide information to parents through the SEN information regulations and through the Disability Discrimination Act<sup>84</sup>. This includes asking parents for their feedback on how well their information needs are being met.

**Guarantee 6.5: Parents can get help and support from Choice Advisers**

266. Local authorities **must** provide an independent Choice Advice service for parents who need support on choice of school place, for example those who have not completed an application form, those who find it difficult to engage with their child's primary school, those who experience problems with their own reading and writing, and those who have English as an additional language. Choice Advice **must** be independent and impartial and **must** be targeted at those parents who most need

84 The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 SI 2218, published with the of the SEN Code of Practice

support with the secondary school admissions process. Some local authorities also provide Choice Advice at the primary admissions stage, for in year admissions, and at the appeals stage. Many parents in need of choice advice are unlikely to seek out help for themselves, so Choice Advisers **should** develop links with other agencies such as schools and community organisations in order to identify and reach them. Local authorities **should** ensure that Choice Advisers link with other local agencies such as Parent Partnership Services to ensure that parents get advice which is tailored to their child's needs.

267. Parents can make a complaint using their local authority's formal complaints procedure if they feel they should have received Choice Advice and they did not – the standard local authority route of redress applies.

**Guarantee 6.6: Parents have their views on services, behaviour, the curriculum and travel listened to and acted upon by the school**

268. Under Section 28 of the Education Act 2002, the governing bodies of maintained schools **must** consult parents before setting up community facilities and take into account their views in delivering community facilities. Governing bodies **should** also consult parents about the provision of other services, activities and facilities. They **should** involve parents in planning the activities for children and young people and identifying what

activities are wanted for parents themselves. If a parent does not think their views on extended services have been properly taken into consideration, they can pursue the matter through the school's complaints procedure in the first instance.

269. Local authorities are under a duty to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. Local authorities **should** ensure that there are travel arrangements in place which, in some circumstances, may be free of charge. Information about the availability of home to school travel and transport must be made available to parents with details of travel and transport options being set out in the authority's composite prospectus.
270. Local authorities **should** have in place a robust appeals procedure for parents to follow if they have cause for complaint or disagreement concerning the eligibility of their child for travel support. The details of appeals procedures **should** be published alongside travel policy statements.
271. Local authorities **should** publish general arrangements and policies in respect of transport for pupils of compulsory school age and below to and from schools and institutions within the further education sector. Local authorities **should** consult widely on any changes to their local policies on school travel arrangements, with parents included in the consultations.

272. Governing bodies **should** seek the views of parents and pupils when developing their school food policy. They are also encouraged to consult widely on any changes to their school uniform policies and seek the views of parents before implementing a change.
273. Local authorities **should** have in place a robust appeals procedure for parents to follow if they have cause for complaint or disagreement concerning the eligibility of their child for travel support. The details of appeals procedures **should** be published alongside travel policy statements.
274. Every school **must**<sup>85</sup> have a behaviour policy, including disciplinary measures, determined by the head teacher/teacher in charge in the light of principles set by the governing body<sup>86</sup>. The head teacher<sup>87</sup> **must** publicise the measures in the behaviour policy and draw them to the attention of staff, all pupils and all parents at least once a year. Governing bodies **must** ensure that policies designed to promote good order and discipline are pursued at the school and parents **should** be consulted on helping to design the school's draft curriculum policy. Parents' views will then be considered by the head teacher or governing body. Governing bodies **must** review the school behaviour policy and **must** consult all pupils and parents (this **should** be at least once every two years), and **must** draw it to their attention at least once every year. The consultation can be organised in various ways but **must** be such that all pupils have the opportunity to express their views.
275. Every school **must** have a curriculum policy<sup>88</sup> which is reviewed every school year. Parents **should** be consulted on helping to design the school's curriculum policy and their views considered by the head teacher and governing body.
276. These requirements are the same for Short Stay Schools where the head teacher or teacher in charge and the management committee have the responsibilities.
277. Schools **should** be aware that children with Special Educational Needs and Disability (SEND) are particularly liable to be affected by bullying. Schools anti-bully policies **should** reflect this. Children with SEND may also exhibit bullying behaviour; a learner with Behavioural, Emotional and Social Difficulties (BESD) for example may demonstrate anti-social behaviour but did not intend to bully.<sup>89</sup> Although schools need to tackle behaviour which disrupts the education of other children, whatever the cause, they **should** consider whether enhanced or altered support and interventions for disabled children and those

85 For maintained schools (including nursery, special and pupil referral units) and non-maintained special schools, the relevant legal duties are set out in sections 88–89 of the Education and Inspections Act 2006. Similar duties are placed on independent schools under the Education (Independent School Standards) (England) Regulations 2003 or, in the case of Academies, under their Funding Agreement with the Department.

86 The legal responsibility for the governance arrangements within an academy is with the relevant Academy Trust.

87 The head teacher of an Academy is known as the Principal.

88 Regulation 8 of the Education (School Government) (Terms of Reference) (England) Regulations 2000.

89 <http://publications.teachernet.gov.uk/eOrderingDownload/Bullying-SEN.pdf>

with SEN will address these children's behavioural difficulties.

278. Under the Disability Discrimination Act governing bodies **must** make reasonable adjustments to prevent discrimination against disabled pupils. Schools' anti-bullying policies **must** include measures aimed to prevent all forms of bullying.

**Guarantee 6.7: Parents can access information on school policies including on SEN and usually covering behaviour and uniform expectations**

279. Under school prospectus regulations, governing bodies of maintained schools **must** produce a prospectus that gives information about the school. The school's prospectuses **must** include the school's name, address, telephone number, website address (if they have one), a general email address, the name of the school's head teacher and the chair of the governing body.
280. The school's prospectus **must** also include a statement of the school's ethos and values; an explanation of any accredited status; details of any religious affiliations and its religious education policy.
281. In addition, the school's prospectus **must** also include summaries of all key policies and strategies, including anti-bullying and pupil safety and wellbeing; attendance; early years (where relevant); behaviour; race equality, diversity or general equalities policy; curriculum/teaching and learning; SEN and disability equality schemes and accessibility plans; gifted and talented; information and guidance for young people; physical education and healthy schools; parental support and engagement; pupil voice; extended services; school uniforms; the complaints procedure and support for Looked After Children. Where summaries of these or other policies have been included, governing bodies **must** make clear how parents can obtain full versions of each policy if they would like more detailed information (for example via the school website).
282. The school's prospectus **must** include information as to where and how parents can access additional information on the school (like, for example, achievement and attainment tables, published reports of recent school inspections, full details of relevant local authority admissions policies).
283. Governing bodies **must** review the school's prospectus at least annually and **must** consult parents during each review.
284. Governing bodies **must** make hard copies of their prospectus available to parents and prospective parents on request but do not have to provide hard copies automatically. Where schools have a website, the prospectus **must** be available to be downloaded from the website.

**Guarantee 6.8: Parents can become involved in school governance**

- 285.** Regulations set out the requirements for the constitution of governing bodies of maintained schools in England.
- 286.** Governing bodies of all maintained schools **must** ensure that parents form at least one third of their membership. In foundation and voluntary aided schools parents are represented by elected parent governors and foundation governors who are eligible for election as parent governors. In community and voluntary controlled schools parents will be elected as parent governors. Governing bodies **must** hold elections for parent governors when vacancies arise.
- 287.** The management committees of Short Stay Schools **must** have at least one elected parent member but parent members **must not** make up more than one fifth of the total membership.

**Guarantee 6.9: Parents have their views considered by Ofsted during school inspections and in decisions about when to inspect**

- 288.** Governing bodies, including those of Academies, **must** notify parents about the inspection of the school and **must** provide parents with the questionnaire so that they can let inspectors know their views about the school. Short Stay Schools **must** also do this.

- 289.** Ofsted is independent in matters of inspecting and reporting and it is for the Chief Inspector to determine the extent to which parental views will determine the timing of an inspection of any school or Short Stay School. Complaints by parents that their views have not been taken into account can be made to Ofsted.
- 290.** The aspect covering decisions about when to inspect is new and is currently linked to the planned gathering of parental perceptions as part of measuring progress against the new wellbeing indicators for schools.
- 291.** Any parent can write to Ofsted at any time if they have a concern about their child's school. Ofsted has powers to investigate certain complaints and can use this to inform its decision on when an inspection ought to take place. However, Ofsted has discretion here so a parent cannot require Ofsted to inspect.

**Guarantee 6.10: Parents will be asked for their views on how the school is doing and their views will be included on the School Report Card**

- 292.** In line with regulations, governing bodies **must** seek parental views of the school's contribution to wellbeing and how satisfied they are with the school.
- 293.** The School Report Card **should** include the views of parents and **must** be easily accessible to a wider audience including parents.

**Guarantee 6.11: Parents get high-quality information and advice on the career and subject choices open to their child**

294. All parents need high-quality information and advice through schools about the career and subject choices open to their child. Head teachers **must** ensure that each pupil has a named Personal Tutor at their school who **must** be able to signpost parents to additional resources or support and advice. Head teachers **must** ensure that all members of school staff providing careers advice provide impartial information and advice that promotes the best interests of the pupil<sup>90</sup>.
295. Governing bodies **should** provide parents with information and advice that enables them to consider local learning and work options. In particular all parents **should** be made aware of local Connexions services and the information available on-line through the 14–19 Prospectus and Apprenticeships Vacancies On-Line<sup>91</sup>. They **should** also inform parents about centrally produced resources (e.g. Connexions Direct, the “Choices” booklets) that can help their children to make informed choices<sup>92</sup> and **should** ensure that parents have access to information on Higher Education.

296. Local authorities **must** arrange for a s139(a) learning difficulty assessment to be carried out during a child’s last year of compulsory schooling where he or she has a statement of Special Educational Needs (SEN) and is intending to follow education or training in the Further Education system. The assessment **should** place the child at the centre of transition planning and ensure that parents are actively involved in agreeing the outcome.

**Parent ambition 2: Parents have a home-school agreement outlining their rights and responsibilities for their child’s schooling**

297. Legislation on home-school agreements (HSAs) has been strengthened so that parents will have a clearer understanding of the expectations around each child’s learning, development and behaviour and the responsibilities of the parent, child and school to help them meet those expectations. The new home-school agreements will also ensure that parents are clearer about the consequences of not meeting the expectations of them around their child’s behaviour as they are better aligned with behaviour enforcement mechanisms like Parenting Contracts and Orders.

90 Section 43 of the Education Act 1997, as amended by the Education and Skills Act 2008. This amendment does not cover Academies, and the duty is applied to Academies by the Guarantee itself.

91 Section 45A of the Education Act 1997, as inserted by the Education and Skills Act 2008

92 Section 45A of the Education Act 1997, as inserted by the Education and Skills Act 2008

**Guarantee 7.1: Parents have a home-school agreement that outlines the school's and family's responsibilities**

- 298.** To support effective partnership between parents and schools, following the child's admission to a school, the head teacher **must** ask each parent to sign a home-school agreement that outlines the school's aims and values; and sets out the general and particular responsibilities of the parent, child and school. The home-school agreement is not a 'contract' in the legal sense. It is a statement of shared objectives between home and school, setting out the expectations and responsibilities of school, parents and child.
- 299.** The home-school agreement **should** help articulate for each child and their parents what their entitlements as outlined in this Parent Guarantee and in the Pupil Guarantee will mean in practice within that school. It **should** also outline the responsibilities that parents and pupils have and support provided by the school or other organisation.
- 300.** Head teachers **must** review each home-school agreement at least annually and **must** consult parents as part of that review. Parents **must** be provided with a new home-school agreement and asked to sign a new declaration after each review.
- 301.** For Looked After Children their primary day-to-day carer, who would normally be their foster carer or key worker (in the case of those who live in residential care homes), is seen as their parent for the purposes of education. However, as the local authority has "corporate parenting" responsibility, the head teacher **should** also liaise with the local authority in line with existing statutory guidance. For Looked After Children accommodated under Section 20 of the Children Act 1989 parental responsibility is shared between the local authority and the child's parent(s).
- 302.** For Looked After Children head teachers **should** make sure that the home-school agreement builds on or refers to the child's Personal Education Plan. The Designated Teacher for Looked After Children, (a statutory role in every maintained school), **should** take responsibility for making sure this happens and for making sure there is a constructive and ongoing dialogue between the school and carers for Looked After Children. Where there are concerns, this **should** be raised first with the carer, and then subsequently the local authority which looks after the child. Action including review of the Personal Education Plan and Care Plan **should** be put before any enforcement action.
- 303.** The home-school agreement **must** articulate the measures that schools have in place to support pupils with special education needs.
- 304.** Parents of children with SEN are likely to require a range of information and support that keeps pace with their child's changing needs. Head teachers **must** ensure that the provision of information is backed by wider communication and engagement strategies,



which build in processes to monitor impact and routinely ask parents for feedback. Head teachers **should** be transparent about how the support for children with SEN is provided. This will establish an agreement and a shared purpose around how services are provided and how needs are met.

- 305.** For parents of children with special educational needs, home-school agreements **should** explain how responsive and personalised learning will be provided. The agreement **should** clearly set out a child's individual needs and how these will be met and document how responsibilities for learning and development are to be delivered.
- 306.** Whilst there is no requirement for Short Stay Schools or other alternative provision to have home-school agreements with parents, they may choose to do so voluntarily.

#### Parent Guarantee provisions relating to home-school agreements

**Guarantee 7.2: Parents' home-school agreement will make clear their particular responsibilities, especially around the behaviour of their child**

- 307.** Head teachers **must** ensure that home-school agreements outline the responsibilities of the school, and of the parent, with regard to each child's conduct, education and wellbeing. The home-school agreement **must** also outline and the school's expectations of the child, with

regard to each child's conduct, education and wellbeing.

- 308.** If pupils begin to experience problems, for example with their behaviour, schools often discuss responsibilities and expectations with the pupil and parents. In such cases, head teachers **should** consider recording the behaviour requirements for the child and the school's expectations of the parents in more detail on the home-school agreement, or even reviewing it.
- 309.** Head teachers **must** be aware of the behavioural issues that some children with SEN may have and **should** consider whether enhanced or altered support and interventions will address these children's behavioural difficulties. Schools **must** work in partnership with parents when drawing up home-school agreements.
- 310.** Head teachers **must** take account of their duties under the Disability Discrimination Act not to discriminate against the children for a reason related to their disability.

- 311.** Head teachers **should** ensure that school agreements with parents of disabled children and children with SEN explain how responsive and personalised learning will be delivered. The agreement will clearly set out a child's individual needs and how these will be met and document how responsibilities around learning and development are to be delivered.

**Guarantee 7.3: Schools will understand that they have new and stronger powers to enforce the home-school agreement where parents are not fulfilling their responsibilities around behaviour**

312. Signing the home-school agreement once a child has started at a school will indicate that the school and the parents are committed to the behaviour and other policies and particular responsibilities and expectations outlined in the home-school agreement.
313. There is no legal requirement for parents to sign the home-school agreement and parents and children **must not** be penalised where a parent has not signed the home-school agreement. In cases where parents do not sign, schools should work with the parents to explore the reasons for them not signing. If agreement cannot be reached, the head teacher **should** consider the reasons and any issues that have been identified. The head teacher **should** consider whether early intervention by other professionals, for example Parent Support Advisers, to explore with the family and school what the issues are and how they can be resolved is appropriate. The head teacher **should** also consider whether a voluntary Parenting Contract or an application to the magistrate's court for a Parenting Order would be appropriate. Both measures would provide free support to parents who may need help to manage their child's behaviour/attendance but are unwilling to ask. In cases where a child's school attendance becomes a

serious problem the local authority may consider prosecution.

**Guarantee 7.4: Parents understand the expectations of them and their child and the consequences of not acting to support the school in addressing their child's behaviour and attendance issues**

314. Every time a home-school agreement is reviewed or provided the head teacher **must** also provide each parent with a declaration to sign to indicate that they acknowledge and accept the school's aims and values, the responsibilities of the school and of themselves as a parent and the expectations with regard to that child's conduct, education and wellbeing.
315. Head teachers **should** consider whether parents need support to understand the content and meaning of the home-school agreement and communications concerning it, including discussion with representatives of the school. This might include supporting parents who do not have sufficient language skills. If a school identifies that parents need help, for example in the form of translation or sign language support, the head teacher **should** consider whether it can be provided or whether alternative arrangements can be made that would be more accessible to the parent.
316. Where there are concerns about a pupil's behaviour or attendance the head teacher should make every effort to draw this to the attention of parents and where necessary hold a meeting to discuss how parents can

engage with the school to address these issues. If a parent fails to comply with the terms of the home-school agreement the school can consider offering a Parenting Contract or applying to the magistrate's court for a Parenting Order. In the case of a pupil's irregular school attendance the local authority can decide to prosecute the parent. These legal sanctions **should** be used only as a last resort where efforts to work with parents have failed.

- 317.** While schools have strong powers to enforce the home-school agreement that outlines expectations for pupil behaviour, this **should not** be enforced at the expense of measures to support children with SEND. Head teachers **must** under the Disability Discrimination Act make arrangements for those children who may be absent from school – e.g. to attend multiple appointments for a long term health condition.
- 318.** Head teachers **must** ensure that the home-school agreement reflects the school's behaviour policy.
- 319.** Short Stay Schools **must** also do this where the Teacher in Charge and management committee have the responsibility.

### **Parent ambition 3: Parents have the opportunity, information and support they need to be involved and engaged in their child's learning and development**

- 320.** Parents' influence is the single most important factor in shaping their children's well being, behaviour, achievements and

prospects – it outstrips every other factor including social class, ethnicity or disability in its impact on attainment. Activities such as reading with children, talking to them and their teachers about what they have been doing at school, helping with their homework, or discussing subject and career options can make a real difference.

- 321.** Parents' participation in activities with their children can have a significant effect on educational achievement. This effect continues into adolescence and adulthood<sup>93</sup>. In 2007, around half of parents surveyed said that they felt very involved in their child's school life; but two thirds of parents said that they would like to be more involved<sup>94</sup>. Schools can make a real difference to the way that parents engage with their child's learning and development. Specific activities to support that engagement can help but the way schools manage their teaching and learning will also shape parents' engagement, for example by ensuring that parents have information on what children are doing in class to support conversations with their child at home.
- 322.** Governing bodies, head teachers and local authorities **should** take reasonable steps to ensure that they, wherever possible, treat each child's parents equally. Where there is a court order limiting an individual's exercise of parental responsibility head teachers, governing bodies and local authorities **must**

<sup>93</sup> Sylva, K., Melhuish, E., Sammons, P., Siraj-Blatchford, I. and Taggart, B. (2004) *Effective Pre-School Education*. DfES. London: Institute of Education.

<sup>94</sup> Peters, M., Seeds, K., Goldstein, A. and Coleman, N. (2008).

take that order into account. They **should** also take into account any concerns that sharing information with parents would present a risk to the child or another person.

**Guarantee 8.1: Parents receive annual reports on their children’s progress**

- 323.** Parents need to know that schools are able to contact them about routine matters and in an emergency. Head teachers **must** record the names and addresses of the parents of all registered pupils, as required by section 434 of the Education Act 1996 and the accompanying pupil registration regulations. Head teachers **should** also record additional information like telephone numbers, email addresses, and details of the relationship between the child and the parent.
- 324.** Head teachers **must** keep and update their pupils’ curricular records and **must** report at least annually on each pupils’ educational and curricular achievements and behaviour to all their parents. They **must** provide parents with an opportunity to discuss the report with their child’s class teachers.
- 325.** Head teachers **must** also provide a report to children leaving the school; and **must** ensure that key information from pupils’ records is transferred efficiently using the common transfer file, when pupils change schools.

**Guarantee 8.2: Parents have access to their children’s school record when requested**

- 326.** For maintained schools, this is an existing requirement<sup>95</sup>. Academies have similar obligations<sup>96</sup>.
- 327.** All parents need to know how their child is doing at school. Under school record regulations governing bodies **must** allow parents to view or have copies of their child’s educational record.
- 328.** Head teachers **must** ensure that each child’s home-school agreement, and any record of discussions with the child’s parents relating to the home-school agreement, are included in the educational record.

**Parent Guarantee provisions relating to Involvement and Engagement:**

**Guarantee 8.3: Parents can contact and meet a member of staff who knows their child well – a named Personal Tutor in secondary schools or their child’s teacher in primary schools**

*In secondary schools*

- 329.** This Guarantee applies to parents of pupils in secondary schools, including middle-deemed secondary schools, and to parents of pupils in Year 7 and above in all-through schools (i.e. schools which take pupils from

<sup>95</sup> Under the Education (Pupil Information) (England) Regulations 2005 (SI 2005/1437) [currently being revised]

<sup>96</sup> Under the Education (Independent School Standards) (England) Regulations [2010 – forthcoming].

age 3–8 up to 16–19). This Guarantee applies to Academies.

- 330.** From September 2010, head teachers **must** ensure that a named individual is assigned to each pupil, to provide personal tutoring and co-ordinate help. Head teachers **must** ensure that parents are told which member of staff has been assigned to each of their children and **must** ensure that a record is kept of which member of staff has been assigned to which pupil.
- 331.** Pupils will generally keep the same contact throughout their time at secondary school, though that will not always be desirable or practicable in every case – for example, if there is a change in the pupil’s needs, or if a member of staff moves to a new post or leaves the school.
- 332.** It will be up to individual head teachers (in the light of any guidance provided by the governing body) to decide which members of the school workforce will undertake personal tutoring. Named members of staff **should** know the pupil well, **should** have an overview of the pupil’s progress across the curriculum and **must** be able to direct the pupil, and their parents, towards advice, support or resources to help the pupil to address any learning needs and issues and to achieve their potential.
- 333.** Members of staff providing personal tutoring and co-ordinating help **should** expect to be contacted by parents and **must** be available to meet them.

#### *In primary schools*

- 334.** This Guarantee applies to parents of pupils in primary schools, including middle-deemed primary schools, and to parents of pupils in year 6 and below in all-through schools. This Guarantee applies to Academies.
- 335.** There is no need for the school to assign a named member of staff to each pupil, but the head teacher (in the light of any guidance provided by the governing body) **must** ensure that the necessary arrangements are made to enable teachers to be contacted by – or to meet – parents. In many cases, the appropriate teacher will be the usual class teacher but, where the child is taught by more than one teacher it may be appropriate for the head teacher to decide that the contact is to be with another teacher. The teacher available to be contacted or met **should** know the pupil well.
- 336.** In both primary and secondary schools, the frequency, timing, length of contact and amount of notice given **must** be reasonable and proportionate. What is reasonable and proportionate may vary from one pupil to another, and may well change over time.

#### **Guarantee 8.4: Parents understand their child’s individual learning and development priorities and their child’s particular needs**

- 337.** Head teachers **should** ensure that parents have opportunities to receive information face to face and in writing about their child’s learning and development priorities and

their formal learning goals related to their individual progress. This **should** be done through home-school agreements, annual pupil reports as well as through other appropriate methods.

- 338.** Head teachers **should** ensure that school staff listen, consider and respond to parents' views on their own child's goals and progress. They **should** make sure that information is provided for parents in a range of ways so that as many parents as possible are able to access it. They **should** ensure that school staff hold conversations with parents and develop effective ways to communicate on an ongoing basis. Head teachers **should** ensure that school staff use the outcomes of these conversations to improve learning and teaching for pupils, including those with special educational needs.
- 339.** Head teachers **should** ensure that school staff work with all parents to identify any particular circumstances or issues that influence a parent's access to information, for example a parent who does not live with the child or a parent who is visually impaired. They **should** make efforts to ensure that communication is undertaken in a way that that parent can access.
- 340.** Head teachers **should** ensure that parents have information and support that will help them understand the information provided about their child's learning and development priorities and goals. This might include information on individual progression

through national curriculum levels, for example, through Assessing Pupils' Progress.

- 341.** Where a child in Key Stage 1 is identified under Guarantee 3.4 as being entitled to catch-up support, head teachers **should** ensure that staff discuss with the pupil's parents:
- the child's progress;
  - the need for support; and
  - what they, as parents, can do to support their child's learning at home.
- 342.** This Guarantee also applies to Short Stay Schools and other alternative provision.
- Guarantee 8.5: Parents understand their responsibilities to help their child progress and develop and understand how to support them**
- 343.** Head teachers **should** ensure that parents have and can access information on the curriculum and other learning and development that the child is undertaking within the school.
- 344.** Schools **should** make clear to parents, through home-school agreements and other methods, parents' own responsibilities for their child's learning and development. They **should** also ensure that parents have information, opportunities and support to help them fulfil those responsibilities.
- 345.** Information might include meetings with parents about particular learning issues and information on the curriculum. Opportunities could include family learning opportunities

in the school, or homework that requires the child and parent to work together. Support could be from a parent support adviser or similar professional, the opportunity to talk to one of the child's teachers or through a voluntary organisation.

346. This Guarantee also applies to Short Stay Schools and other alternative provision.

**Guarantee 8.6: Parents have information on their child's behaviour, attendance, SEN, progress and attainment online in secondary schools by 2010 and in primary schools by 2012**

347. Head teachers **should** report online to parents about their child's behaviour, attendance, SEN, progress and attainment (in secondary schools by 2010 and in primary schools by 2012).
348. Head teachers **should** ensure that all information, reports and communications are written in simple, clear, plain English; and all statutory information is presented in such a way that it is timely and meaningful for parents and pupils. Head teachers **should** work with parents to ensure that the information reported meets parents' needs.
349. Head teachers can provide their annual report on each pupil in an electronic format if parents agree to this arrangement. However, they **must** also give consideration to parents who may want to continue to receive hard copies of their children's reports (for example those without ready access to a computer). Head teachers **must** therefore

also ensure that arrangements are in place to provide hard copies of the report to parents who request them.

350. Information **should** detail the sub-levels of curricular progress achieved for each subject and include a narrative on this progress against both individual and national expectations. This enables both child and parent to understand where they are in their learning across the curriculum, where they are heading next, and how to get there. Head teachers **should** ensure that teaching staff use Assessing Pupils' Progress (APP) or similar materials, as a basis for making judgements on sub levels.
351. Many schools find it helps parents to be able to access information on what their child is learning at school in that term or week by giving them access to materials that teachers have already prepared. Governing bodies **should** also provide information on the school and key activities online via school web site and alert systems (e.g. email, text messaging).
352. Head teachers **must** record all data in secure systems that meet data and information security standards and legal requirements. They **must** also ensure that access to systems and data is secure including processes for ensuring that parents and carers are entitled to access.
353. Head teachers **should** ensure that school staff use a range of methods to work in partnership with a child's parents including face-to-face meetings, online

communication, email, phone and text messaging. They **must** consider parents' requests to receive or access information using different media including online, email, phone and text messaging.

354. Head teachers **should** develop clear shared expectations with parents and staff to ensure that the use of technology to support communication between schools and parents is helpful for parents and manageable for school staff.

**Guarantee 8.7: Parents receive information about catch-up support for pupils starting secondary school behind national expectations plus information on their child's progress, including the results of a new progress check during Year 7**

355. If a child does not reach Level 4 at the end of Key Stage 2 then the child is guaranteed a reasonable offer of either one-to-one tuition or small group support before the end of Year 7. It is the responsibility of the governing body to ensure that eligible pupils receive the appropriate support. Head teachers of secondary schools **must** decide which intervention is most appropriate for each child based on teacher assessments, transition information from the relevant primary school, results of the end of Key Stage 2 tests and their own judgment.
356. Head teachers **should** ensure that the type of intervention, either one-to-one tuition or small group support, provided to a pupil under this element of the Pupil Guarantee is communicated to parents as soon as

possible so they are aware of what the school is doing to support a child entering Year 7 below expectations to make accelerated progress.

357. Eligible pupils will then be entitled to a progress check (based upon a class teacher's judgment) by the end of Year 7 so that pupils and parents understand how a pupil has progressed. Head teachers **must** report the outcome of this check to parents. They **must** inform the parent about the nature of the support provided to a child under this element of the Pupil Guarantee at the same time as they report the result of the progress check.

**Guarantee 8.8: Parents receive written confirmation of the extra challenge and support their child will receive if they are identified as gifted and talented and a clear understanding of what they should do to help them**

358. School governing bodies are already required to confirm, in respect of all pupils on the school register "whether the pupil has been registered or identified by the school as belonging to its gifted and talented cohort"<sup>97</sup>. This information is collected through the termly school census.
359. Every governing body **should** identify its gifted and talented learners, recognising that this population will change over time. Each census response therefore provides a snapshot of the identified population at that

<sup>97</sup> Education (Information about Individual Pupils) (England) Regulations 2006



point. It is important that gifts and talents among disabled pupils and pupils with SEN are identified and provided for. Pupils whose impairment or learning difficulty affects their achievement in one area of the curriculum may be gifted or talented in others.

- 360.** At the beginning of the academic year, or as soon as is practical, the governing body **must** define the provision that the school will make or secure as a consequence of the pupil being identified as gifted and talented through the school census, and **must** communicate that in writing to the pupil via his or her parents, making clear that this is a response to their identification as gifted and talented.
- 361.** If and when a learner is no longer identified as gifted and talented, the governing body **must** ensure that this is communicated in writing to the pupil via his or her parents.
- 362.** If the pupil continues to be identified as gifted and talented, the governing body **must** update the provision that the school will make or secure as a consequence at the beginning of the academic year, or as soon as is practical, and **must** communicate that in writing to the pupil via his or her parents.
- 363.** The description of provision need not amount to an individual education plan unless the school expressly wishes to use this approach. It **should** address the following elements of the Institutional Quality Standards for Gifted and Talented Education:
- effective provision in the classroom;
  - enabling curriculum entitlement and choice;
  - assessment for learning;
  - school ethos and pastoral care;
  - engaging with the community, families and beyond; and
  - learning beyond the classroom.
- 364.** The governing body **should** follow the Standards as defined at entry level, unless there is a specific reason relating to the circumstances of the individual child concerned which makes it impracticable or inappropriate to follow them.
- 365.** Head teachers **should** involve parents in planning the support their child will receive in the classroom and through extra-curricular activities. They **should** also discuss with them activities they could undertake at home that will further support their child's development.
- 366.** Governing bodies **should** ensure regular communication with parents/carers in order to discuss progress at school and at home.
- 367.** Where a parent, on behalf of their child, does not receive a communication in accordance with paragraphs 360–363 above, or where the communication fails to meet the description in paragraph 363 above, the parent may complain to the school. If the parent considers that the school has failed to respond appropriately to such a complaint on the grounds that the provisions of this Guarantee are still not satisfied, he or she

may complain to the LGO (or the YPLA in the case of Academies).

368. If the LGO or YPLA considers that the school has failed to satisfy these requirements, he/she may instruct the school to comply within a defined period and to do so having regard to the published guidance.

#### Parent ambition 4: Parents have access to a variety of activities, facilities and services, including support and advice with regard to parenting

369. It is important that schools work with other schools, local authorities and other organisations to meet the wider learning and developmental needs of children. This includes that children can access childcare, activities and specialist health and other services. It is important that parents are seen as partners in understanding the needs of their children and in supporting them. It is also important for children's well-being that parents are able to access support in the issues they face in their role as a parent.
370. Partnership over support for the development and wider well-being of children is particularly important for children with SEN and disabilities. For these children it is essential that schools and local authorities work in partnership with parents to understand each child's needs and ensure that they get the support that will make a difference to them.
- Guarantee 9.1: Parents who need additional support have access to support, including Parent Support Advisers or similar professionals who work with parents**
371. Parent-facing professionals are employed by local authorities, schools or other organisations to work with parents individually and in groups to address issues they face in their parenting and support for their child's learning and development. These professionals are based in or around one or more schools and work with parents or parents and children on both universal and more targeted issues.
372. Local authorities, head teachers and governing bodies **should** work together to ensure that parents are able to access advice and support from trained professionals. That advice **should** cover issues they face including behaviour, attendance, special educational needs, parenting skills, and parents' engagement in their children's learning and development. Local authorities **should** ensure that the professionals are able to access appropriate training and have access to appropriate supervision arrangements for their case work with parents.
373. Local authorities **must** give parents whose children are going through the assessment and statement process access to a 'named officer'. Local authorities **must** provide access to parent partnership and disagreement resolution services and governing bodies **must** have Special

Educational Needs Coordinators (SENCOs) in place who can provide advice to parents, along with their other roles.

- 374.** Local authorities **should** ensure that parents have access to a range of information online and in other forms on issues they face including behaviour, attendance, special educational needs, parenting skills, and parents' engagement in their children's learning and development. This **should** include information identifying the services available to support families.
- 375.** Regulations require that local authorities **must** publish information on their websites about SEN and make it available on request in written form.
- 376.** Governing bodies **must** communicate with parents to ensure new interventions build on multi-agency work which may already support the child or young person.

#### Parent Guarantee provisions relating to access to a variety of activities, facilities and services

**Guarantee 9.2: Parents have access to a range of activities, facilities and services by 2010 including: information and support on parenting skills and advice on parenting issues; childcare; activities; and opportunities to enhance their own learning and to learn with their child**

- 377.** To complement the Guarantees relating to childcare (4.6), activities (4.7) and health and specialist care (3.9), parents are entitled to the following activities, facilities and services.

#### *Varied menu of activities*

- 378.** Governing bodies **must** make parents aware of the activities available to their child and how they can access them.
- 379.** Governing bodies **must** consult parents on the timing and range of activities and take into account the views expressed by children to ensure the activities on offer reflect demand. They **should** be open with parents about the results of consultation and action taken following consultation.
- 380.** Governing bodies are not required to provide all activities free of charge, but they **should** make every effort to ensure their offer is inclusive and accessible to all children, taking into account financial, transport and other barriers including disabilities.

#### *Parenting support*

- 381.** Parents sometimes need additional information and support to help them in their role as parents. This might include structured, evidence-based parenting programmes, as well as more informal opportunities for parents to engage with the school and each other. Governing bodies and local authorities **should** work together to ensure that there is a variety of support available to meet parents' needs and preferences. For example many parents will want the support of a network of parents or a short discussion rather than a more formal course. Local authorities **should** ensure that there are sufficient places on evidence-based

parenting programmes to enable parents who need to, to attend them. Local authorities and governing bodies **should** both ensure that parents have information on the benefits of such courses and how they can access them. Services **should** be as local as possible and in places where parents are likely to be comfortable.

- 382.** Parents often benefit from support on engaging with their child's learning and development. Local authorities **should** provide parents with opportunities to attend family learning sessions which allow children to learn with their parents. Governing bodies **should** ensure that parents have information on the adult and family learning available and how parents and children can access it. Governing bodies **should** also ensure that parents have opportunities to attend information sessions when their children first join primary or secondary school.
- 383.** Local authorities **must** under Section 12 of the Childcare Act 2006 provide parents with high quality information on the services available to them. Governing bodies **should** work to ensure that all parents are engaged and feel able to ask for support if they need it.
- 384.** Governing bodies and local authorities **should** work together to offer parents sessions to help them understand the challenges their child will face in the next stage and how parents can support their child in overcoming them through sessions offered as their child enters primary and secondary school.

### *Access to specialist services*

- 385.** The Pupil Guarantee (Guarantee 3.7) entitles every pupil who needs it to access targeted and specialist services such as speech and language therapy. Governing bodies **should** help parents understand any additional needs of their child and the services that are available in the school or locally that can help them. Local authorities **should** ensure that there is information for parents available through schools and other routes on the services that they need for their children.
- 386.** This Guarantee will apply in maintained schools and Academies. The standard schools route of redress applies where parents have concerns about school provision. The standard local authority route of redress applies where there are concerns about local authority responsibilities.

**Guarantee 9.3: Parents' views of the additional needs of their child are taken into account when the child joins the school and if problems occur**

- 387.** Governing bodies and any persons assisting governing bodies to exercise their function under Part 4 of the Education Act 1996 **must** have regard to the SEN Code of Practice and **must** meet the statutory requirements in Part 4 of the Act as described in the code. The 2001 SEN Code of Practice sets out various principles that can be construed as guarantees in relation to the involvement of pupils and parents in the identification of, and the making of provision for, children with special educational needs. It establishes

that all parents of children with special educational needs should be treated as partners. They **should** be supported so as to be able and empowered to:

- recognise and fulfil their responsibilities as parents and play an active and valued role in their children's education;
- have knowledge of their child's entitlement within the SEN framework;
- make their views known about how their child is educated; and
- have access to information, advice and support during assessment and any related decision-making processes about special educational provision.

**388.** SEN legislation provides parents with specific rights. They can, for example, request that the local authority carry out a statutory assessment of their child's special educational needs which may lead to statement of special educational needs. The statement sets out what special educational provision the authority will arrange to meet those needs – the provision **must** then be arranged.

**389.** Parents have rights to appeal to the First-tier Tribunal (SEN) in specific statutory circumstances, e.g. when an authority refuses to carry out an assessment of a child's SEN. Appeals must be registered with the Tribunal within two months of the decision. Parents can also make a claim to the Tribunal if they consider there has been discrimination under the DDA in the provision of educational and associated

services. Local authorities **must** provide Parent Partnership Services, providing advice and support to parents and independent disagreement resolution services. Many of these services are provided by a third party. Complaints of maladministration against local authorities can also be considered by the LGO. The Secretary of State has powers to direct a local authority or governing body who have failed to comply with an Education Act duty or have behaved unreasonably in the exercise of educational functions.

**390.** Local authorities **must** inform parents at a number of points during any assessment of their child's needs. They are also required to publish a range of information on provision for children with SEND. They **must** publish information, including on their local websites, about the broad aims of their policy on SEND as well as specific action the authority is taking on SEND issues. In particular they **must** publish an explanation of what special educational provision they expect maintained schools to fund from their delegated budget and what the authority expect to fund themselves.

**391.** All staff in the school can be expected to work with children with SEND and the governing body **should** ensure staff have the skills to be able to work with parents to identify needs and suggest appropriate teaching approaches. Head teachers **should** manage and co-ordinate this process, with support from the SENCO.

**392.** The Aiming High for Disabled Children Core Offer sets a national statement of

expectations for how disabled children and their families will be informed and involved as their needs are assessed and the necessary services are delivered. Governing bodies **should** have regard to these expectations. Parents can expect schools to work to the five elements of the core offer on information, transparency, participation and feedback.

- 393. Governing bodies **should** apply the principles of the Core Offer to parents of children with SEN.
- 394. Governing bodies **should** ensure that staff hold structured conversations with parents and develop effective ways to communicate on an ongoing basis. They **should** use the outcomes of these conversations to improve learning and teaching for pupils, including those with special education needs.
- 395. Local authorities **should** engage with local parent participation groups to seek the views of parents of disabled children and children with SEN in the provision of services.
- 396. Local authorities **must** provide advice and information to parents of children with SEN (parent partnership services) and to make these services known to parents in their areas.
- 397. The Code also provides guidance in relation to pupils with SEND who are at risk of exclusion. Local authorities, governing bodies and those assisting them to carry out functions under Part 4 of the Education Act 1996 **must** have regard to this. The

governing bodies of Schools, Short Stay Schools, and local authorities, **must** also have regard to the Department's advice on exclusions. This says that, other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with SEN statements and they should make every effort to avoid excluding pupils with SEN. The guidance also draws schools attention to their duty under the DDA not to discriminate against disabled pupils for a reason related to their disability without justification, including in the matter of exclusions.

# Part 4: The legislative basis to the Pupil and the Parent Guarantee

## Preamble

- 398.** The Pupil and Parent Guarantees come into force in September 2011.
- 399.** The Pupil and Parent Guarantees are made under section 1 of the Children, Schools and Families [Act 2010].
- 400.** The Pupil and Parent Guarantees apply in England only.
- 401.** In the Pupil and Parent Guarantees, references to parents include people with parental responsibility and people who have care of a child as defined by s. 576 of the Education Act and include carers with parental responsibility and foster parents.
- 402.** In the Pupil and Parent Guarantees, unless otherwise stated, references to pupils means registered pupils at maintained schools (including maintained special schools and maintained nursery schools), Academies, City Technology Colleges and the City College for the Technology of the Arts who are under 19 years of age. A person is not treated as a pupil at a school merely because any education is provided for the pupil at the school in the exercise of the power of a governing body to provide community or

other facilities, pursuant to section 27 of the Education Act 2002.

- 403.** In the Pupil and Parent Guarantees (unless otherwise stated) references to schools means maintained schools (including maintained special schools and maintained nursery schools), Academies, City Technology Colleges and the City College for the Technology of the Arts.

## The Ambitions in the Act and the Pupil Guarantee

- 404.** The law sets out five ambitions for all pupils. Taken together, these capture the essential elements of a school system fit for the 21st Century which will offer every young person the chance to thrive at school and to succeed in life. The Pupil Ambitions are for all pupils to go to schools where:
- there is good behaviour, strong discipline, order and safety;
  - they are taught a broad, balanced and flexible curriculum and where they acquire skills for learning and life;
  - they are taught in a way that meet their needs, where their progress is regularly

- checked and where particular needs are identified early and quickly addressed;
- d. they take part in sporting and cultural activities; and
  - e. their health and well-being are promoted, where they are able to express their views and where both they and their families are welcomed and valued.

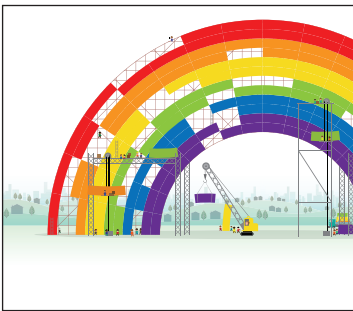
## The Parent Guarantee

- 405.** Alongside the Pupil Guarantee, the law also sets out four parent ambitions. These are designed to ensure that all parents are able to play their full part in supporting their children throughout their school careers. The Parent Ambitions are for:
- a. all parents to have opportunities to exercise choice with and on behalf of their children, and to have the information and support they need to help them do so;
  - b. there to be, for all parents, home-school agreements outlining their responsibilities, and those of the school, for their children's schooling;
  - c. all parents to have opportunities to be engaged in their children's learning and development, and to have the information and support they need to help them do so; and
  - d. all parents to have access to a variety of activities, facilities and services, including support and advice with regard to parenting.

## How the Pupil and Parent Guarantees work

- 406.** Part 1 of this document explains that the Pupil and Parent Guarantees provide important new entitlements for pupils and parents, and that some of these entitlements are for all pupils and others are for particular groups of pupils. Parts 2 and 3 of this document set out the details of each entitlement and explain which pupils are covered by which element of the Guarantees.
- 407.** In order to ensure that these entitlements are delivered to pupils, the Pupil and Parent Guarantees impose a number of mandatory requirements on the following bodies:
- a. governing bodies of maintained schools, maintained special schools, maintained nursery schools and on Academy Trusts in England;
  - b. head teachers of maintained schools, maintained special schools and maintained nursery schools in England;
  - c. local authorities in England;
  - d. management committees and teachers in charge of Short Stay Schools in England; and
  - e. proprietors of Academies and head teachers (known as 'Principals') of Academies in England.





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