

What's New and Updates

Below is a list of the main amendments made to the previous edition of the Guide.

Précis of amendments

Chapter	Paragraph	Paragraph title	Amendment details
2	4	Parent governors	This edition of the guide includes a clarification of the definition of “parent” for the purposes of the Constitution Regulations. It includes a person who the child lives with and who looks after the child, irrespective of what their relationship is with the child.
	26	Removal from office	Included in the list of those a governing body may remove from office is “any associate member”.
	36	Surplus governors	If on a reconstitution of the governing body there are more governors in a particular category than are recorded in the instrument of government, the governor(s) of that category may serve out their term of office. However, this does not apply to a change of school category. For further details see paragraph 36.
3	27	Target-setting	The Education (School Performance Targets) (England) Regulations 2004 were amended to reflect the new requirements which came into effect on 31 December 2008. The regulations have now been further amended to cover the expected levels of progress that pupils should make between Key Stages 2 and 4.
	32	Duty to set targets	Clarification of targets for Key Stage 4. See table.
5	54	Procedures for a school to leave a federation	The notice period given to request leaving a federation has been amended from a period of five days to one week, beginning with the date on which the request was received.
	65	Dissolution of federations	Where a governing body of a federation decides that the federation shall be dissolved, notice of the fact must now be given within one week, rather than 14 days as previously.
7	26	Admission of pupils with special educational needs	Further clarification is provided in this section of the Guide and outlines that the School Admissions Code makes clear all schools should treat pupils with SEN fairly in their admissions arrangements and that local authority Fair Access protocols must include children with SEN but without statements. The Admissions Code also makes clear maintained schools must admit a child whose statement names that school.
	39–43	Teachers in mainstream schools with responsibility for special educational needs	The Education Regulations 2009 came into force on 1 September 2009 and requires governing bodies to ensure that the person designated as SENCO, who is newly appointed to the role, undertakes a nationally approved training qualification. Further details on this are outlined in paragraphs 39–43.

8	6	Advance budget allocation	Clarification is provided regarding the school funding system which is based on the legislative provisions in Sections 45–53 of the SSFA.
10	31	Teacher qualifications	This paragraph clarifies that although schools may employ unqualified teachers as instructors, these are temporary appointments until a suitable qualified or trainee teacher can be appointed.
	41	Reporting cases to the DCSF and the GTC	From 20 October 2009, the Independent Safeguarding Authority (ISA) will assume the role that was previously undertaken by the DCSF on cases where a person's services have been ceased to be used because he or she is considered unsuitable to work with children as a result of misconduct, or because of a medical condition that raises an issue concerning the safety and welfare of children.
	43–44	Incompetence	Further information on when to refer a case to the GTC can be found in the GTC leaflet "Referrals to the GTC Information for employers of teachers". To refer a case to the GTC, please see the updated details in the Guide. Employers are also required to provide the GTC with all the information relating to the teacher as listed in Part 1 of the Schedule to the Regulations, where this is available at the time that they make the referral.
	58	Checking applicants	The Safeguarding Vulnerable Groups Act 2006 stipulates that anyone who regularly works with children must register with the Independent Safeguarding Authority (ISA) and have their details added to a continuously updated register.
	62	Checking applicants	The new vetting and barring scheme will be phased in from 12 October 2009 with registration on the Scheme starting in July 2010.
11	101–104	Teachers' Pension Scheme (TPS)	Clarification of the TPS is outlined in these paragraphs of the latest edition of the Guide. Further detailed information is available at the Teachers' Pensions website.
	1–2	School Improvement Partners (SIPs)	An overview is given on SIPs.
	6–7	School Improvement Partners (SIPs)	The White Paper published on 30 June 2009 contained some proposals for clarifying and extending the remit of SIPs, as well as re-considering how the role can best support schools. Further information is given in this section of the Guide.

13	2	General responsibility of the governing body for school discipline	The Education and Skills Act 2008 amends section 29 of the Education Act 2002 to introduce a power for governing bodies to arrange for registered pupils to be directed off-site in order for them to receive educational provision which is intended to improve their behaviour, for example to attend courses in anger management. This is expected to come into force in September 2010 and not January 2009 as set out in paragraph 33 in <i>Improving Behaviour and Attendance, September 2008</i> .
	6	Excluding pupils	Unofficial exclusions are unlawful and schools may be legally liable if they exclude pupils unofficially. Further information on this is given in paragraph 6.
	12	Procedures for exclusion: action by the governing body	If it is apparent to the governing body that the purported exclusion is not for a disciplinary matter, it is unlawful and cannot stand, and they do not need to investigate it further.
	59	Penalty notices	The governing body should make a decision as to whether or not they want to adopt penalty notices as part of their school's attendance and behaviour policies. More details are provided in this section of the Guide.
16	36	Free meals	From 1 May 2009 where a parent is entitled to Working Tax Credit during the four-week period immediately after they start to work less than 16 hours per week, their children are entitled to free school lunches.
19	22	Trusts, legal requirements	An individual subject to an individual voluntary arrangement (IVA) is also precluded from being a trustee under Section 72 (1) of the Charities Act 1993. For further details see this section of the Guide.
25	17–20	Setting targets	Under the Childcare Act 2006, local authorities and their local partners have a duty to promote the well-being of young children and reduce inequalities between them. The statutory early years targets for LAs represent the most effective way to drive improvement in LA services for young children. This section of the guide clarifies and expands on the role schools can play in achieving Early Years targets.
	100	Fair Processing Notice	The Fair Processing Notice is now known as the Privacy Notice.