

MYTHS AND FACTS FOR SCHOOLS

This document addresses some common misconceptions about the activities schools are required to undertake. It seeks to tackle recurring myths and also includes some new myths on changes happening during the 2012/13 academic year.

Behaviour and attendance

✘ Myth: Schools are legally required to produce a travel plan.

✔ Fact: There has never been a statutory requirement for schools to have a travel plan. However, many schools hold a travel plan and continue to update it on a voluntary basis.

✘ Myth: Schools have a legal duty to record incidents of racist bullying and report them to their local authority.

✔ Fact: There is no specific duty to record incidents of racist bullying. Pupils and staff should both play their part in preventing bullying and schools must have regard to the need to eliminate unlawful racist discrimination and 'promote equal opportunity and good relations between persons of different racial groups'. A school's behaviour policy must determine measures to be taken with a view to encouraging good behaviour and respect for others and in particular prevent all forms of bullying among pupils.

Curriculum and assessment

✘ Myth: Changes to the National Curriculum are already coming into effect.

✔ Fact: The new National Curriculum will be introduced from September 2014. The Government has confirmed that the new National Curriculum will include English, mathematics, science and PE at all four Key Stages. Current National Curriculum subjects for Key Stages 1 and 2 will remain, with the addition of foreign languages at Key Stage 2. The continuing National Curriculum review is considering which other subjects, if any, should be part of the new National Curriculum in Key Stages 3 and 4. Until the new National Curriculum is introduced, maintained schools are legally required to continue to follow the [current National Curriculum](#), with the exception of ICT for which the National Curriculum has been disapplied at all Key Stages.

✘ Myth: ICT is being removed from the National Curriculum.

✓ Fact: ICT is still a National Curriculum subject and maintained schools will still be legally required to teach it. Ministers have confirmed that ICT will continue to be a National Curriculum subject at all four Key Stages when the new National Curriculum comes into force in September 2014. However, the legal requirement on schools to adhere to the specific National Curriculum Programmes of Study, Attainment Targets and statutory assessment arrangements has been removed. The existing Programmes of Study and Attainment Targets are still available. The difference is that from September 2012 schools can choose not to follow them and instead teach an ICT curriculum that is more appropriate for their pupils.

✗ Myth: Work-related learning is compulsory at Key Stage 4.

✓ Fact: The statutory duty on schools to provide every pupil at Key Stage 4 with work-related learning was removed from the National Curriculum with effect from 1 September 2012. More information can be found on the [DfE website](#).

✗ Myth: There will be a Key Stage 2 writing test in 2013.

✓ Fact: There will not be an English writing test or English writing sample in 2013. Instead, writing composition will be subject to teacher assessment (based on work from throughout the year), as recommended by the recent Bew review. The more 'technical' aspects of English (including grammar, punctuation and spelling) will be assessed by the new statutory test of English grammar, punctuation and spelling. This test will be externally marked.

✗ Myth: The Key Stage 2 writing teacher assessment return deadline is not changing this year.

✓ Fact: As a result of Lord Bew's review, the deadline for schools to submit teacher assessment and P scale data is being moved. Schools will be required to submit their teacher assessment before National Curriculum test results are returned to schools. This change is intended to place greater emphasis on teacher assessment judgements, which are independent of test results, and to give data earlier to secondary schools to assist planning. The deadline for submission of teacher assessment is Friday 28 June 2013.

✗ Myth: Science sample testing at Key Stage 2 is taking place this year.

✓ Fact: There will be no Key Stage 2 science sampling in 2013; a new,

biennial, pupil-level sampling system will be introduced in 2014. However, schools are still required to submit science teacher assessments for each pupil. Schools will be provided with full details of science sampling in the 2014 *Key Stage 2 Assessment and Reporting Arrangements* which will be published in the autumn.

Exams and qualifications

✗ Myth: Schools can only offer qualifications at Key Stage 4 if they have been approved for inclusion in the performance tables.

✓ Fact: Schools can offer any qualifications that have been approved for pre-16 delivery. The qualifications approved for inclusion in the performance tables have demonstrated that they are high quality, rigorous and provide the greatest progression opportunities for the majority at Key Stage 4. Where it is in a pupil's best interest, schools can teach qualifications not included on the list.

✗ Myth: The Government has banned the practice of entering pupils early for GCSE examinations.

✓ Fact: There are no plans to ban this option, as the Government recognises that teachers are best placed to decide when to enter pupils for examinations. However, teachers should be sure that early completion of GCSEs is right for individual pupils and may find the DfE's [research](#) on this helpful. Please also see some [Frequently Asked Questions on the changes to GCSEs from 2012](#).

Health and safety

✗ Myth: Risk assessments are necessary for every school activity.

✓ Fact: Sensible management of risk does not mean that a separate written risk assessment is required for every activity. Schools do not need to carry out a risk assessment every time they undertake an activity that forms a regular part of the school day. Risks relating to these routine activities should have already been considered when agreeing the school's general health and safety policy and procedures. A regular check to ensure that the precautions remain suitable is all that is required. Higher-risk activities, for example water-based activities, should be properly planned and assessed. Further

information can be found on the DfE [website](#).

✘ Myth: All accidents involving pupils must be reported to the HSE.

✔ Fact: Accidents involving pupils only need to be reported to the Health and Safety Executive (HSE) where the pupil's injury arises out of or in connection with a particular activity and where the pupil is taken from the scene of the accident to hospital. Revised guidance specifically for schools can be found on the HSE [website](#).

✘ Myth: All portable electrical equipment must be tested by a qualified electrician at least once a year (Portable Appliance Testing or PAT).

✔ Fact: The only requirement is that electrical equipment needs to be maintained, if not doing so would lead to danger. The HSE advise that for most electrical equipment, visual checks for obvious signs of damage and perhaps simple tests are sufficient. The HSE [website](#) contains further information.

✘ Myth: There is a minimum and maximum classroom temperature.

✔ Fact: There is no prescribed minimum temperature for workplaces (including schools) in health and safety legislation, but the temperature should normally be at least 16°C. There is equally no prescribed maximum classroom temperature. Information about ventilation and the avoidance of overheating for schools is available on the [DfE website](#).

Inspection, improvement and self-evaluation

✘ Myth: A written lesson plan must be produced for every lesson.

✔ Fact: There is no statutory obligation to produce a written lesson plan for every lesson. Good planning is, of course, very important but both the DfE and Ofsted are clear that lessons should not be planned in an overcomplicated or formulaic way. Where the quality of teaching is weak, it is important that schools can provide evidence to show that proper planning to address this is in place.

✘ Myth: Ofsted inspectors expect to see lesson plans for all subjects, even where a school normally only asks for written plans for particular lessons.

✔ **Fact:** Inspectors will not expect teachers to do anything more than what they normally do. It is important to stress that lessons should be planned and well-structured although it is not necessary to have the planning written down for inspectors.

✘ **Myth:** If an underperforming teacher is asked to produce written lesson plans, all teachers must produce written lesson plans.

✔ **Fact:** There is no reason why the same lesson planning requirements should be applied to high and under-performing teachers.

✘ **Myth:** A school cannot receive an overall effectiveness judgement of 'outstanding' if the quality of teaching by trainee teachers is not also judged to be 'outstanding'.

✔ **Fact:** This is not correct. Inspectors will take into account the full range of evidence, the context of the situation and the impact of teaching on pupils' learning over time before determining the quality of teaching. Inspectors will expect to see schools playing their part in developing the next generation of teachers. This is a particularly important aspect for good and outstanding schools.

Organisation, infrastructure and finance

✘ **Myth:** Academies do not have to comply with the School Admissions Code.

✔ **Fact:** Like all state funded schools, academies must comply with the School Admissions Code. The Code applies to academies by virtue of their funding agreements.

✘ **Myth:** The Pupil Premium must only be spent on interventions prescribed by the Department.

✔ **Fact:** Schools are not instructed on how to spend the Pupil Premium. They are free to decide how to use their allocation, as they are best placed to understand the needs of their disadvantaged pupils. Schools are required to publish information online about their use of the Pupil Premium and Ofsted inspectors will consider how well pupils who attract the premium are performing and how the Pupil Premium is being used to narrow attainment gaps between disadvantaged pupils and their peers.

✘ **Myth:** The governing body is responsible for drafting all school policies.

✔ **Fact:** The drafting of school policies can be delegated to any member of school staff as appropriate. A summary of the [policies and other documents](#) that governing bodies are legally required to hold can be found on the DfE's website.

✘ **Myth:** The governing body is responsible for recruiting all school staff.

✔ **Fact:** The governing body is responsible for agreeing the number of staff employed at the school and must recruit the head teacher and their deputies. The recruitment and dismissal of staff below this can be delegated to the head teacher. It is for governing bodies to decide if and to what extent this should happen.

✘ **Myth:** Schools must produce an annual prospectus.

✔ **Fact:** The School Information Regulations 2012 removed the requirement for schools to produce an annual prospectus and introduced obligations for maintained schools to publish certain information on a website. New Funding Agreements will ensure that Academies and Free Schools publish the same information as maintained schools, including their Pupil Premium allocation, spend and impact on attainment. The DfE website provides [further information on the changes](#)

Safeguarding

✘ **Myth:** Schools must require enhanced CRB checks from all visiting workers.

✔ **Fact:** There is no legal requirement on schools to require enhanced CRB checks from all visiting workers. Schools should not check visiting workers who have already been checked by their employer or who are escorted whilst on-site. If visiting workers are going to teach or have unsupervised contact with pupils, the school should ask the employer to confirm it has checked those workers.

✘ **Myth:** Schools must require an enhanced CRB check on all volunteers who have contact with children, whether in a classroom or on a school trip.

✔ **Fact:** There is no legal requirement for schools to require enhanced CRB checks from all volunteers. Guidance on when schools should check, or consider checking, volunteers can be found on the [DfE website](#). This

guidance will be updated shortly to reflect wider [changes to disclosure and barring arrangements](#).

✘ Myth- The EYFS bans the use of mobile phones by parents in school playgrounds.

✔ Fact- The revised EYFS does not ban the use of mobile phones. Early years providers are required to have a policy on the use of mobile phones and cameras by staff in the setting but this does not apply to parents. The intention is to ensure that mobile phones are only used when essential and staff are not distracted by them from caring for children. If a school's policy sets out principles in line with this and children are safeguarded then this has met EYFS requirements. More information on the EYFS can be found at [Link](#)

Schools are able to impose a ban on parents using phones in school playgrounds but there is no external law requiring, or DfE guidance recommending it.

School trips

✘ Myth: Parental consent is needed for all school trips.

✔ Fact: Parental consent is not necessary for every off-site educational visit, only for those: involving nursery-age children; taking place out of school hours; or of a higher risk (for example a trip to use a climbing wall). Full guidance is available on the DfE [website](#).

✘ Myth: There is a prescribed pupil to staff ratio for school trips.

✔ Fact: Pupil to staff ratios for school trips are not prescribed in law. Those planning trips are best placed to decide an appropriate number of adults taking into account the activity to be undertaken and the age and maturity of the pupils. For pupils aged 5 or under you should refer to the [Early Years and Foundation Stage framework](#).

✘ Myth: School staff must have a D1PCV license to drive a minibus.

✔ Fact: School staff can drive the school minibus without any special licence, as long as their employer agrees (the Local Authority, the governing body or proprietor as necessary) and as long as the following conditions are met:

- The staff member obtained their car driving licence before 1 January

1997; the minibus contains a maximum of 17 seats (including the driver's seat); and the minibus is not being used for hire or reward;

OR

- The staff member obtained their car driving licence after 1 January 1997 but: has held it for at least two years; is aged 21 or over; is not being paid to drive the minibus (save for out-of-pocket expenses); the minibus weighs no more than 3.5 tonnes; the vehicle is used for social purposes; and is not being used for hire or reward.

SEN

✗ Myth: Individual Education Plans are required for children with Special Educational Needs (SEN) but without SEN statements.

✓ Fact: The use of Individual Education Plans (IEPs) for children with SEN but without statements is not a statutory requirement. The 2001 SEN Code of Practice recommends the use of IEPs. The Code is statutory guidance and schools must take account of it when making provision for children with SEN. However, unless the Code is referring to legal duties, schools do not have to follow the guidance in the Code as long as the alternative arrangements they make are as good if not better than what is recommended.

Staffing and workforce

✗ Myth: The post-Threshold, Advance Skills Teachers (AST) and Excellent Teachers (ET) standards have been abolished.

✓ Fact: They have not. The Independent Review of Teachers' Standards recommended that the standards for Post-Threshold, Excellent and Advanced Skills Teachers should be discontinued and that a new Master Teacher Standard should be introduced. No decision has yet been taken and the current post-threshold, AST and ET standards will continue as they are for the time being.

✗ Myth: The new Teachers' Standards apply only in maintained schools.

✓ Fact: Academies and independent schools do not have to assess their teachers' performance against Part One of the Teachers' Standards (which deals with teaching) as part of an annual appraisal process). However, Ofsted inspectors will consider the extent to which the Teachers' Standards are being met when assessing the quality of teaching in schools including academies. Part Two of the Teachers' Standards (which

deals with personal and professional conduct) apply to teachers in all schools. Academies and independent schools are required to assess NQTs against both Parts One and Two of the Standards during and in the final assessment recommendation at the end of their induction period, if they choose to offer statutory induction to their NQTs. The new [Teachers' Standards](#) can be found on the DfE website.

✘ Myth: All teachers should be assessed against the new Teachers' Standards after 1 September as part of their appraisal.

✔ Fact: Although new [Appraisal Regulations](#) came into force on 1 September 2012, most teachers' end of year appraisals in the autumn term are likely to have taken place under the previous performance management regulations. This is because those regulations continue to apply in relation to any performance management cycle already in progress prior to 1 September 2012. Similarly, for teachers who apply to be assessed against the post-Threshold standards between 1 September and 31 October 2012 (in Round 12), using evidence from before 1 September 2012, the Core Standards will still apply.

Further information on the new Teachers' Standards, including additional myths and facts, can be found on the [DfE website](#).

✘ Myth: Maintained schools can keep their previous performance management policies because the new appraisal regulations are optional.

✔ Fact: The new appraisal regulations are not optional. They apply to all maintained schools. Schools can retain many aspects of their previous arrangements if they wish, but there are three key requirements in the new regulations that were not features of the previous ones. These are:

- Teachers must be told of the standards against which their performance will be assessed.
- Teachers' performance must be assessed against those standards.
- Teachers must be given a written report of their appraisal which includes the assessment against standards.

✘ Myth: Further Education (FE) teachers need to re-qualify in order to teach in schools.

✔ Fact: Since 1 April 2012, professionally-qualified FE teachers can teach in schools without further training or assessment.

✘ Myth: Overseas trained teachers need to re-qualify in order to be able to

teach in schools.

✔ **Fact:** Since 1 April 2012, suitably qualified teachers from New Zealand, Canada, Australia, and the USA can teach in schools without further training or assessment. Teachers from the EU are also allowed to teach without re-training.

✘ **Myth:** Initial Teacher Training cannot take place in a Pupil Referral Unit.

✔ **Fact:** Revised regulations came into force on 1 September 2012 to allow initial teacher training (ITT) to take place in Pupil Referral Units (PRUs). This includes allowing trainee teachers to carry out practical teaching experience for the purpose of an ITT course and for trainees on an employment-based teacher training scheme to be employed to teach in this setting.

Work experience

✘ **Myth:** Work experience is difficult to arrange because of safeguarding, CRB checks and health and safety legislation.

✔ **Fact:** Employers do not have to carry out a CRB check on anyone on work experience. Also, the law has recently changed so that employers no longer need to carry out a CRB check on their staff who are supervising young people aged 16 or 17 on work experience. Young people on work experience are treated the same as employees of the same age under health and safety legislation. If the employer already employs 16 or 17 year olds, they won't need to take any further action on health and safety issues.