

## Chapter 3: Professional responsibilities and legal liabilities

### This chapter focuses on:

- |            |  |            |  |
|------------|--|------------|--|
| <b>3.1</b> | A teacher's contractual obligations as an employee;  | <b>3.3</b> | Child protection;  |
| <b>3.2</b> | The regulations that govern a teacher's actions in disciplining children, including the specific directives on physical restraint; | <b>3.4</b> | The care and safety of children;   |
|            |  | <b>3.5</b> | The importance of equal opportunities legislation and principles, and their application. |

### 3.1 TEACHERS' CONDITIONS OF EMPLOYMENT IN MAINTAINED SCHOOLS

#### Where are teachers' conditions of employment set out?

[www.teachernet.gov.uk/pay](http://www.teachernet.gov.uk/pay)

The conditions of employment of teachers contracted to maintained schools or local education authorities (LEAs) rest upon the School Teachers' Pay and Conditions Act, 1991. You can access information online. This area of TeacherNet contains details of teachers' pay since 1997. It includes recent editions of the *School Teachers' Pay and Conditions Document* and its associated guidance along with other publications relating to the annual pay cycle. Teachers' contracts of employment apply to the current version, but imply acceptance of subsequent versions as pay scales are adjusted and new contractual requirements are introduced. Conditions of service, not covered by statute, are negotiated between the national employers and trades unions. They are detailed in *Conditions of Service for School Teachers in England and Wales – The Burgundy Book*.

There are four categories of maintained schools in England. This has some influence upon contractual conditions. In two of these, the LEA is the employer:

- Community schools (previously 'county schools');
- Voluntary Controlled (VC) schools, largely Church of England, although some are Methodist or without religious affiliation.

In the other two, the governing body is the contractual employer:

- Voluntary Aided schools (mainly Roman Catholic and Anglican, but also some Jewish, Muslim and Sikh schools);
- Foundation schools (a relatively small number, largely former Grant Maintained schools).

#### What is the role and purpose of governing bodies?

[www.dfes.gov.uk/a-z/GOVERNING%5FBODY.html](http://www.dfes.gov.uk/a-z/GOVERNING%5FBODY.html)  
[www.dfes.gov.uk/governor/goodpractice.htm](http://www.dfes.gov.uk/governor/goodpractice.htm)

School governing bodies have a central role in the overall direction of schools. Acting collectively, governors are responsible for determining the school's aims, for appointing and disciplining the head teacher and staff, and for the budget. They establish policies on a range of issues from pupil admissions to sex education. School governing bodies include elected parent governors, teacher governors, non-teaching staff governors, local authority governors and co-opted governors. Religiously affiliated

[www.dfes.gov.uk/a-z/WORKING%5FWITH%5F GOVERNORS.html](http://www.dfes.gov.uk/a-z/WORKING%5FWITH%5F GOVERNORS.html)

**How does all this relate to temporary and supply teachers?**

schools (as some are Muslim or Jewish, we should not refer to them all as ‘church schools’) have a majority of foundation governors on the governing body.

Teachers with short-term contracts with a school or LEA are, for most purposes, treated and expected to act as regular teachers. They are covered by the *School Teachers’ Pay and Conditions Document* and are given a salary assessment in the normal way. Strictly speaking, a supply teacher employed through a teacher employment agency is not an employee of the school or of the LEA. Such teachers are not entitled to the rates of pay set out in the School Teachers’ Pay and Conditions Act. Nevertheless, agency teachers are still expected to fulfil the core duties and responsibilities set out for a teacher under the direction of the head teacher, as outlined in the table below. It would be expected that such teachers would be treated, and would conduct themselves, in ways consistent with their status as supply teachers. How far the broader responsibilities outlined below should extend clearly depends upon the amount and length of time the supply teacher is working in the school.

**What do the ‘conditions of service’ demand of teachers?**

Teachers’ formal ‘conditions of employment’ are set out at the back of the *School Teachers’ Pay and Conditions Document*. The introduction states that: a teacher ‘shall carry out the professional duties of a teacher as circumstances may require’ (para. 56.1) ‘under the reasonable direction of the head teacher of that school’ (para. 56.1.1) and must fulfil ‘such particular duties as may reasonably be assigned to him (sic)’ (para. 57.2). Although it itemises duties ‘deemed to be included’, the document makes clear that teachers have wide-ranging responsibilities.

**The core responsibilities under ‘teaching’ include:**

- planning and preparing courses and lessons;
- teaching, according to their educational needs, the pupils assigned to him (sic), including the setting and marking of work to be carried out by the pupil in school and elsewhere;
- assessing, recording and reporting on the development, progress and attainment of pupils (para. 58.1.1–3).

**The document outlines a long list of further responsibilities associated with teaching. It makes clear teachers’ obligations to:**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• participate in public examinations and assessment procedures;</li> <li>• keep records;</li> <li>• write reports;</li> <li>• communicate with parents and attend meetings;</li> <li>• attend staff meetings;</li> <li>• contribute to their own and others’ appraisals;</li> </ul> | <ul style="list-style-type: none"> <li>• review methods of teaching;</li> <li>• undertake further professional development;</li> <li>• cover for absent colleagues (with some restrictions);</li> <li>• carry out the ‘administrative and organisational tasks related to such duties as are described above’ (para. 58.12.1).</li> </ul> |
|--|---|

[www.teachernet.gov.uk/pay](http://www.teachernet.gov.uk/pay)

To see just how a teacher’s duties are defined, consult the document and accompanying guidance online.

## How long is my working time?

Attendance at ‘assemblies’ for administrative purposes is part of the contract in all schools but, apart from religiously affiliated schools, attendance at school worship can be declared a matter of conscience.

The conditions of service make clear that teachers are entitled to a break in the middle of the day. Lunchtime supervision is not part of the normal contract.

‘Directed time’ covers the hours that teachers must be available to carry out their duties under the direction of the head teacher. Full-time teachers have to attend activities designated ‘directed time’ up to a maximum of 1,265 hours, to be ‘allocated reasonably’ within the 195 days in any one school year. As well as teaching lessons, this time covers other activities – for example, attending staff meetings and parent consultation meetings and taking part in training activities. These 1,265 hours do not, however, include routine preparation and marking:

*‘The amount of time required for this purpose beyond the 1265 hours ... shall not be defined by the employer but shall depend upon the work needed to discharge the teacher’s duties.’ (para. 59.7).*

Supply teachers need to agree their working-time arrangements with their employers. There is no statutory provision concerning the length of their working day but the Secretary of State considers it should be 6.5 hours of working time (including an allowance for duties other than teaching pupils). Such teachers should always be offered the opportunity of being involved in other duties, as well as teaching pupils, and then be paid at the full daily rate.

## Can the Office for Standards in Education (OFSTED) observe my teaching during school inspections?

One obligation that is not spelled out in the conditions of service but which applies to all teachers, however temporary, is to co-operate with OFSTED inspection arrangements. Supply teachers can also be observed during inspections. In a full inspection, supply teachers, except those working less than five days in the school, are given individual feedback on their performance, a copy of which is given to the head teacher.

## 3.2 WHO IS RESPONSIBLE FOR SCHOOL POLICIES ON DISCIPLINE?

[www.dfes.gov.uk/a-z/DISCIPLINE.html](http://www.dfes.gov.uk/a-z/DISCIPLINE.html)

The legal framework for school discipline policies is set out in Annex B of DfEE Circular 10/99. This makes the governing body responsible for setting the framework of the policy, while the head teacher is charged with its day-to-day implementation. Parents must be informed clearly about the policy. The Annex spells out what the policy should do: *‘It should make clear the boundaries of what is acceptable, the hierarchy of sanctions, arrangements for their consistent and fair application, and a linked system of rewards for good behaviour. It should promote respect for others, intolerance of bullying and harassment, the importance of self-discipline and the difference between “right” and “wrong”.’* (para. 1). Individual teachers are responsible for upholding the approved school policy.

See *Social inclusion: Pupil support (1999)*  
[www.dfes.gov.uk/publications/guidanceonthelaw/10-99/discip.htm](http://www.dfes.gov.uk/publications/guidanceonthelaw/10-99/discip.htm)

## What is defined as bullying?

[www.dfes.gov.uk/a-z/BULLYING.html](http://www.dfes.gov.uk/a-z/BULLYING.html)  
[www.dfes.gov.uk/bullying/index.shtml](http://www.dfes.gov.uk/bullying/index.shtml)

For more information see  
'Classroom and Behaviour  
Management' in this series

## Can I restrain pupils physically?

[www.dfes.gov.uk/a-z/  
USE%5FOF%5FFORCE%5FTO%5F  
RESTRAIN%5FPUPILS.html](http://www.dfes.gov.uk/a-z/USE%5FOF%5FFORCE%5FTO%5FRESTRAIN%5FPUPILS.html)

See Section 550A of the Education Act 1996: The use of force to control or restrain pupils (1998):  
[www.dfes.gov.uk/publications/  
guidanceonthelaw/10\\_98/  
summary.htm](http://www.dfes.gov.uk/publications/guidanceonthelaw/10_98/summary.htm)

Schools must have a specific policy on bullying. This is described in the pack *Bullying – don't suffer in silence* (2000) as '*deliberately hurtful behaviour, repeated over a period of time, where it is difficult for those being bullied to defend themselves*'.

There are three main types of bullying:

- physical (for example, hitting, kicking, theft);
- verbal (for example, name-calling, racist remarks);
- indirect (for example, spreading rumours, excluding someone from social groups).

Bullying is to be treated seriously; as a teacher you cannot simply ignore it as commonplace or dismiss it as 'children being children'.

This can be a controversial area. Teachers are entitled to use reasonable force to control or restrain pupils physically in the arrangements explained below. You must not use physical force to punish pupils. Corporal punishment is banned in all schools. Force should not be used except in self-defence or an emergency, where a teacher might have to react quickly to prevent injury. You should be aware that your actions must be considered and appropriate; using excessive force in a situation where it is not appropriate can result in disciplinary action or criminal charges. The Education Act, 1997, added a section to the 1996 Act to clarify when teachers may use physical force to restrain a pupil. It allows teachers to use 'reasonable force' to prevent a pupil from:

- committing a criminal offence (or what would be a criminal offence if they were old enough);
- injuring themselves or others;
- damaging property;
- acting in a way that is counter to maintaining good order and discipline at the school.

The provisions of the Act do not just apply in the school itself. Circular 10/98 states that they apply whenever you have '*lawful control or charge of the pupil*' (para. 10).

Circular 10/98 (para. 21) suggests reasonable physical interventions might be:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- pushing or pulling;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back, or (in extreme circumstances) using more restrictive holds.

Teachers must seek to avoid doing anything that '*might reasonably be expected to cause injury*' (para. 23) or '*touching or holding a pupil in a way that might be considered indecent*' (para. 24). They '*should always try to deal with a situation through other strategies before*

*using force*' (para. 25). The Circular makes it clear that records should be kept of any incidents where force is used: what occurred, why it was necessary and any consequences (para. 28–29). It is good practice for the school to inform parents and to discuss any such incident with them. The Circular advises schools to draw up their own policy and procedures relating to the use of physical restraint on pupils. You should therefore make yourself aware of the policy and procedures you are expected to adopt for each school in which you work.

The Act does not prevent a teacher taking action in self-defence or in some other form of emergency, when it might be reasonable to use force. However, in all cases of physical contact with pupils, it might ultimately be for the courts to decide whether a teacher acted 'reasonably' and the consequences of an error of judgement could be serious.

### What sanctions can I use?

See *Social Inclusion: Pupil Support* (1999)  
[www.dfes.gov.uk/circulars/10-99](http://www.dfes.gov.uk/circulars/10-99)

For more information, see 'Classroom and Behaviour Management' in this series

The principles to be followed and the 'hierarchy of sanctions', as well as rewards, available to the individual teacher should be set down in the school's behaviour policy. This should set out the procedures for teachers. The Education Act, 1996, established clear principles concerning detention. Schools may employ detention as a sanction but must inform parents of their policy, taking into account difficulties that detained children might have in returning home safely. Schools must give 24 hours' notice of any disciplinary detention. Pupils should not be 'kept behind' as an informal punishment at the end of the day.

## 3.3 CHILD PROTECTION

### What are my responsibilities for child protection?

See *Protecting children from abuse: The role of the Education Service* (1995):  
[www.dfes.gov.uk/publications/guidanceonthelaw/10\\_95/summary.htm](http://www.dfes.gov.uk/publications/guidanceonthelaw/10_95/summary.htm)  
[www.dfes.gov.uk/a-z/CHILD%5FPROTECTION.html](http://www.dfes.gov.uk/a-z/CHILD%5FPROTECTION.html)

Circular 10/95 sets out the responsibilities of LEAs, schools and teachers in protecting children from abuse and neglect.

The key points for the individual teacher are that:

- the school must have a child protection policy and a designated person to liaise with statutory agencies;
- the policy must include procedures for handling suspected cases of abuse of pupils, including procedures to be followed should a member of staff be accused of abuse;
- you should know the designated person, be familiar with the procedures and be alert to any signs of potential abuse;
- you must not investigate cases of alleged or suspected abuse but are bound to pass the concerns on to the designated person;
- you must never guarantee confidentiality to a pupil – if a pupil seeks to confide in you, then you must tell them sensitively that you cannot promise secrecy, but that only those who need to know will be told, and that everything will be done to help them.

The legislation on discipline and child protection does not make it illegal for you simply to touch a pupil. As Circular 10/95 makes clear: *'It is unnecessary and unrealistic to suggest that teachers should touch pupils only in emergencies.'* Touching younger pupils 'is inevitable' as teachers reassure them and support them. Nevertheless, as a teacher, you *'must*

### Is physical contact with pupils illegal?

See *Protecting children from abuse: The role of the Education Service*  
[www.dfes.gov.uk/publications/guidanceonthelaw/10\\_95/summary.htm](http://www.dfes.gov.uk/publications/guidanceonthelaw/10_95/summary.htm)

*bear in mind that even perfectly innocent actions can sometimes be misconstrued*. Some pupils may find any physical contact distressing. It should be stating the obvious, but the Circular emphasises the point: *'It is also important not to touch pupils, however casually, in ways or on parts of the body that might be considered indecent.'* (para. 49).

It is widely recognised as good practice that a teacher should avoid being alone with a pupil in confined and secluded areas.

### 3.4 CARE AND SAFETY OF PUPILS

#### What are my responsibilities for health and safety?

[www.dfes.gov.uk/a-z/HEALTH%5FAND%5FSAFETY.html](http://www.dfes.gov.uk/a-z/HEALTH%5FAND%5FSAFETY.html)

The Health and Safety at Work Act, 1974, treats schools in the same way as other places of work and its provisions are wide. As employers, the LEA (in Community and VC schools) or the governing body (in Foundation and Voluntary Aided schools) are legally responsible for securing the health and safety of both employees and non-employees. The head teacher is normally charged with its implementation, but schools do have a designated Health and Safety Officer. As a teacher, as with any other employee, you have a responsibility to be aware of safety procedures and to draw attention to any shortcomings in safety arrangements or facilities. You should, for example, be clear about the school's policy on such matters as:

- the identity of the Health and Safety officer;
- the fire drill and other emergency procedures;
- medical facilities;
- reporting and recording accidents;
- PE equipment;
- health and safety routines;
- equipment and hazardous substances in specialist areas, such as science and design and technology;
- school security;
- intruders;
- abusive and threatening visitors;
- school visits.

Section 8 of the Act states that employees must not

*'intentionally or recklessly interfere with or misuse anything which is provided in the interests of health, safety or welfare in pursuance of any of the relevant statutory provisions'*.

If a teacher were to obstruct access to a fire door or extinguisher with an elaborate display or a large item of sports equipment, for example, this might be considered to be reckless interference with safety provisions.

There are particular matters of which schools need to take account when administering medicines to pupils and it is important to adhere to school and LEA guidelines.

See *Supporting pupils with medical needs in school (1996)*  
[www.dfee.gov.uk/medical/](http://www.dfee.gov.uk/medical/)

## What is my 'common law' duty of care to pupils?

Although the LEA or governing body, as employers, have formal legal responsibility for health and safety, head teachers and teachers have a general duty of care towards pupils. The notion of 'acting as any reasonably prudent parent would in the same circumstances' has long been upheld in English courts as the duty of teachers deemed to be acting *in loco parentis*. Case law has created precedents for judging most imaginable circumstances.

Teachers have to ensure that pupils are healthy and safe on school premises and during teacher-led activities off school premises, such as educational visits, school outings or field trips. Accidents, including serious ones, can happen, but the duty of care demands that you take steps to prevent what might reasonably be foreseen. You should always assess the risks of an activity for pupils, considering such factors as their age, known health problems, skills and the level of supervision available.

For many activities, which carry some obvious risk, such as swimming, outdoor activities or the use of sharp tools, schools and LEAs should have explicit guidelines. You should adhere to these, both for the safety of pupils and for your own protection. If you are in **any** doubt as to the safety of an activity, you should err on the side of caution and seek appropriate advice. You might also note that one of the OFSTED inspection points for observing lessons is whether the teacher 'ensures the health, safety, care and protection of all pupils'. The Health and Safety Executive (HSE) is the Inspectorate for investigating breaches of Health and Safety legislation. This warning might seem rather alarmist, given that most teachers go through their careers without serious incident but, if something does go wrong, you might have to explain in court that the risk was reasonable or entirely unforeseeable and that you were not negligent. Section 3(5) of the Children Act, 1989, recognises that teachers might need to react in emergency situations, such as on a school trip, to safeguard children's welfare. The key principle is that they should act reasonably.

You should always adhere to the school's policy and procedures, which would normally include a parental consent form.

## How am I covered for liability?

[www.dfes.gov.uk/a-z/INSURANCE.html](http://www.dfes.gov.uk/a-z/INSURANCE.html)

Schools must have employer public liability insurance or be part of an LEA scheme. This means that, for most purposes, a teacher, including a supply teacher who is not necessarily strictly speaking a school's employee, is covered against third-party claims arising from school-related business. Provided that you have not behaved illegally or dishonestly deliberately, you would normally be covered by this insurance. However, if you have been negligent in some way, your employer might take disciplinary action.

See *Circular 7/96*, para. 25  
[www.dfes.gov.uk/publications/guidanceonthelaw/7\\_96/legal.htm](http://www.dfes.gov.uk/publications/guidanceonthelaw/7_96/legal.htm)

[www.dfes.gov.uk/h\\_s\\_ev/index.shtml](http://www.dfes.gov.uk/h_s_ev/index.shtml)

If you take pupils' property into your safekeeping (including through confiscation) then you should be aware that the property becomes your personal responsibility and may well not be covered by the school's insurance policy. You should always ensure that any valuables are kept in a secure place within the school.

There is, however, one crucial aspect of insured liability for which you are personally responsible. If you take pupils in your **own** car, or otherwise use your vehicle on school business, you **must** check that you are covered by your motor insurer to do so. Do not assume that your normal motor insurance policy necessarily covers this.

### 3.5 EQUAL OPPORTUNITIES AND EDUCATION

#### Are equal opportunities issues relevant to every teacher?

See para. 2.1 of *Social Inclusion: Pupil Support (1999)*  
[www.dfes.gov.uk/publications/guidanceonthelaw/10-99](http://www.dfes.gov.uk/publications/guidanceonthelaw/10-99)

Although some level of educational inequality is an inescapable fact of life, schools in a democratic society must broaden the opportunities for all pupils to reach their individual potential. The objective is not equality in the absolute sense of everybody achieving the same, but the removal of what are often referred to as 'barriers' to educational success.

At a national level, the DfEE Circular, *Social Inclusion*, made clear its importance:

*'Commitment to equal opportunities: parents and pupils should know that the school has an equal opportunities policy and is committed to equality of opportunity for all pupils. Schools should monitor the impact of their policies and procedures on different groups (by race, gender and disability). The effectiveness of such policies should be assessed at governors' meetings.'*

In its curriculum guidance, Qualifications and Curriculum Authority (QCA) refers to the importance of securing equal opportunities for pupils, and OFSTED requires inspectors to take into account the extent to which a school is 'socially inclusive' and ensures equal access and opportunity for all.

Local authority policy statements commonly make reference to the promotion of equal opportunities and many have specific guidance for education. Every school has an equal opportunities policy, and this places a responsibility on the individual teacher to uphold their principles.

The requirements for equal opportunities are underpinned by law. Education authorities, governing bodies and teachers are bound by many of the provisions of human rights legislation. The Human Rights Act, 1998, enshrines the European Convention on Human Rights in UK law. More specifically, there are UK laws that outlaw discrimination on the grounds of race, gender and disability.

The Sex Discrimination Act (SDA), 1975 (extended and amended 1986), outlaws discrimination on the grounds of gender.

#### Acts concerning equal opportunities and discrimination

[www.dfes.gov.uk/a-z/EQUAL%5FOPPORTUNITIES.html](http://www.dfes.gov.uk/a-z/EQUAL%5FOPPORTUNITIES.html)

*Sex Discrimination Act, 1975*

For more information, see  
'Classroom and Behaviour  
Management' in this series

## Equal Opportunities Commission

[www.eoc.org.uk](http://www.eoc.org.uk)

### *Race Relations Act, 1976*

### *Race Relations Amendment Act, 2000*

Anybody, including children (or those acting on their behalf) may make a complaint under the SDA if they believe they are being discriminated against on the basis of gender. Discrimination need not be direct and intentional for a complaint to be made. If the **indirect** outcome of a policy is unfair to males or females, then a complaint of discrimination might be upheld by the courts. In education, if the outcome of a policy is that females (whether teachers or pupils) receive less favourable treatment than males (or vice-versa), then discrimination may be judged to have occurred. It would not be illegal, for example, to separate boys and girls for certain teaching purposes, but it would be deemed discriminatory if one gender had access to curricular opportunities or advantages that were denied to the other.

The Equal Opportunities Commission (EOC) was created under the terms of the SDA and has three main tasks:

- to work to end gender discrimination;
- to promote equal opportunities for women and men;
- to review and suggest improvements to the 'sex discrimination' legislation.

The EOC advises and supports individuals or groups bringing complaints under the terms of the SDA and Equal Pay Act. It also investigates issues of gender inequality and public policy, and has published some reports on gender and educational achievement.

The Race Relations Act (RRA), 1976, outlaws discrimination on the grounds of colour, race, nationality or ethnic and national origins.

Anybody, including children (or those acting on their behalf), may complain formally under the RRA if they believe they are being discriminated against or receiving 'less favourable treatment' on these grounds. Again, discrimination need not be direct and intentional. If the **indirect** outcome of a policy is that one group receives less favourable treatment than another, then a complaint of discrimination might be upheld by the courts. The law does, however, allow for particular measures to help designated groups who have defined needs, for example those whose first language is not English.

The Race Relations Amendment Act, 2000, states even more explicitly the responsibility that all designated 'public authorities', including schools, have:

- to eliminate unlawful racial discrimination;
- to promote equality of opportunity and good relations between persons of different racial groups.

### **What is the statutory body for securing racial equality?**

[www.cre.gov.uk](http://www.cre.gov.uk)

The Commission for Racial Equality (CRE) was set up under the RRA. Its statutory duties are:

- to work towards the elimination of discrimination;
- to promote equality of opportunity, and good relations, between persons of different racial groups;
- to keep the working of the Act under review and to make proposals for amending it.

The CRE pursues complaints on behalf of individuals or groups under the terms of the RRA. It also investigates issues of inequality and public policy and has made a number of reports on education. It produces free and priced publications; these are listed in the online catalogue. Selected titles, including some texts not available in printed form, may be downloaded free from the website.

[www.cre.gov.uk/publs/crepubs.html](http://www.cre.gov.uk/publs/crepubs.html)

[www.runnymedetrust.org](http://www.runnymedetrust.org)

The Runnymede Trust develops specific and targeted strategies to raise the educational achievement levels of ethnic minority pupils. It produces publications dealing with youth and education issues.

*Disability Discrimination Act, 1995*

[www.hmso.gov.uk/acts/acts1995/1995050.htm](http://www.hmso.gov.uk/acts/acts1995/1995050.htm)

The Disability Discrimination Act (DDA), 1995, outlaws discrimination in the provision of goods and services against those with disabilities. This Act has some implications for teachers who are, or become, disabled. It has limited direct application to pupils in schools, though the governors' annual report to parents must publish information on:

- arrangements for the admission of pupils with disabilities;
- steps to prevent such pupils being treated less favourably than other pupils;
- facilities to assist access to the school by pupils with disabilities.

Circular 20/99 discusses the implications of the DDA for schools. It illustrates, for example, ways in which schools should seek to cater for the needs of parents with a disability that could affect their access to meetings on school premises. At all times, individual teachers should seek to ensure that pupils with disabilities are treated appropriately. Through other education legislation, all teachers have to be alert to the requirements of pupils with Special Educational Needs (SEN).

*See What the Disability Discrimination Act (DDA) 1995 means for schools and LEAs (1999):*  
[www.dfes.gov.uk/publications/guidanceonthelaw/dfeepub/dec99/02099/](http://www.dfes.gov.uk/publications/guidanceonthelaw/dfeepub/dec99/02099/)

### **What is the statutory body for securing equality for disabled people?**

[www.drc-gb.org/drc/default.asp](http://www.drc-gb.org/drc/default.asp)

The Disability Rights Commission Act, 1999, created the Disability Rights Commission (DRC) in 2000. The DRC will advise and assist disabled people in pursuing their rights under the DDA, give guidance on good practice to employers, investigate how disabled people are treated and research issues of inequality and public policy.

Its statutory duties are:

- to work to eliminate discrimination against disabled people;
- to promote equal opportunities for disabled people;
- to encourage good practice in the treatment of disabled people;
- to advise the government on the working of disability legislation.

**Is teaching such a minefield?**

As a responsible professional teacher, you need to be aware of your legal and contractual obligations; as a professional employee, you need to understand your rights and entitlements. These are complex matters and you might consider it prudent to have the assistance of a professional association to support you, should you ever need advice. As a teacher, you never know what difficulties you could face. Nevertheless, you should not lose sight of the fact that most teachers go through their working life entirely without legal drama, without being accused or assaulted by pupils or parents, and without becoming embroiled in contractual conflicts with their employer. It is easy to lose sight of the fact that, in most schools and, for most of the time, most teachers are going about the daily business of teaching pupils relatively peacefully – and often contentedly.

**Useful reading and resources**

The best source of current information is now the DfES (formerly DfEE) website itself. This gives access to much useful information: there is an A to Z of School Leadership and Management and links to legislation, circulars, guidance and press releases on many topics including conditions of service. A number of books is available dealing with education law and teachers' rights and responsibilities. The greatest problem is that they become out of date very quickly. Many schools pay for a subscription service to *The Head's Legal Guide*, or *The Teacher's Legal Guide*, published by Croner. These are loose-leaf guides with regular updates. *The Teacher's Legal Guide* includes an annual book, *Teachers' Rights, Duties and Responsibilities*.

CRE (1989) *Code of Practice for the elimination of racial discrimination in education*. London: CRE.

CRE (1997) *Exclusion from school and racial equality: A good practice guide*. London: CRE.

CRE (2000) *Learning for all: Standards for racial equality in schools*. London: CRE.

DfEE (1995) *Protecting Children from Abuse: The Role of the Education Service*, Circular 10/95. London: DfEE.

DfEE (1996) *Supporting Pupils with Medical Needs in School*, Circular 14/96. London: DfEE.

DfEE (1996) *Legal requirements relevant to the use of supply teachers*, Circular 7/96. London: DfEE.

DfEE (1998) *Section 550A of the Education Act 1996: The use of force to control or restrain pupils*, Circular 10/98. London: DfEE.

DfEE (1999) *Social Inclusion: Pupil support*, Circular 10/99. London: DfEE.

DfEE (1999) *What the Disability Discrimination Act (DDA) 1995 Means for Schools and LEAs*, Circular 20/99. London: DfEE.

DfES (2000) *Bullying – don't suffer in silence*. London: DfES

DfES (2001a) *School Teachers' Pay and Conditions of Employment Document*. London: DfES.

DfES (2001b) *School Teachers' Pay and Conditions Document Guidance 2001*. London: DfES.

OFSTED (1999) *Handbook for Inspecting Primary and Nursery Schools*. London: The Stationery Office.

OFSTED (1999) *Handbook for Inspecting Secondary Schools*. London: The Stationery Office.

OFSTED (1999) *Inspecting Schools: The Framework*. London: The Stationery Office.

Runnymede Trust (1993) *Equality assurance in schools: Quality, identity, society*. Stoke-on-Trent: Trentham Books.

Runnymede Trust (2000) *Curriculum 2000 – monocultural or multicultural? Briefing Paper, September 2000*. London: Runnymede Trust.

(1975) *The Sex Discrimination Act*. London: HMSO.

(1976) *The Race Relations Act*. London: HMSO.

(2000) *The Race Relations Amendment Act*. London: HMSO.

**Useful websites**

Please note that the websites referred to throughout the chapter have not been reproduced here. At the time of publication, the DfES is in the process of changing the stem of some of its website addresses from *www.dfes* to *www.dfee*. Should you be unsuccessful in making a connection with the address we have provided here, try typing in the alternative stem followed by the rest of the address. You may need Adobe Acrobat Reader™ to view/download any documents available on these websites.

<a href="http://www.cre.gov.uk/download.html#c">www.cre.gov.uk/download.html#c</a>	The CRE Code of Practice
<a href="http://www.dfes.gov.uk">www.dfes.gov.uk</a>	The DfES website
<a href="http://www.dfee.gov.uk/a-z/home.html">www.dfee.gov.uk/a-z/home.html</a>	The DfES A to Z of School Leadership and Management

**Professional associations**

<a href="http://www.askatl.org.uk/home/folder.htm">www.askatl.org.uk/home/folder.htm</a>	Association of Teachers and Lecturers (ATL)
<a href="http://www.naht.org.uk">www.naht.org.uk</a>	National Association of Head Teachers (NAHT)
<a href="http://www.teachersunion.org.uk">www.teachersunion.org.uk</a>	National Association of Schoolmasters/Union of Women Teachers (NASUWT)
<a href="http://www.data.teachers.org.uk/">www.data.teachers.org.uk/</a>	National Union of Teachers (NUT)
<a href="http://www.pat.org.uk">www.pat.org.uk</a>	Professional Association of Teachers (PAT)
<a href="http://www.sha.org.uk">www.sha.org.uk</a>	Secondary Heads Association (SHA)