

GUIDANCE FOR FE COLLEGES PROVIDING FOR YOUNG LEARNERS (LEGAL REQUIREMENTS LIST)

Legal and statutory responsibilities of FE Colleges involved in delivery to 14-16 year olds	
General	
1.	FE Colleges must provide schools with adequate details of provision to enable the school to obtain parental consent for their child to participate. It is advisable for the FE College to see evidence of written consent.
2.	FE Colleges may wish to protect their intellectual property including use of the FE College's name and logo.
3.	FE Colleges will need to make arrangements to convey to the school the results of any qualifications (or part qualifications taken through the college on the day that the results are notified so that schools can include where necessary the data in their performance tables.
Equal access to learning	
4.	Educational establishments should be aware of the legal requirement of the Disability and Discrimination, 1995 (as amended by on the admission and progress of learners.
Learners with Special Education Needs	
5.	Under the Education Act 1996, schools must use their best endeavours to make suitable provision available for all young learners with Special Education Needs (SEN). For those with statements, the school should reach agreement with the college to arrange content and delivery of provision that is suitable for the younger learner. The LEA has the duty to review the provision in the statement annually. Additional support needs are funded through the school. Colleges providing for young learners of compulsory school age with SEN should therefore ensure they are informed of the details of the statement that has been agreed in order to determine the level of support needed.
Supervision	
6.	Colleges need to assess the risks related to working with an age cadre to which the College is unfamiliar and take any necessary action. The risk assessment should cover all aspects of the College including the physical environment and the College's policies and procedures.
7.	FE Colleges must negotiate with the school, on the basis of the FE College's and school's risk assessments, the level of supervision required and put in place the agreed level of supervision both in class and on premises prior to and between lessons and at lunchtime.
8.	Where young learners are 'in-filled' in programmes with students over the age of 18 they should be supervised by an 'approved adult' i.e. one who has received a 'clear' Criminal Record Bureau (CRB) check.
9.	An FE College's governing body has duty of care towards the young learners and duty to protect as far as is reasonably practicable the health and safety of young learners. Policies and procedures for dealing with bullying are to be agreed.
Child Protection/Vetting	
10.	FE College staff teaching the 14-16 cohorts will require satisfactory enhanced Criminal Record Bureau (CRB) checks prior to starting the course.
11.	Where young learners are 'in-filled' in programmes with students over the age of 18 they should be supervised by an 'approved adult' i.e. one who has received a satisfactory enhanced CRB check, who must ensure that other adults do not have 'substantial

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	unsupervised access to the child’.
12.	Support staff such as technicians and instructors who have not been CRB checked should not have ‘substantial’ access to young learners.
13.	If FE Colleges organise work placements as part of their provision for young learners they should check that if any employees have duties that include supervising, training, caring for, or being in sole charge of children under 18 they are CRB checked.
14.	If FE Colleges should obtain an Enhanced Disclosure CRB check in respect of all staff whom they select for appointment in paid or voluntary work, or training, which involves regularly caring for, training, supervising, or being in sole charge of children under 18 years of age or vulnerable adults.
15.	FE Colleges should obtain a Standard Disclosure CRB check in respect of all new staff who they select for appointment in paid or voluntary work, or training, including within the Student Union, which involves regular contact with children under 18 years of age.
Approved qualifications	
16.	The curriculum being followed with young learners of compulsory school age must meet the Key Stage 4 statutory requirements and qualifications used must be approved by the Secretary of State under Section 96 of the Learning and Skills Act 2000. (http://www.qca.org.uk/ca/14-19/14-16/)
Reporting attendance	
17.	Schools have a legal requirement to keep a check on attendance of young learners of compulsory school age. It is therefore essential for FE Colleges to agree a procedure: <ul style="list-style-type: none"> • for the school to report absence to the FE College • for the FE College to report absence to the school
18.	Where a FE College has a range of school partners it is sensible to agree a common procedure for all schools.
19.	Similarly, if the FE College has organised a placement as part of its provision for young learners a clear procedure for reporting absence must be in place and any absence reported to the school. The college will need a system for monitoring attendance.
Health and Safety	
20.	The FE College Governing body will have responsibility for young learners placed with the College and for conducting the necessary risk assessments.
21.	Key findings of the risk assessment and the control measures to minimise, or ideally eliminate any significant risks must be conveyed to the school which will have the responsibility to provide them to parents/guardians.
22.	Note Whilst there is no requirement to provide any of this information in writing FE Colleges are advised to convey this information in written form in order to protect themselves against any subsequent dispute arising from an accident. Procedures and named contacts should be agreed before provision begins.
23.	FE Colleges should ensure the school makes them aware of any particular medical needs or requirements a young learner may have

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	and agree with the school how the necessary support can be provided.
24.	FE Colleges will need to ensure young learners and the school are made aware of general standards of safety of which all young learners and FE College students must abide.
25.	If an accident occurs to a young learner whilst at College this must be reported to the school immediately and to the HSE/local authority. If young learners feed back to schools that the college premises are not satisfactory then a decision must be made on whether to continue to use that college. A system for young learner reporting must therefore be established.
Insurance Cover	
26.	FE Colleges should establish with their insurers if there is a need to adjust their premiums to provide adequate cover.
27.	FE Colleges will need to inform partner schools of the legal cover being provided to enable schools to inform parents.
Disclosure of Information	
28.	Schools and Colleges should comply with the Data Protection Act 1998. The DfES guidance suggests it is legitimate for schools to release data to FE Colleges about young learners' attendance, behaviour, prior attainment and so on provided schools have informed young learners (or in some circumstances the parents) that they will be sharing personal data with the FE College for the purpose of carrying out educational functions. It is advisable for the FE College to see evidence of written consent from both parent and young learner.
29.	FE Colleges will need to receive, via the school, the young learner's (and depending on the understanding of the young person the parent's) permission for young learner data to be captured on the college MIS system
30.	'Sensitive personal data' relating to SEN or behaviour for example may only be disclosed if explicit consent is received from the young learner and depending on the student's understanding the parent. If consent is not received it may be advisable for FE Colleges not to accept the young learner.