



independent
schools
council

ISC POLITICAL SUMMARY

Wednesday 27th January – Tuesday 2nd February 2010

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1. Parliament

Questions

The Charity Commission & Public Benefit

Wednesday 27th January

Francis Maude MP (Con.: Horsham):

To ask the Minister for the Cabinet Office what the policy of the Charity Commission is on undertaking investigations of whether schools with charitable status are promoting the public benefit; and what statutory provisions govern such Charity Commission investigations.

In response to the question was a letter from Andrew Hind, Chief Executive of the Charity Commission:

As Chief Executive of the Charity Commission, I have been asked to respond to your question on what the policy of the Charity Commission is on undertaking investigations of whether schools with charitable status are promoting the public benefit; and what statutory provisions govern such Charity Commission investigations.

In July last year, the Charity Commission published public benefit assessments of twelve charities, which included five charitable fee-charging schools. We conducted these assessments on a co-operative basis with the charities concerned. In the case of the schools, we worked with two that had volunteered to be assessed and with three that agreed to be assessed after we had approached them.

In terms of our policy and the context in which this is set, we carried out these assessments following the Charities Act 2006 which:

Changed the definition of charity by removing the presumption that certain categories of charity, including those which advance education, are for the public benefit. The revised definition means that all charities have to show that they have purposes which are for the public benefit; and

Gave the Charity Commission, as the independent regulator of charities, a statutory objective to promote awareness and understanding of the operation of the public benefit requirement.

These public benefit assessments are part of our work in furtherance of this statutory objective. We explain our policy on carrying out these assessments in section H of Charities and Public Benefit which, following extensive consultation, we published in January 2008. It is guidance to which all charities must have regard and which sets out the approach and factors we take in all those cases where we are looking at the public benefit of an organisation. In summary, we said that:

in order to provide clear information about how the public benefit requirement is met by different groups of charities, we will issue guidance about what public benefit means for different types of charity and that such guidance would include pilot assessments of the public benefit of individual charities in different sub-sectors; and

we were likely to carry out detailed public benefit assessments on charities most affected by the removal of the presumption of public benefit and about which public benefit concerns were raised during the debate on the Charities Bill, such as fee-charging charities.

These first assessments have provided practical examples on the application of the public benefit principles and guidance which should help other school charities to meet the requirement themselves. We think that, at this stage, these are sufficient for schools and we have not included schools in the second round of public benefit assessments which we started in December. Public benefit will, however, continue to be an essential element of our separate, reactive casework with charities (including schools) which we would not routinely publicise. In these cases we will explore public benefit in more detail only where:

It is necessary to do so (because, for example, we must be satisfied that the revised aims of a charity will continue to be charitable before agreeing to a change of purpose); and

There is a high risk that public benefit will be difficult to demonstrate—examples of high risk factors include private benefits, novel or controversial purposes, narrowly defined beneficiary classes and high fees.

In terms of the statutory provisions governing these assessments, the Commission has power, both at common law and under the Charities Act 1993, to do anything which may fairly be regarded as necessary, conducive or incidental to carrying out its statutory objectives and functions. Section 1D of the Charities Act 1993 (as inserted by the Charities Act 2006) requires us (so far as is necessary) to have regard to the principles of best regulatory practice in the performance of our functions. I should also mention, for the sake of completeness only, that we have formal inquiry and protection powers under section 8 and 18 of the Charities Act 1993: we have not used these powers in relation to charitable schools and public benefit and would only do so where serious misconduct or mismanagement is involved or where it is necessary to protect charity assets.

Registrations with the Independent Safeguarding Authority

Monday 1st February

Francis Maude MP (Con.; Horsham):

To ask the Secretary of State for the Home Department what estimate he has made of the number of applications the Independent Safeguarding Authority will process in its first 12 months.

Meg Hillier MP (Lab/Co-Op.; Hackney South & Shoreditch):

For the period July 2010 to 31 March 2011 we currently forecast that approximately 1,100,000 individuals will apply to become ISA-registered through the Criminal Records Bureau. It is forecast that there will be relevant information on approximately 30,000 of these applicants which the ISA will need to consider. It is further estimated that the ISA will receive an additional 21,000 referrals from employers and other regulatory bodies or auto-bar cases that will also require its consideration.

The use of 'soft data' in enhanced Criminal Records Bureau disclosures

James Brokenshire MP (Con.: Hornchurch):

To ask the Secretary of State for the Home Department what guidance his Department issues to police forces on the types of information to be disclosed in soft data disclosures under enhanced Criminal Records Bureau checks.

Meg Hillier MP (Lab/Co-op.: Hackney South & Shoreditch):

Section 113 B (4) of Part V of the Police Act 1997 requires that in addition to criminal record information from the Police National Computer (PNC), Enhanced certificates should include any other information which a chief police officer considers might be relevant to the job application in question.

This is usually non-conviction information deriving from local force records and is referred to as 'approved information'; chief officers are obliged to provide such information for Enhanced certificates under the Act. Where disclosed, information of this nature is considered by the police to represent a factual record of previous events that an employer in the most sensitive type of occupation should be aware of in making an employment decision affecting the most vulnerable groups of people.

Factors that would be taken into consideration when making decisions to disclose would include, but not be restricted to, the position the individual is currently applying for, the age of the information, whether the information might be directly relevant to the assessment of the person's suitability to work with children and whether it is reasonable to disclose the information, bearing in mind the human rights of the individuals concerned.

In making such assessments, the chief officers follow guidelines including, Home Office circular 5/2005-"Criminal Records Bureau: Local Checks by Police Forces for the Purpose of Enhanced checks" and this has been augmented by a process known as the Quality Assurance Framework. The circular makes clear that consideration has been given to a person's right to privacy under Article 8 of the European Convention on Human Rights. In this regard there is a section in the circular which details what factors should be considered in determining relevancy.

The Quality Assurance Framework (QAF) is a standardised approach to processing local intelligence information held by Police Force Disclosure Units and was developed by the Association of Chief Police Officers (ACPO) and the CRB. QAF provides a step-by-step process framework that ensures that information is considered consistently and in the same way every time. Searches performed on local systems using the QAF Framework and document set produce an audit trail that can be used for quality assurance and to assure QAF compliance.

Children, Schools & Families Bill note

The Government has tabled an amendment remove clause 42 of the Bill in its entirety, which would have seen academies become exempt charities for the purposes of the Charities Act 1993

2. UK Border Agency note

From 1st of February, the UK Border Agency (UKBA) has stopped accepting Tier 4 visa applications from the following centres:

North India (New Delhi, Jalandhar & Chandigarh)
Bangladesh (Dhaka, Sylhet & Chittagong)
Nepal (Kathmandu)

UKBA say this is temporary while investigations are carried out into abuse of the visa system. When Tier 4 applications will be resumed from these centres has not yet been decided.

3. Speeches

Monday 1st February

Nick Clegg MP, Leader of the Liberal Democrats

In a speech to Barnardo's on Monday, Nick Clegg emphasised once more his party's commitment to a £2.5bn pupil premium scheme, which Mr Clegg claimed would see an average of an extra £2,500 per year spent on pupils eligible for free school meals.

A transcript of Mr Clegg's speech is available on the Liberal Democrat website:

[http://www.libdems.org.uk/speeches_detail.aspx?title=Nick Clegg pledges to give every child a fair start in life &pPK=e37309e8-f329-45bc-8512-cc64fcf061bf](http://www.libdems.org.uk/speeches_detail.aspx?title=Nick+Clegg+pledges+to+give+every+child+a+fair+start+in+life+%26pPK=e37309e8-f329-45bc-8512-cc64fcf061bf)

A more detailed outline of Lib. Dem. education proposals is available in their policy document *Equality and Excellence: Policies for 15-19 education in England's schools and colleges*, available here:

[http://www.libdems.org.uk/siteFiles/resources/PDF/Liberal%20Democrat%20Education%20Policies%20Equity and Excellence.pdf](http://www.libdems.org.uk/siteFiles/resources/PDF/Liberal%20Democrat%20Education%20Policies%20Equity+and+Excellence.pdf)

4. Organisations and Unions

National College for the Leadership of Schools and Children's Services

Last week the National College announced that Dr Deborah Absalom, John Coughlan, Dr John Dunford and Glynn Lowth have been appointed as board members.

National Union of Teachers

The NUT have announced that Mr Kevin Courtney has been elected Deputy General Secretary.

5. Think-tanks

The Sutton Trust

Widening Access to Selective Universities

This paper examines the evidence suggesting that the background of those entering elite, selective universities has not changed dramatically over the last decade, despite efforts by the Government and the universities themselves.

The level and type of qualification obtained by those from disadvantaged backgrounds is identified as the most important contributing factor to the low proportion. Though 80% of disadvantaged young people live in the vicinity of a highly selective university, just one in 25 actually attend one of them.

The report is the trust's submission to Sir Martin Harris, Director of the Office for Fair Access. It cites recent research by Rudolf Elliott Lockhart, ISC's Head of Research.

http://www.suttontrust.com/reports/martin_harris.pdf

5. Parliamentary Business for the Week Ahead

Wednesday 3rd February

09:30, Wilson Room, Portcullis House

Children, Schools and Families (CSF) Select Committee
The Teaching of STEM¹ Subjects – Oral Evidence Session

With evidence from: The National Science Learning Centre, the Institute of Physics, Reading University

Thursday 4th

09:00, Committee Room Nine, Palace of Westminster

The CSF Bill Committee will meet to discuss the Bill further

Monday 8th

15:45, Room TBA, Portcullis House

CSF Select Committee
Young people not in education, employment or training – Oral Evidence Session

Wednesday 10th

09:30, Room TBA, Portcullis House

CSF Select Committee
The Teaching of STEM Subjects – Oral Evidence Session

With evidence from: King's College, London, Engineering UK, the Institution of Mechanical Engineers

¹ The STEM subjects are science, technology, engineering and mathematics.

6. Index of Parliamentary written questions 27/01/10 – 02/02/10

<u>Department</u> Topic	Link
Wednesday 27th January	
<u>Cabinet Office:</u> Charities: Schools	965W
<u>Department for Children, Schools and Families (DCSF):</u> Children: Day Care	932W
Extracurricular Activities: Birmingham	932W
<u>Home Office:</u> Vetting	913W
Thursday 28th	
<u>DCSF:</u> Higher Education: Admissions	1063W
Friday 29th	
<u>DCSF:</u> Children: Poverty	1101W
Children: Protection	1102W
Children's Centres: Eltham	1102W
Education Maintenance Allowance: Cornwall	1103W
Extracurricular Activities: South West	1104W
Families	1105W
Family Fund	1105W
Members: Correspondence	1106W
National Safeguarding Delivery Unit: Public Appointments	1106W
Non-Formal Learning	1107W
Social Services: Haringey	1107W
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<u>Department of Business, Innovation & Skills:</u> Overseas Students: Admissions	137W
<u>DCSF:</u> Departmental Finance	98W
Departmental Internet	98W
Departmental Manpower	98W
Departmental Public Consultation	99W
Schools: Health Services	99W
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<u>Home Office:</u> Entry Clearances: Overseas Students	82W
Independent Safeguarding Authority	90W

Tuesday 2nd

Cabinet Office

Charities: Educational Institutions [310W](#)

DCSF

Capital Investment: Gloucestershire [288W](#)

Chorley [289W](#)

Class Sizes [290W](#)

Education Maintenance Allowance [291W](#)

GCE A-Level [291W](#)

GCE A-Level: Children in Care [291W](#)

GCSE [293W](#)

Languages: Teachers [294W](#)

Primary Education: Greater London [294W](#)

Pupils: Bullying [295W](#)

Pupils: Per Capita Costs [296W](#)

Schools: Buildings [296W](#)

Schools: Databases [297W](#)

Schools: Gloucestershire [297W](#)

Schools: Greenwich [298W](#)

Schools: Inspections [299W](#)

Schools: Leeds [300W](#)

Snow and Ice [302W](#)

Social Services: Doncaster [302W](#)

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Truancy [305W](#)

Truancy: Leeds [306W](#)

Truancy: Prosecutions [306W](#)

Youth Custody: Education [308W](#)

Youth Justice [307W](#)