

Mr A Thomas
Chairman of the board of governors
Lawrence Sheriff School
Clifton Road
Rugby
Warwickshire
CV21 3AG

Ref: 2013/0053139
Date: 12 September 2013

Dear Mr Thomas

Further to our previous correspondence, to acknowledge the evidence you provided concerning the complaint raised by Mr X against Lawrence Sheriff School. I have now considered the evidence presented from Mr X and from Lawrence Sheriff school.

It might help if I begin by explaining the legal context of the Secretary of State's role in considering complaints against school governing bodies. He can intervene in the actions taken by governing bodies but the circumstances in which he can do so are limited. Under section 496 of the Education Act 1996, **where the Secretary of State is satisfied that a governing body of local authority have acted unreasonably, with respect to any power or duty conferred on them in education law**, he may issue such directions to them in relation to the exercise of the power or performance of the duty **concerned as appear to be expedient.**

I should clarify that "unreasonably" in this context has been interpreted by the courts as meaning in a way in which no sensible local authority or governing body acting with due appreciation of its responsibilities would have acted. This is a narrow and testing definition. It does not, for example, allow the Secretary of State to substitute his own judgement for that of a governing body and to issue a direction because he would have acted differently.

Section 497 of the 1996 Act deals with the circumstances where the Secretary of State is satisfied that a governing body has failed to discharge a statutory duty imposed on them under education law. The Secretary of State has the power to make an order declaring that the governing body to be in default of the relevant duty and giving such directions to enforce the performance of that duty as appear to him to be expedient.

After careful consideration the department has considered the complaint on behalf of the Secretary of State.

COMPLAINT UPHELD- BUT RECOMMENDATIONS REQUIRED

Based upon the evidence provided I recommend the following:

- That the board of governors complete stage two of the appeal process as this was bypassed due to the nature and seriousness of the complaint and the advice that you received. However this has resulted in a breach of your policy. When completing this stage of the process it would be necessary to include a caveat that confirms that you will not be revisiting the third stage of the process as this has been completed as per the policy. The information that I have reviewed confirmed that you have offered Mr X a number of dates to attend the hearing that have been unacceptable for him to attend. If a suitable date for all concerned cannot be agreed then the hearing can take place without Mr X in attendance. This would need to be confirmed in writing.

I enclose a copy of our letter to Mr X, which details our findings and decision for your records.

The department has looked at all the information that has been gathered to consider the complaint, and the decision that has been made is based on that information. If you think we have not considered some information, please let us know within 10 working days of receiving this letter, providing the information you think has not been considered.

A review of all the information, including that which you provide, will be made to ensure that we have considered all information available regarding the complaint. This may not, however, result in a different decision being made.

Yours sincerely

Diane Wilkinson

Ministerial and Public Communications Division