

**MINUTES OF THE LA AND EPHA EXECUTIVE COMMITTEE MEETING
THURSDAY 5 MAY 2016 starting at 11.45 am (lunch break from 12.30 – 1.10 pm)**

In attendance	Representing	email address
Clare Kershaw CK	Director of Commissioning, Education and Lifelong Learning	clare.kershaw@essex.gov.uk
Graham Lancaster	Primary Improvement Commissioner NE	Graham.lancaster@essex.gov.uk
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Lisa Fergus	Primary Improvement Commissioner S	Lisa.fergus@essex.gov.uk
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Lesley Cheshire	SEND Consultant	lesley.cheshire@essex.gov.uk
Lehla Abbott	EPHA North East Vice-Chair	head@broomgrove-inf.essex.sch.uk
Cheryl Allard	EPHA Central Chair/Chelmsford South	head@oaklands-inf.essex.sch.uk
Lois Ashforth	EPHA Dengie	Head@coldnorton.essex.sch.uk
Dawn Baker	EPHA Mid Treasurer	headteacher@lawfordmead-jun.essex.sch.uk
Sue Bardetti	EPHA Tendring South	admin@hollandhaven.essex.sch.uk
Nicky Barrand	EPHA South Vice-Chair	htpa@cherrytree-pri.essex.sch.uk
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Shelagh Harvey	EPHA Brentwood	headteacher@ingatestone.essex.sch.uk
Nigel Hookway	EPHA Executive Director	nigelhookway@hotmail.com
Nick Hutchings	EPHA Vice-Chair/NE Chair	head@st-johns-colchester.essex.sch.uk
Ceri Jones	EPHA Mid Chair	Head@chippinghill.essex.sch.uk
Pam Langmead	EPHA Professional Officer	pam@langmead.me.uk
Lesley Lewis	EPHA West Treasurer/Epping Forest	admin@theydonbois.essex.sch.uk
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Lorna Pigram	EPHA Rayleigh	head@canewdon.essex.sch.uk
Harriet Phelps-Knights	EPHA Chair	Head@janetduke.essex.sch.uk
Clive Reynolds	EPHA Colchester West	admin@hamilton.essex.sch.uk
Angela Russell	EPHA Basildon West	angelarussell@st-anneline-inf.essex.sch.uk
Janice Tunney	EPHA Epping Forest South	admin@limesfarm-inf.essex.sch.uk

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Isobel Barron, Rachel Callaghan, Brenda Dalley, Julie Lorkins, Jacque Martin, Kate Mills, Hayley O’Dea, Daren Partridge, Jonathan Tye and Kay Wills.

Clare Kershaw (CK) welcomed headteachers and LA Officers to the meeting.

Action

2. IMPLICATIONS OF THE EDUCATION WHITE PAPER AND PROPOSAL FOR CONSIDERATION

Clare Kershaw circulated a supporting paper in advance of the meeting, setting out the immediate impact and future implications of the White paper, Educational Excellence Everywhere. This stated:

The Government has published a number of important proposed education reforms, these are:

1. A new Education White Paper, *Educational Excellence Everywhere*, which sets out reforms that aim to ensure that by 2022 no school will be maintained by a local authority. It promotes the academy model for all schools, including faith ones and goes further to state that it is expected that most schools will be in some form of Multi Academy Trust (MAT)
2. A consultation to introduce a new national Schools Funding Formula from April 2019 with interim implementation arrangements from April 2017.
3. A consultation on introducing a new High Needs Funding Formula
4. The Education and Adoption Act which will come into force on April 11th 2016 which gives powers of intervention in maintained schools to the 8 Regional Schools Commissioners (RSCs) and introduced a new 'coasting' definition to bring more schools including academies into the criteria of being eligible for statutory intervention.

The white paper will change the education duties of the LA and reduce these to three main elements:

- a. Ensuring every child has a school place, including sufficient school, special school and alternative provision places to meet demand. Local authorities will also work with schools and parents in developing local school transport policies, giving schools the opportunity to provide school transport services where that makes sense locally; and take a lead in crisis management and emergency planning
- b. Ensuring the needs of vulnerable pupils are met – this covers SEND duties, duties to provide alternative provision which schools can commission, the statutory role of the Head of the Virtual School and a proposed consultation to consider if this should be extended to children who leave care post adoption, children educated at home and children missing education.
- c. Acting as champions for all parents and families – support families to navigate the system through a continuing role in admissions, SEND, championing high standards and where necessary call for action from the Regional Schools Commissioner. The paper proposes considering if local authorities should co-ordinate all in-year admissions.

The role of the Lead Member for Education and Director of Children Services will be amended to reflect these changes.

Comments on the reforms / points for discussion.

- Essex has been on a journey to develop a School-led Improvement System for the past 15 months. The principle is that every school will either be in a formal accountable partnership and/or part of a MAT.
- From September 2017 all funding to local authorities for school improvement activities (received from the Education Services Fund) will be removed from LA budgets.
- Currently 1/3 of schools are either academies or in MAT's, 2/3^{rds} are still maintained, the majority of these are primary schools.
- The white paper assumes there will be a mature MAT infrastructure from 2020

- whereby all schools are supported by MATs and Teaching School Alliances.
- The Regional Schools Commissioner now has the power to send warning notices to any maintained school or academy where standards are of concern. From September 2016 this will be extended to coasting schools. The outcome will be to force schools into RSC-approved MATs.
- Outcomes for children are at their highest levels in Essex as are the number of schools judged good or outstanding by Ofsted.
- The reforms put at risk sustaining this level of improvement as schools become preoccupied with structure and the system becomes fragmented.

Clare noted that the Local Authority has stated that it opposes forced academisation for all schools, though it certainly supports schools that want to become academies, and those that are looking for a sponsor, alongside schools that don't need or wish to become academies. The LA also supports the principle of having parent governors on a school or academy's Governing Body. Councillor Ray Gooding, the Cabinet Member for Education and Lifelong Learning has recently written to Nicky Morgan setting out the Council's position in relation to the White Paper. Clare noted that the White Paper continues to be debated and that it is likely that final decisions are yet to be made about eventual legislative changes.

Clare stressed the LA's concern that the White Paper suggests that support for schools will be provided by TSAs and MATs, but that this assumes that an effective, mature system will be in operation well before 2022. The ESG which funds LA school improvement activity is being withdrawn in 2017, leaving a potential gap of five years without a functioning cross-county school improvement service.

Secondly, the LA has concerns about fragmentation; schools operate and move forward in different ways and the expected pace of change may leave some behind. Clare stressed how much she values the relationship with the Headteacher Associations, which supports an effective "Essex system".

Early informal discussions with EPHA and ASHE have raised the possibility of looking to re-establish the Essex Learning Partnership (or another mechanism) to provide some support and help to schools and the system in the interim years from September 2017 until a fully mature structure is established, or even beyond.

The Partnership or its equivalent could take over those core services currently delivered by the LA that schools choose to retain, but could go further to consider:

- The development of a review framework for schools and MATs (potentially using ex LA staff)
- Technical support for the development of MATs
- Co-ordination of 'preferred' traded services to schools
- Forming a strategic overview of the TSA offer across Essex
- Advocating on behalf of schools and Essex to the DfE, RSC and Ofsted
- It could consider forming a MAT or supporting the development of an LA MAT

Timescales

If this is something EPHA and ASHE want to consider further a high level model will need to be designed by June 2016 for consideration in July, in order that the direction of travel can be agreed ahead of the 2016/17 academic year.

Designated LA officer time could be provided to work in partnership with representatives of EPHA & ASHE to co-design the initial model.

It is not yet clear how the structure would be funded, although this could be as a core

service (through subscriptions or a top-slice from the DSG) or as a fully traded service. Clare noted that ASHE has stated that it is interested in investigating the options further, particularly in relation to the provision of support for secondary headteachers, strategic work, data and intelligence, inspection support, communications and media support, support of MATs and Teaching School Alliances, and providing quality assurance for school improvement.

The EPHA Leadership Team has asked Clare to produce a list of what the ESG currently funds in relation to school improvement, which would, therefore, be lost after September 2017. Clare noted the following

- £1.5m is currently allocated to staffing costs for the Standards and Excellence Commissioners - £1m primary and £450k secondary
- School improvement and interventions include £300,000 (£273,000 primary, £30,000 secondary) in 2016/17 on inadequate schools, supporting them before they are taken over by academy sponsors. She noted that that budget is the lowest it has ever been, as there are now considerable fewer Grade 4 schools that have not yet converted to academy status.
- £50,000 per annum on headteacher meetings (NB this will change in 2016/17 when EPHA takes over the funding of the meetings)
- £38,000 support for Pupil Premium, NET research and development, conferences etc
- £24,000 to support secondary schools ALPS data
- £250,00 project work, including the Achievement Strategy, secondary Ofsted peer review, EYFS etc
- £520,000 on the Schools Led Improvement System/Partnerships project

The long term funding of schools is unknown as this will depend on the outcomes of the National Funding Formula consultation, and the allocation of future funding for LA operations. At best, Clare anticipates being able to fund a very small core commissioner infrastructure.

The Executive agreed that it would be very helpful to see a comprehensive list of services provided to schools, either funded by the ESG or schools' DSG, and the traded services. Currently the Standards and Excellence Commissioners are a core service.

Clare reminded the Executive that, at the current time, she simply needs a steer as to whether the LA should continue to research and develop this proposal. She argued that there is a moral imperative to support schools; for example, if a maintained school loses its headteacher the LA will currently support the governors and leadership of the school; if there is no support mechanism in plans individual schools may not have appropriate support when in difficulty.

After lengthy discussion it was **AGREED** that information about the current service should be shared with headteachers at the area meetings in June, so that they were able to understand the risks associated with losing the school improvement functions of the LA to the Essex system.

3. **MATTERS ARISING FROM EPHA EXECUTIVE MEETING**

a) **Insurance for LLEs and NLEs**

Graham Lancaster confirmed that he still needs to find out who insures Local and National Leaders of Education and that he would follow this up after the meeting. It was noted that if headteachers are taking part in Local Authority reviews or Peer Reviews (as reviewers) they would not be the lead reviewer and no individual financial transaction

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would take place. As a result the LA's own insurance would cover the reviewer.

b) Use of Jobscene to advertise vacancies in other Local Authorities

Clare noted that Jobscene magazine is a traded service which accepts advertisements from all schools, whether or not they are in Essex LA. The website, Essex Schools Jobs, is free to Essex schools and only accepts advertisements from Essex schools.

c) Checking eligibility for Free School Meals

A junior school headteacher noted that she had not received the email about the new subscription service for checking eligibility for Free School Meals. Clare **AGREED** to investigate this further, as her understanding was that all schools should have received the information.

CK

d) Fair Access Protocols

The Executive Director questioned whether the ECC Fair Access protocol was being applied fairly. There is a perception that 6 schools are cajoled or even forced into taking additional children. He recognised the legal duty for the LA to find places for all children, but wanted to be reassured that the process is transparent and fair. It was **AGREED** that Shamsun Noor (Planning and Admissions) should be asked to speak to headteachers at the autumn term meetings to reassure them of the process. It was noted that the LA is obliged to take parental choice into consideration and transport costs.

Shamsun
Noor

e) Emergency premium numbers for LA services

The Executive thanked Clare for acting so swiftly after the last meeting in January, and altering the use of premium telephone numbers for LA services. However, it was noted that not all services have changed entirely – out of hours services still utilise premium numbers, although they may then give an alternative non-premium number that the caller can then use. Clare **AGREED** to look into this.

CK

f) Education Health and Care Plans transition

It was noted that the transition from Statements to EHCPs is causing schools great difficulty; as the statutory time period nears its end there is a vast back log and insufficient staffing capacity to ensure that these are completed. Some schools have been told to access IPRA funding, rather than pursue an EHCP, but this is also difficult to access. Clare admitted that the LA is not complying with the government's statutory timescales although there has been progress recently and around half of the EHCP applications are now completed within the timeframe. She agreed that the system as a whole, including the collaboration between health and education is not where it needs to be.

g) LADO response to safeguarding cases

One headteacher expressed her concerns about the lack of communication from the LADO when a case is underway. Clare **AGREED** to follow up this concern.

CK

h) JDATT Communications Officer

One of the EPHA members noted that schools are still not being trusted with information around domestic violence cases that involve children, despite the appointment of a communications officer for JDATT (Joint Domestic Abuse Triage Team). Clare said that she was concerned to hear this, as this role was specifically created (and funded by schools) to improve communication and information sharing. She noted that the ESCB (Essex Safeguarding Children Board) is also aware that information is only shared about medium- high risk domestic violence (where the family is already known to social care) and that schools have asked to have more information in order to protect vulnerable children. Clare **AGREED** to follow up this concern

CK

4. SCHOOLS CAUSING CONCERN GUIDANCE

Lisa Fergus circulated a paper about the new DfE Schools Causing Concern guidance, which came into effect on 18 April 2016. The paper gave the following summary of the paper and the LA's comments/response:

- Guidance revised in March 2016 in light of new Education and Adoption Bill and the new powers given to Regional Schools Commissioners from the 18th April 2016.
- This is now a document used jointly by RSCs and LAs.
- It provides guidance on how RSCs and LAs can exercise their powers of intervention in a school. Also details how RSCs will deal with underperforming academies and coasting schools.
- Any school now judged 'inadequate' by Ofsted will receive an academy order from the RSC. The LA and Governing Body are required to facilitate the sponsorship happening swiftly. The RSC can name the sponsor for the school. But so far, the RSC has usually discussed local solutions with the LA to enable this to happen.
The Local Authority has already received several academy orders for schools that have gone in to a category. They outline the process. It is our expectation that DfE representatives will liaise with us to source local sponsors. In reality we do not know how quickly this will yet be expected.
- When an academy is judged inadequate by Ofsted, then the RSC is able to terminate the funding agreement with the existing academy trust, identify a new sponsor and move the academy to that new trust.
The LA has always discussed with Tim Coulson and DfE representatives any academies causing the LA concern. It is envisaged this will continue. ASHE is aware that secondary MATS may have to grow quickly. Currently most secondary academies are converters.
- Coasting schools – RSCs will be able to take formal action in any school, which falls within the definition of coasting. In maintained schools RSCs should consider intervention if needed. Likely this will be in discussion with LA, but there is no requirement to involve the LA. If a school's action plan and capacity is not sufficient, academy sponsorship most likely.
LA will need to work with schools where we have identified already that they are at risk of meeting the coasting schools definition at the end of 2016. The SCC guidance is not explicit in saying how any plan should be written or what it should cover. It just talks about it needing to show the strength of the school's capacity to improve and for it to be robust in leading to school improvement. RSC Headteacher boards will look at these plans. LA officers will need to also liaise with Headteacher board for Essex as needed.

39 schools were notified at the beginning of the school year that, based on 2014 and 2015 data, they could be at risk of being judged to be "coasting". Headteachers were reminded that the final definition for "coasting" will not be determined until the 2016 SATS data is published.
- Where an academy is deemed to be coasting the funding agreement will be terminated and the RSC can direct them to join another Academy Trust.
- LAs and RSCs can issue warning notices. However, if a Local Authority issues a warning notice and the RSC then follows this with their own, the RSC's warning notice will always supersede the LA warning notice.
As an LA we have always linked closely with the DfE when a warning notice has been

issued. It is hoped we will maintain a close working relationship with Tim Coulson and his officers to know if they were about to issue a warning notice. However, this is yet to be tested.

- A warning notice can be issued if the LA or RSC feel a schools performance is unacceptable. Or, there is a breakdown in leadership and management. Or, the safety of pupils or staff may be being threatened.
- RSCs are permitted to intervene in diocesan schools. For all Church of England and Roman Catholic schools, the SCC guidance should be read alongside the relevant Memorandum of Understanding, which the Roman Catholic and Church of England diocese have signed.
In Essex both the Roman Catholic and Church of England diocese have signed the respective MOUs with the DfE. However, not all across the country have.
- If the RSC names a sponsor for any school this decision is final.
- Any sponsor of a school in a category has to communicate to parents how it will support the school before the RSC will agree the sponsorship.
The LA would want to work with the sponsor on how this was handled in order that we are satisfied the communication meets all of the criteria set out in the SCC guidance. There is not a requirement any more for the LA to lead this process.
- Any schools that were judged inadequate prior to 18th April will still receive an academy order requiring it to become sponsored. If an existing academy was judged inadequate they will be directed to a new sponsor.
We have examples in Essex where this has happened already. We know of at least one other school judged inadequate before Easter who will also receive one of these letters.
- If any existing academy has their funding agreement terminated and it is felt the school is not viable long term, the RSC can close it.
The LA is currently looking at one school through a feasibility study with regards to its longer-term projected sustainability. This will need to be shared with the DfE. However, the school is also judged inadequate and has received an academy order letter.

Clare stressed that, until now, the Local Authority has worked closely with the RSC's office. However, as Tim Coulson makes decisions that are consistent across the whole Eastern Region, rather than only as a result of local discussions, there may be some contradictory and unwelcome decisions by the RSC. Clare suggested that Tim Coulson should be invited to the EPHA Executive meeting in the autumn term to discuss his relationship with all schools in the county.

**EPHA
Executive
meeting with
LA Officers
6 October
2016**

5. SEND STRATEGY UPDATE

Lesley Cheshire, who is working with Ralph Holloway on the transformation of special educational needs and disability provision in the county, was welcomed to the meeting. Clare Kershaw reminded the Executive that, when she was appointed as Director for Education and Lifelong Learning she was given a clear directive from Dave Hill, Executive Director to "sort out SEND".

The SEND transformation project is underway, which includes a major capital programme and a restructured leadership team in the LA. This includes:

Ralph Holloway – SEN Transformation Manager

Liz Cornish – Lead Commissioner, SEND – she leads on effective practice and is developing the school led SEND system

Elaine White - principal psychologist who is overseeing statutory assessment and leads on the use and implementation of EHCPs.

Annette Jones – her role is within co-production and the parent/carer voice

Lesley Cheshire's role is to work as a consultant for the team, offering advice, an out of Essex perspective and quality assurance of the projects and processes. She is currently undertaking a review of the current therapeutic provision in schools across the county.

Clare reminded the Executive that the National Funding Formula proposes that education funding will be split into EYFS, High Needs block, and Delegated Schools Grant. Within ECC there is currently an over-spend on high needs and it will necessary to ensure that future provision is effective and affordable depending on the High Needs allocation.

She noted that engagement with the CCGs (Clinical Commissioning Groups) has been increasingly positive over the last couple of months.

Lesley Cheshire stressed that Essex cannot continue with the existing SEN system – it is neither affordable nor effective and creates huge frustration, given that everyone has the desire to do what is best for vulnerable children. Provision for children with the most complex needs currently relies on funding via the statutory assessment system, and this is inefficient and bureaucratic.

Lesley reiterated Clare's assertion that CCGs are keen to work with the Local Authority and explained the need for a governance structure for SEND, with monthly management meetings that would include representatives from CCGs, social care and education.

Lesley recognises the urgent need to improve therapy provision in Essex, with a key focus on early intervention. She is asking schools for data, in order to understand what provision is available to schools, how it is being funded and what, if anything, would schools commission if they had the funding or access to additional therapies. One headteacher also suggested that it would be helpful to include additional therapy that parents pay for in order to support their children.

She shared a form that she is suggesting that schools complete, to gather this data. It was agreed that this process should not start until after the SATs and that there would need to be clear guidance around the purpose for the data collection exercise, so that schools provide the information in a timely fashion. It was **AGREED** that the EPHA Executive will send their feedback about the data collection form in the next few weeks and the form will then be sent to schools, with additional advice and encouragement offered at the termly headteacher meetings in June.

Clare was asked if the Local Authority has received any of the Government funding allocated for mental health provision. She noted that this money is being given to NELFT (the LA's CAMHS provision), but slowly.

6. MODERATION AND STATUTORY ASSESSMENT

A statutory assessment update for the summer term 2016 was provided by Jacky Castle and circulated at the meeting.

The EPHA Executive asked for clarity about the Key Stage 1 data, which has to be submitted to the DfE by 30th June. The LA has asked for the data to be provided earlier, if

possible, so that it can be “cleansed” in advance of the moderation visits. There is no requirement to submit the assessment data earlier to the LA, although that if schools are ready to do so this will help the process.

7. RECRUITMENT AND RETENTION STRATEGY

Graham Lancaster reminded the EPHA Executive that the LA has recognised that there are insufficient teachers in schools in Essex, in all sectors including the special schools. Therefore, the LA has established a Task and Finish Group working with the three Headteacher Associations and Sue Hammond of the National College, to roll out an effective recruitment and retention strategy. He thanked headteachers for responding to a survey carried out by EES, which has given useful information about vacancies and recruitment challenges across the county. Schools will be asked to complete a shortened version of the survey in the second half of the summer term, in order to get a county-wide picture of the staffing situation in September 2016.

The Schools Forum has pledged £270,000 to fund the strategy and the strategies so far include:

- i) a communications and PR campaign (funded by ECC) aimed at raising the profile of teaching in Essex. Graham noted that the volume of out-of-county hits has been impressive.
- ii) Sue Hammond, from the National College, (a member of the Task and Finish group) is leading a trip to Adelaide to recruit secondary and primary headteachers. They will be supported with an induction training programme as well as incentives to travel to teach in the UK.
- iii) on the 29th June there will be a recruitment fair held at Stansted, focused on Irish teachers who will be flown to Essex.
- iv) a number of incentives have been discussed and included in the budget, such as a grant (awarded to groups of schools) to help teachers who move to Essex to pay for deposits on houses, relocation costs and so on. Graham also noted that he is in discussion with the Dioceses to see if there are any empty vicarages that could be used for group accommodation for NQTs and young teachers. Fiona Dorey also noted that it would be worth contacting the Methodist Church as it may also have possible accommodation that could be used in this way.

One of the huge concerns this year has been the impact of the Government’s cap on ITT recruits; there are very few funded places available at this stage, and in most cases only those who are self-funded or salaried are able to gain a place on ITT courses. The Recruitment and Retention Task group has suggested allocating some money to provide bursaries to self-funded students, to encourage them to train in Essex.

It was noted that so far the task and finish group has only focused on recruitment, whilst the issue of retention was just as critical, if not more so. One Headteacher asked if the main reasons that teachers are leaving the profession – workload and stress – are being fed back to the DfE and the Regional Schools Commissioner. It was agreed that lobbying at a national level was absolutely critical, but it was also essential to offer something tangible to teachers in schools, such as support and effective professional development. One headteacher noted that we should consider alternative models and incentives for teachers. For example, in Australia, teachers are given substantial non-contact time, opportunities to research education and teaching practice, a chance to take time out or sabbaticals at times in their careers, and the opportunity to dip in and out of leadership during their teaching life.

8. SUMMER TERM AREA HEADTEACHER MEETINGS

The agenda included a number of suggestions for the termly area meetings and the following were agreed:

- Essex View from the Bridge
- Implications of the education White Paper and School Causing Concern guidance
- SEND programme update and therapies survey
- Early Years Foundation Stage update and information (*this was not included in last term's meeting, and was requested by a number of headteachers*)
- Update, discussion and Q&A with NELFT (Ben Smith – Education Lead?)

9. DATES AND TIMES OF MEETINGS FOR THE REMAINDER OF THE 2015/16 SCHOOL YEAR AND THE 2016/17 SCHOOL YEAR

Executive meetings (Chelmsford City Football Club)

Thursday 6 October 2016

Thursday 26 January 2017

Thursday 4 May 2017

Area Heads Meetings

Summer term 2016

N-EAST	Wednesday 8 June	Weston Homes Community Stadium
SOUTH	Thursday 9 June	Holiday Inn, Basildon
WEST	Wednesday 15 June	Weston Homes Business Centre, Takeley
MID	Thursday 16 June	Chelmsford City Football Club

Autumn term 2016

N-EAST	Wednesday 9 November	Weston Homes Community Stadium
SOUTH	Thursday 10 November	Holiday Inn, Basildon
WEST	Wednesday 16 November	Weston Homes Business Centre, Takeley
MID	Thursday 17 November	Chelmsford City Football Club

Spring term 2017

SOUTH	Wednesday 22 February	Holiday Inn, Basildon
N-EAST	Thursday 23 February	Weston Homes Community Stadium
WEST	Wednesday 1 March	Weston Homes Business Centre, Takeley
MID	Thursday 2 March	Chelmsford City Football Club

Summer term 2016

SOUTH	Wednesday 14 June	Holiday Inn, Basildon
N-EAST	Thursday 15 June	Weston Homes Community Stadium
WEST	Wednesday 21 June	Weston Homes Business Centre, Takeley
MID	Thursday 22 June	Chelmsford City Football Club

The meeting ended at 3.00 pm

Pam Langmead, EPHA Professional Officer