

**MINUTES OF THE LA AND EPHA EXECUTIVE COMMITTEE MEETING  
WEDNESDAY 24 JANUARY 2018 starting at 11.45 am**

<b>In attendance</b>	<b>Representing</b>	<b>email address</b>
Clare Kershaw CK	Director of Education	clare.kershaw@essex.gov.uk
Alison Fiala	Lead School Effectiveness Partner Mid	<a href="mailto:Alison.fiala@essex.gov.uk">Alison.fiala@essex.gov.uk</a>
Nicola Woolf	Lead School Effectiveness Partner West	Nicola.woolf@essex.gov.uk
Jo Barclay	Schools Safeguarding Adviser	Jo.barclay@essex.gov.uk
Louise McSpadden	DV Team Manager	Louise.mcspadden@essex.gov.uk
Tracey Kelsbie	Schools Broadband Manager	Tracey.kelsbie@essex.gov.uk
Lehla Abbott	EPHA North East Vice-Chair	head@st-georges-inf.essex.sch.uk
Lois Ashforth	EPHA Dengie	Head@coldnorton.essex.sch.uk
Dawn Baker	EPHA Chelmsford West	headteacher@lawfordmead.essex.sch.uk
Sue Bardetti	EPHA Tendring South	admin@hollandhaven.essex.sch.uk
Nicky Barrand	EPHA South Chair	htpa@cherrytree-pri.essex.sch.uk
Isobel Barron	EPHA West Chair	head@roseacres.essex.sch.uk
Amanda Buckland Garnett	EPHA South Woodham Ferrers	abg@collingwood.essex.sch.uk
John Clements	EPHA Uttlesford South	jhclm@hotmail.com
Anna Conley	EPHA Witham	head@howbridge-inf.essex.sch.uk
Lyn Corderoy	EPHA South Treasurer/Wickford	admin@grange.essex.sch.uk
Emma Dawson	EPHA Castle Point & Benfleet	Head@thundersley.essex.sch.uk
Fiona Dorey	EPHA Braintree	Head@greatbradforwards-jun.essex.sch.uk
Andy Douglas	EPHA South Vice-Chair	andy.douglas@riverside.essex.sch.uk
Melissa Eades	EPHA Billericay	m.eades@sunnymede-inf.essex.sch.uk
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@hamiltonprimary.com
Pam Langmead	EPHA Professional Officer	pam@langmead.me.uk
Ian MacDonald	EPHA Tendring Mid	headteacher@elmstead.essex.sch.uk
Jacq Martin	EPHA Colchester South	Head@langenhoe.essex.sch.uk
Mark Millbourne	EPHA Harwich and Dovercourt	headteacher@allsaints-harwich.essex.sch.uk
Kate Mills	EPHA Braintree	head@johnrayinfants.essex.sch.uk
Nicola Morgan-Soane	EPHA Mid Chair	head@trinityroad.essex.sch.uk
Paula Pemberton	EPHA Colchester East	paula.pemberton@hazelmere-jun.essex.sch.uk
Harriet Phelps-Knights	EPHA Chair	Head@janetduke.essex.sch.uk
Amanda Reid	EPHA Chelmsford North	admin@perryfields-inf.essex.sch.uk
Angela Russell	EPHA Basildon West	angelarussell@st-anneline-inf.essex.sch.uk
Karen Tucker	EPHA Canvey Island	head@canvey-jun.essex.sch.uk
Jonathan Tye	EPHA Harlow	head@churchgate.essex.sch.uk
Matt Woolard	EPHA Epping Forest South	head@hereward.essex.sch.uk

**1. APOLOGIES FOR ABSENCE**

Apologies were received from:

Dawn Dack	EPHA Maldon
Sarah Donnelly	EPHA Halstead
Mary Jo Hall	EPHA North Uttlesford
Julie Lorkins	EPHA West Vice-Chair
Hayley O'Dea	EPHA Rochford

**Action**

Alison Fiala welcomed headteachers and LA Officers to the meeting.

## 2. MATTERS ARISING FROM THE EPHA EXECUTIVE MEETING

### a) **Cost of school meals traded service from September**

The Executive asked if the Local Authority could provide indicative costs for the Schools Meals Service which is to be traded from September, to enable them to plan their budget for the 2018/19 financial year.

Alison **AGREED** to ask for information on this matter.

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### b) **Penalty Notices**

It was noted that schools are being challenged when they apply for attendance penalty notices. It was explained that, due to the legal process and likely challenges, MECES need to ensure that schools are meeting the demands of the penalty notices process. Headteachers accepted the need to follow processes carefully, but stressed that they only refer penalty notices in extreme cases, so do not need to be asked if they are serious about referring these.

### c) **Health practitioners advising EHCPs to parents**

It was noted that some paediatricians are advising parents to seek an Education Health and Care Plan through their child's school, even when this is not warranted. Concerns were expressed about the continued lack of engagement of health professionals in the EHCP process, and headteachers stated that it was particularly unhelpful when a health practitioner says that a school should commission an Education Psychologist review, when this is not needed.

One headteacher expressed his worries about the pressure on the Statutory Assessment Team which can lead to inaccurate funding notifications; it is hoped that the education team restructure will help address this problem.

## 3. SMALL SCHOOLS STRATEGY

Alison reminded the Executive that she had shared information about the Essex small schools strategy at the area headteacher meetings in November. She informed heads that a task group (including the EPHA Executive Director) was set up in Spring term 17 as a proactive strategy to produce a review which

a) explores the issues facing small schools:

- *Financial considerations - budget pressures*
- *Recruitment and Retention*
- *School Standards*
- *Importance to communities*
- *Diminishing populations in rural areas in Essex, leading to falling rolls and*

b) will make recommendations to the Director of Education via a Small Schools' Strategy to ensure that where viable, small schools are able to take proactive decisions to secure their future and provide a high quality education. An output of

the task group was to produce a toolkit to support governors, headteachers and ECC officers to inform future options for sustainability.

For this review small schools are defined as schools with less than 120 pupils on roll.

There have been meetings with six schools so far, which have been carried out by Alison, Tim Elborne (Diocese) and another member of the strategy group. As a result of the meetings with small school headteachers, it was recognised that the financial and census data held by the Local Authority was, in most cases, out of date. In some cases the data predicted a deficit, but the schools had anticipated this and had made appropriate savings; in the event, only 2 of the 6 schools are likely to have a deficit.

At the meetings, there were also a discussion about local plans and admissions. Some schools have inherited unworkable PANs (for example, 11 or 19 pupils) and some school have been unable to access grants that should help their financial position. Essex has retained the £150k lump sum for the next two financial years, which will help small schools with their budgets.

On 8<sup>th</sup> January a Small Schools Strategy group meeting was held, attended by headteachers, Liz Maycock, Lorna Pigram and Julie Ingram. Alison was reminded that Donna Parker, who first raised this issue at the October Executive meeting, should be added to the membership of the group. Alison **AGREED** to contact Donna with future dates.

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Alison noted that small schools are using creative strategies to protect and sustain their funding. There are some excellent staff in these schools, but recruitment is very difficult, as teachers are often unwilling to teach mixed-age classes.

Catchment areas can be fluid, and it will be important to analyse these. Small schools often have a lack of pre-school admissions, and there is an issue around publicity and awareness of small schools.

One strength identified was that of governance, with many committed and determined governors supporting their schools.

Alison stressed that the end aim of the strategy is NOT to close small schools, and this needs to be understood by Members and Councillors. It was also noted that the solution for a small school is often federation and partnership, but not necessarily through joining a Multi Academy Trust – indeed, some small schools are unable to find a MAT that they can join. There was a warning from the EPHA Executive concerning workload when, for example, an Executive Headteacher is appointed to lead two or more schools.

The Executive discussed the strategy and agreed that it would be helpful to offer other small schools a similar review – 6 have already expressed an interest – and this could be widened out to slightly larger schools that have the same pressures and issues as schools with 120 pupils or less.

In addition it was suggested that it could be helpful to hold a small schools conference to share some of the learning and ideas that this coming from the reviews, and to develop a toolkit of ideas.

#### **4. GENERAL DATA PROTECTION REGULATION (GDPR) UPDATE**

It was noted that, whilst headteachers are aware of the forthcoming implementation of GDPR on the 25<sup>th</sup> May 2018, there continues to be concern about the pressure and potential costs that are being put on schools, in particular from Essex Information Governance Support Team. The cost of the Data Protection Officer service (£1,500 for a one year contract, plus the cost of an information audit) will put significant pressure on many schools (if they choose to buy into this service) and it is disappointing that there is no variation in cost for the largest secondary and the smallest primary, which will have hugely different budgets and staffing capacity. There has also been no free advice or support from IGS for Essex primary schools, despite a promise at Schools Forum that a checklist would be devised and provided.

One headteacher thanked the Professional Officer for the useful advice and guidance that has been published on the EPHA website, which includes training tools for staff. It was agreed that schools should endeavour to share their data protection and knowledge, to support each other whilst preparing for GDPR.

The Professional Officer noted that the DfE has produced the first in a series of videos to help schools prepare for GDPR.

*Clare Kershaw joined the meeting.*

#### **5. LEGAL CLARIFICATION ON THE PAN AND ADMISSION APPEALS**

At the last meeting there was a discussion about pupil admission numbers and Clare noted that, in accordance with fair access protocols, pupils admitted mid-year do have to be accommodated by the Local Authority. If a school states that it is full, the parent has the right to appeal that decision and they also have the right to keep their child on the school's waiting list. She agreed to discuss this issue with Paul Turner, to seek legal clarification. The following information was shared at the meeting:

A published admission number (PAN) must, by law, be in place for every school and the admission authority for a school must admit up to the published admission number if there are sufficient applicants.

Parents refused a place at a school have the statutory right to appeal to an independent appeal panel. Appeal panels perform a judicial function and have the power, in law, to make decisions in individual cases as they consider appropriate – there is no requirement for decisions go be consistent as each case must be heard on an individual basis.

The statutory School Admission Appeals Code refers to the consideration and demonstration of prejudice where the admission authority's case is based upon

prejudice. It states:

**“Consideration of prejudice**

*3.10 Whilst the panel **must** take into account the school’s published admission number, the admission authority **must** be able to demonstrate prejudice over and above the fact that the published admission number has already been reached<sup>12</sup>. The panel **must not** reassess the capacity of the school, but **must** consider the impact on the school of admitting additional children. In reaching a decision as to whether or not there would be prejudice the panel may consider the following factors:*

- a) what effect an additional admission would have on the school in the current and following academic years as the year group moves through the school;*
- b) whether any changes have been made to the school’s physical accommodation or organisation since an admission number was originally set for the relevant year group;*
- c) the impact of the locally agreed Fair Access Protocol;*
- d) the impact on the organisation and size of classes, the availability of teaching staff, and the effect on children already at the school.”*

The law also gives the Local Authority to offer a place at a school for which it is the admission authority, even if the published admission has been reached. All schools and admission authorities also have a statutory duty to participate in the Fair Access Protocol.

One Executive member asked about the cost of appeals, and how the process was managed. She questioned who decides the cost and how they are justified. Currently the cost of an appeal is £165, but this doesn’t vary even if there are a large number of appeals back to back. This headteacher gave an example of needing to attend up to 10 appeals in one day, at huge cost to her school budget.

Clare explained that the service sits independently, managed by Ann Caldicott. She agreed to follow up the issue of costs to schools, particularly when numerous appeals are held on one day, and ask for clarification and transparency around the cost of the service.

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It was argued that the preparation for parents is poor, and whilst it was recognised they have the right to appeal and legally must be informed of that right and how to appeal, it was also felt that parents should be given more information about the basis for their appeal and the likelihood of its success. It was also noted that parents are unaware that the cost of an appeal will be taken from the school’s budget.

## **6. SCHOOL LED IMPROVEMENT SYSTEM QUADRANT MEETINGS**

Nicola Woolf noted that Nigel Hookway (EPHA Executive Director) is a member of the SLIS Project Board and also sits on the task and finish groups.

Nigel gave an update on recent progress. The Project Board has a new

independent Chair, Gillian Cawley. The priorities for the Board in 2017/18 are:

- Developing and communication the SLIS vision;
- Building capacity of partnerships;
- Growing the maturity of the SLIS system;
- Growing leadership capacity and succession planning;
- Engaging regional and national priorities, research, stakeholders;

The last meeting of Partnership Leads in November addressed the following areas:

1. What's going well and what's a challenge
2. Partnership leads role and responsibility; what's high impact and what do we spend most of our time doing?
3. Update on tools to support partnerships and SLIS Strategy work
4. What creates successful, sustainable and mature partnerships?

The EPHA Executive asked if the Schools Led Improvement System had any impact or recognition outside Essex. Clare noted that the SLIS Board has employed the Education Development Trust and ISOS (nationally recognised organisations) to help with the development of the system, and Essex has been mentioned in national research reports. ISOS set up a meeting with development officers in New Zealand to discuss the Essex approach.

### **Developments and next steps**

The Peer Review system is still developing but is having a very positive impact in many areas. A Partnership evaluation and development tool is being rolled out across the partnerships.

High quality professional development is being offered to the partnership leads, using evidence-based strategies which will have a positive impact on school improvement.

**Quadrant meetings** - The Project Board has discussed a proposal for Leads of Partnerships and TSAs to meet within a quadrant termly to discuss school improvement needs, share strengths and challenges and support each other with the identification of vulnerabilities within a quadrant and collaboratively discuss ways in which support could be offered. As well as looking at ways in which strengths and ideas across partnerships can be shared. The first quadrant meetings are planned to take place at the end of the spring term. The Partnership Leads will be given support to ensure that they understand what the meetings should achieve – the purpose, benefits, agenda and how they should be chaired.

There will be a small amount of funding available to support the Chair of each quadrant. There is an ongoing emphasis on the system being school-led, and the quadrant meetings should support this principle.

One Executive member noted the challenge of the varied education landscape, with maintained schools, academies and some MATs involved in the SLIS partnerships, but very few (if any) academy chains involved.

Nigel mentioned the ISOS report, Enabling School Improvement. This will be circulated to Executive members.

The SLIS Project Board has developed a short survey for partnership schools, to find out how individual schools are feeling about the experience and involvement in the school led improvement system.

The link to the list of SLIS Partnerships is on the Infolink [https://schools-secure.essex.gov.uk/data/saes/SchoolLedImprovement/Pages/School-Led\\_Improvement\(default\).aspx](https://schools-secure.essex.gov.uk/data/saes/SchoolLedImprovement/Pages/School-Led_Improvement(default).aspx)

### **Funding of school improvement in Essex**

The EPHA Executive had been given information about the funding in 2018/19 at the meeting earlier in the day, and had noted that maintained schools were funding (through de-delegation) a grant of £2,007,000 for school improvement. It was accepted that ECC has taken a welcome decision to support all schools in the county, whether or not they remain as maintained schools, but the Executive argued that there needs to be fairness in relation to funding, and maintained schools should not be expected to wholly fund services that benefit all schools.

## **7. EDUCATION TEAM RESTRUCTURE**

Clare explained that Phase 1 of the Education Team restructure is underway, a consultation with employees in the autumn term and recruitment to new leadership roles. Some staff have been slotted into new roles, but there have also been a number of redundancies and departures.

### **Phase 2 – recruitment to teams**

The recruitment of four Assistant Directors to the quadrant teams is underway. Liz Cornish has been recruited as the Mid AD.

In addition, the following leadership appointments have been made:

Michael O'Brien - head of Specialist Education Services

Anita Kemp – head of Strategy, Planning and Performance

Ralph Holloway – head of SEND Strategy and Innovation

The School Effectiveness Leads have already been appointed and will be a key part of the quadrant teams. Jo Barclay continues as Schools' Safeguarding Adviser.

Once the internal appointments are concluded (through ring-fenced roles or appointments by interview), the remaining vacancies will be advertised externally. Changes around attendance and CME support will be communicated to schools. The configuration of SEND services is being considered.

Clare noted that an important aspect of the restructure will be the development and introduction of the Advice and Guidance hub and she stressed that she will be needing input from headteachers to ensure that this meets the needs of schools.

## 8. EXCLUSIONS AND INCLUSION

Clare noted that she had attended an ASHE Council that meeting and had discussed with secondary headteachers the ongoing challenge of an increasing number of exclusions and pupils at risk of exclusion. There have already been 80 permanent exclusions in Essex schools in this academic year. ASHE has agreed to open the debate about inclusion v exclusion, accepting that the existing structure of education and the needs of these children are not matching. It was noted that this challenge will be raised at the SEND Headteacher Roundtable, and it was **AGREED** that this should be an item on the agenda for the next Executive meeting with LA Officers on 18 May 2018.

## 9. SCHOOLS BROADBAND SERVICE

Tracey Kelsbie, Manager for the Schools Broadband Service, was welcomed to the meeting. She noted that the Authority, in consultation with Schools Forum (and the Schools Forum Broadband sub-committee) has agreed the funding model for the Schools Broadband Service for the next two years, and to support de-delegated funding from maintained schools.

The service is funded on a per-pupil cost for maintained schools and an actual cost for academies.

For 2017/18 maintained schools were charged at £18.40 per pupil for primary-phase schools, this has increased to £24.13 in the 2018/19 and 2019/20 financial years, due to the loss of the £740k subsidy from the Education Services Grant.

Tracey explained that the contract with DUCL is in 2 parts:

- The core service, which is a static fee for the provision of the service and the repayment of the development grant, paid upfront in 2013/14;
- The cost of the last mile – which varies depending on the number of schools in the contract and where they are located.

A number of academies have chosen not to continue in the service, which reduces the cost of the last mile, but not the fixed cost of the core service. She noted that 48 academies had left the service before the end of December 2018.

It was explained that, when the Schools Broadband Service was first established, almost all schools were maintained and so contributed to the service. It was agreed that Essex needed a schools broadband service that was accessible and affordable for all schools, whatever their size or location. Unfortunately, this model did not take into account the changes to the education landscape, and the increasing number of academies, that could choose whether or not to use the service. The cost to maintained schools increases whenever an academy decides to leave the service.

The funding model for the next two years aims to encourage academies to stay within the service and to develop new customers, such as early years' settings. This was understood, but concerns were expressed that maintained schools are paying more to ensure the continuity and stability of the service.



An Executive member asked why schools had been asked to commit to a 2 year contract. It was explained that this was to ensure the stability and security of the service, so that the focus can be on offering a sustained and good service to schools.

Tracey promised that any reduction in the last mile costs would be returned to maintained schools (rather than absorbed by the service) and this was agreed. The Professional Officer noted that there were ongoing concerns about the quality, transparency and timeliness of information about the service, both to Schools Forum members and to headteachers. For example, it would have been appropriate to consult with all primary headteachers about the proposed costing model and de-delegation at the termly headteacher meetings in November, but that the proposals were not available at that point.

A headteacher asked if the contract with DUCL can be renegotiated, to offer a more favourable and acceptable cost to Essex maintained schools. Tracey announced that a new Director of Technology has just been appointed, and that he would be reviewing the contracts with DUCL.

## 10. DOMESTIC VIOLENCE NOTIFICATIONS

Louise McSpadden, Practice Lead for Domestic Violence and Abuse, was welcomed to the meeting. She explained that this was a new post, introduced to improve and develop the understanding and practice of Social Workers dealing with domestic abuse. Her role involves training, and working with the Southend, Essex and Thurrock Board members.

An Executive member shared his concern that domestic violence notifications to schools are inconsistent and untimely. A school nurse may tell a school about a domestic violence incident that affects a child 3 to 4 weeks after the event; at other times there is no notification at all.

Louise explains that Health does receive DV notifications and shares them with schools in a “spirit of generosity”. There is no consistent protocol for this information to be shared by the Health service and it was suggested (by Louise) that some nurses are “over-ready” to share information. There was discussion about whether school nurses should be conveying this information at all, and it was **AGREED** that this should be taken up with VirginCare.

Headteachers were reminded that a JDATT Officer, Hayley Speed, was appointed last year. Her role is to notify schools of all high risk domestic abuse incidents. She also gathers information to feed into MARAC (Multi-Agency Risk Assessment Conference) meetings. There are thousands of domestic abuse referrals in Essex each year, and on average, Hayley contacts 80 -100 schools a month. Jo Barclay explained that she receives notifications each day and will contact schools as soon as possible, and notifies MARACs in advance of their meetings. It was stressed that multiple high risk incidents will be notified, but multiple medium risk incidents may not be.

One headteacher noted that she has received two referrals from Hayley, and was impressed with the service.

It was noted that the funding for the JDATT Officer post ends in March, and Jo Barclay is putting together a business case for continued funding. The EPHA Executive **AGREED** that they wholeheartedly supported the continuation of this vital role.

## 11. SPRING TERM AREA HEADTEACHER MEETINGS

The following items were agreed for the LA part of the termly meetings:

- Education team restructure
- Small Schools Strategy
- Schools Broadband
- E-MAT

## 12. DATES AND TIMES OF MEETINGS FOR THE 2017/18/19 SCHOOL YEAR

### **Executive meetings** (Chelmsford City Football Club)

Thursday 10 May 2018

Thursday 11 October 2018

Thursday 24 January 2019

Thursday 9 May 2019

### **Area Heads Meetings**

#### Spring term 2018

SOUTH	Wednesday 21 February	Holiday Inn, Basildon
N-EAST	Thursday 22 February	Weston Homes Community Stadium
WEST	Wednesday 28 February	Weston Homes Business Centre, Takeley
MID	Thursday 1 March	Chelmsford City Football Club

#### Summer term 2018

SOUTH	Wednesday 13 June	Holiday Inn, Basildon
N-EAST	Thursday 14 June	Weston Homes Community Stadium
WEST	Wednesday 20	Weston Homes Business Centre, Takeley
MID	Thursday 21 June	Chelmsford City Football Club

#### Autumn term 2018

N-EAST	Wednesday 7 November	Weston Homes Community Stadium
SOUTH	Thursday 8 November	Holiday Inn, Basildon
MID	Wednesday 14 November	Chelmsford City Football Club
WEST	Thursday 15 November	Weston Homes Business Centre, Takeley

#### Spring term 2019

N-EAST	Wednesday 6 March	Weston Homes Community Stadium
SOUTH	Thursday 7 March	Holiday Inn, Basildon
WEST	Wednesday 13 March	Weston Homes Business Centre, Takeley
MID	Thursday 14 March	Chelmsford City Football Club

#### Summer term 2019

N-EAST	Wednesday 12 June	Weston Homes Community Stadium
SOUTH	Thursday 13 June	Holiday Inn, Basildon
WEST	Wednesday 19 June	Weston Homes Business Centre, Takeley
MID	Thursday 20 June	Chelmsford City Football Club

The meeting ended at 3.20 pm  
Pam Langmead, EPHA Professional Officer