



## **Autumn term briefing 2017**

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## Ofsted

### **School Inspection newsletter July 2017 – Sean Harford briefing**

In the summer term Ofsted piloted a series of short inspections in the South East and North West regions whereby, if inspectors judge that they need to convert to a full section 5 inspection, they do so within up to 10 or 15 days of the short inspection. This is rather than the current conversion within 48 hours. Depending on the outcome of the consultation, Ofsted may need to update the school inspection handbook with any necessary procedural changes. As such, any other minor amendments for the section 5 and section 8 handbooks will be carried out in the autumn term, after consideration is given to the findings from the short inspection consultation.

### **Policy statement for inspecting new schools and schools that undergo a change in status**

This statement sets out how Ofsted will select new schools for inspection, including academies and free schools. It also applies to academy converters, i.e. existing schools that have been approved to voluntarily convert to become an academy.

The first inspection of new schools, including academies will usually take place within three years of opening. Certain types of schools judged outstanding before conversion to academy status are exempt from routine Section 5 inspection unless there are concerns about their performance.

Ofsted may conduct a section 8 inspection of any new school at any time, including within three years of opening, where information it holds or receives causes sufficient concern.

### **Amendment around who from multi-academy trusts can attend inspection team meetings**

Our March edition of this newsletter contained an article on engaging on inspection with CEOs or equivalents in MATs, and we followed it up with clear guidance to inspectors in briefings conducted over the Easter period. The March article incorrectly stated that the chair of the board of trustees should be invited to attend the final team meeting; it is the MAT CEO or equivalent that should be invited to the final team meeting.

### **Department for Education (DfE) guidance on what is required for schools' personnel records and its impact on inspection**

Following publication of the March edition of this newsletter, Ofsted has been asked to clarify the following section of the article on 'Safeguarding – checking records':

There may be rare occasions when inspectors also ask to see additional information about staff suitability checks, for example if the records in the SCR are not entirely clear. These records could include staff personnel files and inspectors have a general power to inspect any records kept by a school that are relevant to the inspection.

Ofsted published this information following a number of challenges from schools who did not think that inspectors had the power to look at individual staff files. The update makes clear that HMCI has the power to look at any records kept by the school or relating to the school. This power is delegated to HMIs and OIs when inspecting.

The reason the update refers to 'rare' occasions when inspectors would look at files is to encourage a proportionate approach. If the inspector finds that the school's single central record (SCR) meets requirements, they may choose to check a few records to triangulate that evidence, but our view is that inspectors do not need to spend much time on this.

### **Amanda Spielman – 6 August 2017**

Ofsted's Chief Inspector writes about safety culture in schools, encouraging school leaders to make decisions based on their experienced judgement. The following is extracted from the full article:

*In the run up to the summer holidays, the streets around Ofsted's offices were awash with eager young children on school trips. Like scores of children before them, they came into London to learn about their nation's capital. What marked these children out from the generations that preceded them were the hi-vis jackets they were sporting, now standard issue for many school trips, like troupes of tiny construction workers – minus the hard hats.*

*Now, I understand why schools might find it convenient to spot their pupils easily, but the message these jackets send about youngsters being at risk makes me uncomfortable and more than a little sad. Children around the country walk to school every day without hi-vis jackets. Why do they suddenly need them on a trip to the library, zoo or museum? And surely if every child in the street is wearing one they are less useful*

than a school uniform for keeping track of a group?

*These jackets are just one of the more visible examples of good intentions creating an unnecessarily risk-averse culture which does nothing for children's development and learning. Of course we need proper attention to safeguarding and to genuine health and safety risks. There are rules and processes that the Government rightly insists be followed. No one is suggesting ignoring fire safety or background checks on staff. But over the years an over-cautious culture has developed in our schools, one that too often tries to wrap children in cotton wool.*

*Being honest, I have to admit that Ofsted hasn't always got this right. We know inspection has sometimes seemed too much about tick-boxes and worrying about things like the proper height of school fences. Making sure children are safe at school is, of course, an important part of our work, but I want to be sure we look at the right things in the right way, without going overboard. I want Ofsted to make sure that schools are properly focusing on pupil safety, but that it doesn't come at the expense of opportunities to broaden and enrich young minds.*

*That is why new training later this summer will remind inspectors what safeguarding is really about. It will ask them to focus on what schools are doing to identify children potentially at risk of real harm; how these children are being helped; and how they manage accusations and other serious problems with staff. We want school leaders to make decisions based on their experienced judgement, rather than feeling the need to invent and then conform to overly prescriptive policies. This isn't just because we think a too-cautious approach to health and safety limits young people's experiences, but also because it can obscure real safety issues. Every minute spent enforcing a ban on conkers and yo-yos is a minute away from tackling the multitude of real issues we know schools face.*

*So my message to schools is this: keeping children safe from harm should always be your overriding concern, but in doing so, make sure you distinguish between real and imagined risk. Trying to insulate your pupils from every bump, germ or bruise won't just drive you to distraction, it will short-change those pupils as well – limiting their opportunity to fully take advantage of the freedom of childhood, and to explore the world around them.*

EPHA comment: Let's hope that this viewpoint from the Chief Inspector is reflected in the future inspection framework; after all, a large part of the reason that schools are so risk averse is because many have been downgraded by Ofsted inspectors because of perceived safeguarding failures, with extremely serious consequences for the school and the senior leadership team.

The full article can be found at

<https://www.gov.uk/government/speeches/ofsteds-chief-inspector-writes-about-safety-culture-in-schools>

### **Updated Ofsted section 8 and section 5 handbooks**

Following the pilot into short inspections in the summer term, Ofsted has introduced a number of key changes, particularly in relation to the timescale between conversion from a section 8 to a full section 5 inspection, if this takes place. An Ofsted report summarises the responses to Ofsted's consultation, 'Short inspections of good schools', which ran from 15 June to 18 August 2017.

In response to the feedback received, **Ofsted has confirmed that from this October half term onwards**, some good schools will automatically receive a full, two-day inspection instead of a short inspection. This change will affect about 20% of schools judged good at their last inspection. It will occur when evidence shows that the quality of provision may have deteriorated significantly.

After listening to views from the education sector, Ofsted has decided that the other 80% of good schools will continue to receive short inspections. Between this half term and Christmas where a short inspection converts to a full inspection the conversion will normally take place within 48 hours, although in some cases it may take up to 7 days.

Ofsted has also agreed to increase to 3 the number of inspectors deployed on short inspections of secondary schools with more than 1,100 pupils.

The updated handbooks have been published – and there are versions with changes highlighted – on the EPHA website.

### **Ofsted seeks views on future changes to short inspections**

The inspectorate has confirmed the arrangements for converting short inspections and launched a new consultation on future changes.

Ofsted has launched a consultation seeking views on proposals aimed at bringing greater clarity to the short

inspection process.

The new approach is designed to give schools that may be at risk of decline more time to improve following a short inspection, while retaining their good rating. If implemented, the changes would allow those schools the opportunity to seek appropriate support, for example from within their multi-academy trust, local authority or other school improvement bodies.

[The consultation](#) asks for views on 3 changes to the short inspection process:

- inspectors will continue to convert short inspections, within 48 hours, where there are serious concerns about safeguarding, behaviour or the standard of education. Parents need to know as soon as possible if the quality of education at a school has declined to inadequate
- when inspectors are not confident that a school is still good but the standard of education remains acceptable, and there are no concerns about safeguarding or behaviour, the inspection will not convert. Instead, Ofsted will publish a letter setting out the school's strengths and areas for improvement. A section 5 inspection will then take place at a later date, typically within 1 to 2 years. This will give the school time to address any weaknesses and seek support from appropriate bodies. In the meantime, the school's overall effectiveness judgement of good will stand
- when inspectors have reason to believe that a school may be improving to outstanding, Ofsted will publish a letter setting out the school's strengths and priorities for further improvement, and confirming that it is still good. A section 5 inspection will then be carried out later, typically within one to two years. This will give the school time to consolidate its strong practice. However, requests for early inspections will be considered.

**The new consultation opens today and will close on 8 November. If agreed, the changes will take effect for the 2018 spring term.**

## Relevant Documents and Guidance

- School Inspection Newsletter July 2017  
<https://essexprimaryheads.co.uk/files/school-inspection-update-ofsted-newsletter-july-2017.pdf>
- Policy statement for inspecting new schools and schools that undergo a change in status
- The Common Inspection Framework – education, skills and early years *August 2015*
- School Inspection Handbook –section 5 including evaluation descriptors *October 2017*
- School Inspection handbook - section 8 *October 2017*
- Short inspections of good schools – response to the consultation September 2017
- Inspecting safeguarding in early years, education and skills settings *August 2016*

All guidance can be found on GOV.UK <https://www.gov.uk/government/collections/ofsted-inspections-of-maintained-schools>

Information at <https://www.gov.uk/guidance/being-inspected-as-a-maintained-school-or-academy>

Or on the EPHA website [www.essexprimaryheads.co.uk](http://www.essexprimaryheads.co.uk)

## Your “do-list”

- Download the new School Inspection Handbooks (versions with changes highlighted on the EPHA website)
- Check that the school and Governing Body is fully, legally compliant and is meeting statutory responsibilities. Ensure that there is a strong awareness of and emphasis on safeguarding procedures and the provision and outcomes of disadvantaged pupils.
- Check that your website is up to date and fully compliant –see checklists on the EPHA website
- Respond to the Ofsted consultation on future inspection  
<https://www.gov.uk/government/news/ofsted-seeks-views-on-future-changes-to-short-inspections>

# Safeguarding

## **Keeping Children Safe in Education - no update until next year**

When Keeping Children Safe in Education was first published in 2014, the intention was that it would be updated annually to take into account the learning from serious case reviews and other changes to legislation and guidance. This year's update was delayed by the election and so the next revision will be next year. The most up to date version of Keeping Children Safe in Education is therefore still September 2016. Although the document has not changed, it would still be good practice to ask all staff to re-read Part 1 and Annex A to refresh their memories at the beginning of the school year.

## **“Working Together” consultation**

Following the Royal Assent of the Children and Social Work Act 2017 earlier this year, the government has launched a consultation on its proposed changes to the statutory guidance 'Working Together to Safeguard Children' for publication next year.

One key change of the legalisation will be to replace Local Safeguarding Children Boards (LSCBs) with local safeguarding partners. Currently schools are represented on many LSCBs, but from the, as yet unknown, implementation date of the new Act, the status of schools will be changed to a 'Relevant Agency'. The three local safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups) will have to specifically set out how they will work together with these Relevant Agencies. This should ensure that voice of schools will continue to be heard.

It is important that the voice of schools, and DSLs in particular is heard. The consultation will end of 31st December 2017 and all the documents can be found here: <https://consult.education.gov.uk/child-protection-safeguarding-and-family-law/working-together-to-safeguard-children-revisions-t/>

## **Child Protection policy – SET (Southend , Essex, Thurrock) model**

A new version –September 2017 - of the SET Child Protection Policy has been published. It has been amended to include the updated SET Procedures (April 2017) and the Effective Support for Children and Families in Essex (July 2017). There is also an updated process map for the Children and Families Hub - any other amendments have been highlighted.

## **ESCB Safeguarding audit for schools**

All schools will be required to complete the ESCB safeguarding audit this academic year. This is currently being designed and will be sent to all schools around the Autumn half-term.

## **Child protection records – revised ECC approach**

It has now been agreed that schools should pass the original child protection file to the new school. They should keep a copy until they have received an acknowledgement of receipt. Schools must receive and retain a receipt, confirming that the file has been received. A form used to record the transfer of files is available on the Infolink and on the EPHA website. Look for *Child Protection Records – file transfer 2017*

<https://essexprimaryheads.co.uk/info-and-documents/safeguarding/>

## **Template to record that your staff have received key safeguarding documents**

Jo Barclay has written a template for schools to use to record that all staff have been provided with the key documents referred to in 'Keeping Children Safe in Education'. She suggests you keep copies on individual staff files, or in a separate file where you record staff CPD and training (or both!). The template is available on Essex School Infolink safeguarding section or on the EPHA website.

The Essex Safeguarding Children Board's document, **Effective Support for Children and Families in Essex**, was first published in April 2013. This is the third revision, updated to reflect current practice and experience in Essex, as well as changes in legislation and national policy. The document now includes reference to Child Sexual Exploitation and missing children, as well as FGM (female genital mutilation) and the Prevent strategy. The content includes:

- Access to services at different levels of need
- What happens to a Children's Social Care request
- Consulting with other services, schools and settings
- Effective Support Process diagram
- Indicators of possible need
- Appendices, including a model Early Help Plan

EPHA has developed a 7-minute staff meeting on the Effective Support document – a powerpoint and handout can be found at <https://essexprimaryheads.co.uk/info-and-documents/seven-minute-staff-meetings/>

### **NSPCC report 2017 – How safe are our children?**

The NSPCC's fifth annual report *How safe are our children?* is the UK's definitive record of the current state of child protection, and pulls together the latest and most robust information across our four nations. The previous report was carried out in 2009 and this edition highlights a 298% increase in the number of police-recorded indecent image offences in the UK.

### **Self-harm prevention toolkit**

This is being developed by the ESCB and should be published to schools soon.

### **Seven-minute Safeguarding Staff Meetings**

EPHA has produced a series of "Seven-minute Safeguarding Staff Meetings" on a range of topics. These are intended to be used to keep your staff informed and up to date about key safeguarding topics, and each "staff meeting" includes a PowerPoint presentation and an accompanying information handout.

The current list of topics includes: Physical abuse; Emotional Abuse, Sexual Abuse, Neglect; Prevent; CSE; FGM; the role of the Designated Safeguarding Lead; Managing a Disclosure; Whistleblowing; Effective Support for Children and Families in Essex; and the Keeping Children Safe in Education follow up quiz. I will keep adding to these so that you can offer a programme of training that can be tucked into a staff meeting, in just seven minutes! On the webpage you will also find an attendance register that you can download and use to keep a record of the training that your staff have done.

<https://essexprimaryheads.co.uk/info-and-documents/seven-minute-staff-meetings/>

### **Attendance policy checklist**

ECC has updated the school's attendance policy guidance, following the outcome of the Platt case. We are still awaiting guidance from the DfE. EPHA and ASHE have produced a joint model policy, which schools can adopt – available on the EPHA website

### **Missing Pupil Checklist**

The Missing Pupil Checklist has been updated and should be completed online. This can be found at

<https://forms.essex.gov.uk/default.aspx/RenderForm/?F.Name=ctgv5zRLocW&HideAll=1>

### **Relevant Documents and Guidance**

- EPHA Seven-minute safeguarding staff meetings <https://essexprimaryheads.co.uk/info-and-documents/seven-minute-staff-meetings>
- Child Protection Records – file transfer 2017
- Working Together to Safeguard Children - February 2017
- Keeping Children Safe in Education – DfE July 2015
- ESCB Effective Support for Children and Families in Essex
- Section 11 audit tool <http://www.escb.co.uk/SafeguardingAudit/SchoolsandCollegesAudit.aspx>
- Children's Safeguarding Service (Education) 01245 436744
- Attendance Policy model <https://essexprimaryheads.co.uk/info-and-documents/model-policies/>
- Attendance Policy ECC checklist

### **Your "do-list"**

- Approve the latest Child Protection Policy –September 2017
- Attend one of the safeguarding network group meetings in the autumn term
- Download the new version of Effective Support for Children and Families in Essex
- Complete the ESCB safeguarding audit, once published
- Update your Attendance Policy using the ECC checklist – or use the EPHA/ASHE model policy
- Use the EPHA "Seven-minute safeguarding staff meetings" to keep your staff up to date with current issues including the revised Effective Support for Children and Families in Essex document  
<https://essexprimaryheads.co.uk/info-and-documents/seven-minute-staff-meetings/>
- Ensure that you are signed up to Andrew Hall's brilliant weekly safeguarding briefing  
<http://www.safeguardinginschools.co.uk/>

## DfE updates

### Key information

#### School Funding Arrangements in 2018/2019

Justine Greening announced to Parliament on 17<sup>th</sup> July 2017 that there will be an increase in funding of £1.3 billion for schools and high needs across 2018/19 and 2019/20. This will take the core funding for schools and high needs from just under £41 billion in 2017/18 to £42.4 billion in 2018/19 and £43.5 billion in 2019/20. This is an increase of £416m in 2018/19 and £884m in 2019/20.

The additional investment will allow the following:

- Increasing the basic amount that every child attracts in 2018/19 and 2019/20.
- This will allow for up to 3% gains a year per pupil for underfunded schools, and a 0.5% a year per pupil cash increase for every school.
- To protect funding for pupils with additional needs.

The national funding formula will commence in 2018/19 but there will be a longer transition period and local authorities will continue to set a local formula to distribute funding in 2018/19 and 2019/20. It was confirmed that in 2018/19, all local authorities will receive some increase to the amount they plan to spend on schools and high needs in 2017/18.

There is no new money from the Treasury. The £1.3 billion is funded as follows:

- £420m from the main capital budget of which £315m is from the healthy schools capital fund.
- £280m from the free schools programme but still committed to the 140 new free schools in the last budget. Will achieve through working more efficiently and diverting 30 schools through the local authority route rather than the free school route.
- £600m from DfE central resource budget of which £200 million will be from central school improvement programmes.

The Schools Block will be ring-fenced, however limited movements of funding will be allowed between blocks in agreement with Schools Forum.

Local Authorities will receive the updated School Funding Operational Guide 2018 shortly. The guide will set out some important areas that are fundamental to supporting a fairer distribution through the national funding formula.

#### National Funding Formula

Four 'building blocks' will make up the formula, and will be used to calculate each school's funding allocation. They are:

- Per-pupil costs
- Additional needs
- School costs
- Geographic costs

Basic per-pupil funding is the largest factor in the formula, accounting for 72.9% of the total schools block.

The **age-weighted pupil unit** (AWPU) is the basic funding that all pupils attract. The AWPU funding amounts are:

- £2,747 for primary pupils
- £3,863 for Key Stage (KS) 3 pupils
- £4,386 for KS4 pupils

However, in response to the consultation, the DfE has built a **minimum per-pupil funding level** into the formula for the next two years (the transition period).

This means that a school's per-pupil funding allocation will be topped up if its overall funding per pupil works out at less than the minimum amount after **all** factors in the formula have been taken into account. In 2018-19, the minimum amounts will be £3,300 for primary pupils and £4,600 for secondary pupils. In 2019-20, they will be £3,500 for primary pupils and £4,800 for secondary pupils.

#### Pupils with additional needs

The NFF includes 4 additional needs factors which, combined with the basic per-pupil funding, mean that pupil-led factors account for 90.7% of the funding allocated to schools. The additional needs factors are:

- **Deprivation** – indicated by a pupil's current eligibility for free school meals, eligibility for free school meals over the past 6 years, and the level of deprivation where the pupil lives as measured by the income deprivation affecting children index (IDACI)
- **Low prior attainment** – a pupil who does not achieve the expected level in the Early Years Foundation Stage Profile on entry to primary school will attract an additional £1,050 a year through the formula, throughout their time in primary school. A pupil who does not achieve the expected level at KS2 will attract an additional £1,550 a year while in secondary education
- **English as an additional language (EAL)** – a primary pupil with EAL will attract an additional £515 and a secondary pupil with EAL will attract an additional £1,385. This will apply to pupils who have entered the state education system during the last 3 years
- **Mobility** – to support schools with a high proportion of pupils joining mid-way through the year. Unlike the other additional needs factors, it will be allocated on a historic spend basis, as mobility data is not robust enough to be used in a formulaic way. The DfE says it is working on developing a robust indicator of mobility to replace the use of historic spending patterns for this factor in future

### School-led funding

Four elements of school-led funding will be included in the formula:

- **Lump sum** – every school will attract a lump sum of £110,000. This is to contribute to the costs that do not vary with pupil numbers, and to reassure schools (especially small schools) that they will receive a fixed amount each year in addition to their pupil-led funding
- **Sparsity** – targeted towards remote, small schools  
Eligibility depends on the distance the pupils in the school would have to travel to their next nearest school and the average number of pupils per year group  
The funding will be tapered, meaning that the proportion of the maximum available funding a school can receive will depend on the school's average year group size  
Qualifying primary schools will receive up to £25,000, and secondary schools up to £65,000  
Local authorities (LAs) will continue to have some flexibility over how this factor is allocated, and the government will release more information on this soon
- **Premises** – to reflect some of the costs associated with a school's premises and overheads. This is split into 4 areas:  
Rates  
Split sites  
Private finance initiative (PFI)  
Exceptional circumstances

Funding for these areas will be allocated on historic spend in 2018-19, except PFI which will also be increased in line with the retail price index. The government is still considering how premises factors will be funded in 2019-20

- **Growth** – to enable LAs to respond where significant growth in pupil numbers occurs in-year and is not immediately recognised by the lagged funding system. In 2018-19, this will be calculated on the basis of LAs' historic spend. The government is still considering how growth factors will be funded in 2019-20

The final formula will be used from 2020-21. To help schools transition to the formula, there will be a 'soft' version used in 2018-19 and 2019-20, where funding will still be channelled through LAs. During the 2 transition years:

### Provisional 2017 KS2 data and floor standard published

The provisional Key Stage (KS) 2 national results data has been released for the 2017 tests. It shows that more pupils nationally reached the expected standard in reading, writing and maths. More pupils also reached the higher standard in each.

The [provisional 2017 Key Stage \(KS\) 2 data](#) was published by the Department for Education (DfE) on 31 August 2017. The data shows that:

- 61% of pupils reached the expected standard in all of reading, writing and maths, compared to 53% last

year

- 9% of pupils reached the higher standard in all of reading, writing and maths, compared to 5% last year. Girls' attainment was higher than boys in all subjects, but attainment increased for both genders. The expected standard is a scaled score of 100 or more in the reading and maths tests and a teacher assessment of working at the expected standard in writing. For the higher standard, it is a scaled score of 110 or more in the reading and maths tests and a teacher assessment of working at greater depth in writing.

### **2017 floor standard**

Updated [guidance from the DfE on primary school accountability](#) explains that in 2017 a school will be above the floor standard if:

- At least 65% of pupils meet the expected standard in reading, writing and maths, or
- The school achieves progress scores of at least -5 in reading, -7 in writing and -5 in maths

To be above the floor, the school needs to meet either the attainment standard or the progress standard. For the progress standard, schools must achieve the sufficient scores in all 3 subjects.

Next data release

Pupil characteristics data, school level figures and progress data will be included in the release of the revised national data and publication of the performance tables in December 2017.

No school will be confirmed as being below the floor until December 2017 when schools' performance tables are published. Further statistical information on primary progress scores, including the number and percentage of schools below the floor in 2017, will be available on GOV.UK when revised data is published from December 2017.

### **Primary assessment reform**

The DfE has announced reforms to assessment in the EYFS, KS1 and KS2 to happen over the next 6 years. These include the removal of KS1 SATs from 2023 and a new teacher-mediated assessment in reception from 2020. There will also be a pilot in response to the Rochford Review.

The government has confirmed that it will:

- Make Key Stage (KS)1 tests and assessments non-statutory from 2023
- Remove the requirement for schools to submit teacher assessment data to the government for reading and maths at the end of KS2 from 2018-19
- Introduce a new teacher-mediated assessment in the reception year from 2020. This will provide a baseline measure to "better track" pupils' progress
- Introduce a multiplication tables check from 2019-20
- Improve the Early Years Foundation Stage (EYFS) profile, including reviewing supporting guidance to reduce burdens for teachers
- Improve teacher assessment of English writing by giving teachers greater scope to use their professional judgement when assessing pupils at the end of KS1 and KS2 from the current academic year

As an outcome of the consultation on the findings of the Rochford Review, the government has also said that there will be a pilot of a new approach to assessing the attainment of children with the most complex special educational needs.

### **Removal of P-scales**

The government is altering the current system used to assess children with special educational needs and disabilities (SEND) who are working below the expected national curriculum standards.

The statutory requirement for teachers to use performance scales (P-scales) to assess pupils with SEND who are not working at the standard of national curriculum assessments will be removed, the government has announced today.

The decision follows [final recommendations](#) from the [Rochford Review last year](#) for how pupils who are working below the standard of the national curriculum tests should be assessed.

The statutory requirement will be dropped from the 2018-19 academic year onwards to allow the government to make the necessary changes to legislation.

[In its consultation response to the review](#), the government said it would make interim pre-key stage

standards, which assess ability in reading, writing and mathematics, permanent for all pupils engaged in subject-specific learning. For the pupils who are not engaged in subject-specific learning – which is a small number of pupils nationally – the government will pilot using seven areas of cognition and learning instead of P-scales.

### **No more employment tribunal fees**

Employees making a claim to an employment tribunal no longer have to pay fees. This is due to the Supreme Court ruling, in July 2017, that the government acted "unlawfully and unconstitutionally" when it introduced the fees in 2013. Dominic Raab, minister of state at the Ministry of Justice, said on 26 July 2017 that the government would stop taking fees "immediately".

### **PE and Sports Premium for primary schools**

Most schools with primary-age pupils receive the PE and sport premium in the academic year 2017 to 2018. Schools receive PE and sport premium funding based on the number of pupils in years 1 to 6. In cases where schools don't follow year groups (for example, in some special schools), pupils aged 5 to 10 attract the funding. In most cases, the DfE determines how many pupils in your school attract the funding using data from the January 2017 school census.

#### *Funding for 2017 to 2018*

Schools with 16 or fewer eligible pupils receive £1,000 per pupil.

Schools with 17 or more eligible pupils receive £16,000 and an additional payment of £10 per pupil.

The DfE will publish the school level breakdown of funding for the academic year 2017 to 2018, including conditions of grant, in October 2017.

#### *How to use the PE and sport premium*

Schools must use the funding to make additional and sustainable improvements to the quality of PE and sport they offer. This means that you should use the premium to:

- develop or add to the PE and sport activities that your school already offers
- make improvements now that will benefit pupils joining the school in future years
- For example, you can use your funding to:
- hire qualified sports coaches to work with teachers
- provide existing staff with training or resources to help them teach PE and sport more effectively
- introduce new sports or activities and encourage more pupils to take up sport
- support and involve the least active children by running or extending school sports clubs, holiday clubs and [Change4Life](#) clubs
- run sport competitions
- increase pupils' participation in the [School Games](#)
- run sports activities with other schools

#### *You should not use your funding to:*

- employ coaches or specialist teachers to cover planning preparation and assessment (PPA) arrangements - these should come out of your core staffing budgets
- teach the minimum requirements of the national curriculum - including those specified for swimming (or, in the case of academies and free schools, to teach your existing PE curriculum)

### **Analyse school performance (ASP)**

DfE launched an updated and improved version of Analyse school performance (ASP) on 19th July

The service now provides 2017 Question Level Analysis (QLA) data and named pupil data.

Logging into ASP now will make it quicker and easier for you to access 2017 data as it continues to become available. Help with logging into ASP is available [here](#).

The [RAISEonline](#) service closed on Monday 31st July.

### **Relevant Documents and Guidance**

- National Funding for Schools and high Needs – DfE policy document
- School funding arrangements  
<https://www.gov.uk/government/publications/schools-funding-arrangements-2017-to-2018#history>
- Primary school accountability in 2017
- Primary school pupil assessment: Rochford Review recommendations
- Schools revenue funding 2017 to 2018 Operational guide
- Analyse school performance (ASP) <https://sa.education.gov.uk/idp/Authn/UserPassword>

**Your “do-list”**

- Determine teacher’s pay in line with STPCD 2017 before 31 October.
- Pour over the KS2 provisional data and national funding formula announcement.

## DfE guidance

### Key information

#### School Teachers Pay and Conditions Document 2017

The School Teachers' Pay and Conditions Document (STPCD) sets out pay and conditions for teachers in maintained schools and teachers whose employment transferred to an academy at the point of conversion. Academies can set their own pay and conditions for new staff, or renegotiate for existing staff.

The 2017 STPCD, effective from 1 September 2017, sets a 2% uplift to the minimum and maximum values of the main pay range (MPR).

It also sets a 1% uplift to the minima and maxima of all other pay ranges and allowances in the national framework, which are:

- Unqualified teachers' pay range
- Upper pay range (UPR)
- Leading practitioner pay range
- Leadership pay range and headteacher group pay ranges
- Teaching and learning responsibility (TLR) payments
- Special educational needs (SEN) allowances

#### *Applying the uplift in 2017*

The STPCD says on page 7 that, except for teachers and leaders on the minimum of their pay range, schools must determine, in accordance with their pay policies, how to take account of the uplift when making individual pay progression decisions.

The School Teachers' Review Body (STRB) report says on page 62 that uplifts to the minimum and maximum values of the various ranges in the national pay framework don't automatically translate into the same level of uplift to all individual teachers' salaries.

It explains that pay decisions for teachers, including those paid at the previous maximum of their pay range, should be made locally in line with the school's pay policy and related to the annual appraisal of performance. School leaders and governing boards can make differentiated pay awards, where justified by performance or local circumstances, and "which allow them to make best use of their budgets".

The LGA (Local Government Association) has produced indicative pay ranges and a model pay calculator – available on the EPHA website. <https://essexprimaryheads.co.uk/info-and-documents/dfe/>

Please note, you will need to ensure a percentage is entered into the purple box for the calculator to work.

Employers will need to determine if and how they will apply this award, above the minimum of each pay range/allowance, in accordance with the Pay Policy they have adopted and inset the values of the pay ranges (at section 4 (teachers) and Appendix E (Leadership)) accordingly.

The Essex HR Pay Policy has been updated – there are no changes to the document apart from a date change.

#### Apprenticeship Levy

The Apprenticeship Levy came into force in April 2017 and costs many, but not all, schools 0.5% of their salary costs. Whilst the levy only applies to employers with a payroll of over £3 million a year (and/or 250+ employees), this will include maintained schools, (as their employer is the local authority), many multi academy trusts and some larger standalone academies or Foundation schools.

Each employer has to pay 0.5% of their total salary bill less a £15,000 allowance. However, once again, maintained schools will lose out because the LA (as employer) only has one allowance of £15k to split between all schools!

Employers will need to let HMRC know monthly whether they need to make a payment and will need to make the first one in May 2017.

The money will be paid into a HMRC digital account for each employer who can then access this funding to support investment in apprenticeships. In addition to this the government will top those funds up by a further 10%. There is a distinction between maintained schools that are still part of the Essex central payment (see below) and those community/VC schools that have their own bank account – The **156** Community and Voluntary Controlled local bank account schools should have set up their own digital account and will therefore have control over their individual levy. The **156** schools should not be making any provision for the £15,000 government allowance since they are connected with Essex County Council (as per the HMRC connectivity ruling). This allowance will be shared across ECC payroll. It should be noted that of these schools, **22** have their own 3<sup>rd</sup> party payroll provider and so will need to ensure the allowance is being accounted for correctly.

To help secure the most out of the levy for academies and schools, they will be able to access the funding to pay for apprenticeships and professional development for staff, through the online Digital Apprenticeship Service. The funding can only cover the cost of training and assessment and it cannot be used to cover the actual salary of the apprentices.

School leaders should bear in mind that the term apprenticeship can cover professional development up to level 7 (Masters level) and that this is not restricted to young staff. It will be key for academies and schools is to identify eligible programmes that they can deliver to use their funds. The government will automatically add 10% to the funds in your apprenticeship service account. They will apply this 10% top-up monthly, at the same time the funds enter your account.

Funds that you don't use will expire 24 months after they enter your account. Whenever a payment for training is taken from your account, the service always uses the funds that entered your account first. Your apprenticeship service account will let you know when funds are due to expire.

There are already a number of accredited apprenticeship 'pathways' that academies and schools can use to develop their teaching assistants or schools business managers. (You can find out more about apprenticeship standards that already exist and those developed by employers [here](#)). There are also opportunities for groups of schools and academies to get together to identify a programme that they would like offer from their funding that is not currently available. Apprenticeships should be focused on developing new skills that will take an employee to their next level of progression in their career.

There are a range of existing apprenticeships relevant to schools available and some that are under development, which include:

**A teaching apprenticeship** – will replicate standards of Initial Teacher Training Programmes (potential September 2018 start)

**School business manager apprenticeship** – creating a new career structure within school business management (potential late 2017 start)

**A teaching assistant apprenticeship** – already available with a further course under development

**The funding can only be spent on the training element of the apprenticeship**, and not for salaries or funding a new apprenticeship.

**In July the Schools Forum considered the 82 schools that are still within the central payment system of ECC – this group of schools is treated as one entity, and will therefore access the Apprenticeship Levy from one digital account.** There are currently 82 schools that are central payment schools and they will therefore be part of the pooled digital account (for the Apprenticeship Levy) with Essex County Council. The remaining 156 Community and Voluntary Controlled local bank account schools should have set up their own digital account and will therefore have control over their individual levy.

The School Forum considered what options were available to ensure that the pooled account was used to best effect, so that central payment schools benefited from the payment they had each made to the Apprenticeship Levy. The average individual levy payment for primary schools this financial year is £2,743 per annum – your levy may be more, or less, depending on your staffing costs.

Four options were suggested to Schools Forum:

*Option 1 – individual schools only use from the digital account what they have paid in*

*Option 2 – Schools share funding, to be used within School Improvement clusters*

*Option 3 – Account to be accessed on a first come, first served basis.*

*Option 4 – Do nothing – pay levy and take no further action*

The final agreement by School Forum was to work towards Option 2, maximising the advantage of pooled funding, but modifying the offer so that schools that pay into the pooled levy benefit from the funding available. The representative from ACL (Adult Community Learning) has agreed to write to schools to explain how they might best benefit from the funding, including offering further training and development opportunities to existing staff.

I will update you as soon as we have final direction on the distribution and accessibility of the funding.

A very brief summary:

1. All community, voluntary-controlled will be impacted by the Apprenticeship Levy.
2. All other schools/academies/multi-academy trusts WITH A PAY BILL OF OVER £3m or 250+ employees will have to pay the Apprenticeship Levy.
3. Each employer (remember, the LA is one employer) must pay 0.5% of salary costs, offset by a

£15,000 allowance.

4. The Apprenticeship Levy can only be used to pay for training and assessment, not salary costs.
5. Apprenticeships can be used to develop existing (and mature) staff, as well as new young apprentices.
6. Employers will need to let HMRC know monthly whether they need to make a payment and will need to make the first one in May 2017.
7. Central payment schools will access funding via a single digital account held by ECC. All other affected schools/academies/MATs will set up their own digital account.
8. You have 2 years to use the funding or you lose it.

### **Exclusion from maintained schools, academies and pupil referral units in England**

Statutory guidance for those with legal responsibilities in relation to exclusion – September 2017

The legislation governing the exclusion process remains unchanged. This statutory guidance has been updated in a small number of areas, in particular to provide greater confidence to head teachers on their use of exclusion and to provide greater clarity to independent review panels and governing boards on their consideration of exclusion decisions.

- In January 2015, the Department amended regulations to clarify that a governing board's duty to arrange education from the sixth day of a fixed-period exclusion is triggered by consecutive fixed-period exclusions totalling more than five days.
- Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- The decision to exclude a pupil must be lawful, reasonable and fair.
- Schools should have a strategy for reintegrating a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.
- Where parents dispute the decision of a governing board not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) for disability discrimination, or the County Court for other forms of discrimination.
- An independent review panel does not have the power to direct a governing board to reinstate an excluded pupil. However, where a panel decides that a governing board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing board to reconsider its decision. The panel will then be expected to order that the school must make an additional payment of £4,000 if it does not offer to reinstate the pupil. Whether or not a school recognises a pupil as having Special Educational Needs (SEN), all parents have the right to request the presence of an SEN expert at a review meeting. The SEN expert's role is to advise the review panel, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review. For example, they may advise whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand.

### **Preventing and Tackling Bullying**

DfE advice for headteachers, staff and governing bodies – July 2017

This document has been produced to help schools take action to prevent and respond to bullying as part of their overall behaviour policy. It outlines, in one place, the Government's approach to bullying, legal obligations and the powers schools have to tackle bullying, and the principles which underpin the most effective anti-bullying strategies in schools. It also lists further resources through which school staff can access specialist information on the specific issues that they face.

### **Supporting Mental Health in Schools and Colleges – August 2017**

This report provides a summary of the key findings from the Department for Education (DfE) research into mental health provision in schools and colleges. The DfE commissioned this research project in order to understand what schools, colleges and other educational institutions in England currently do to promote positive mental health and wellbeing among all of their pupils, to identify and support pupils who might have particular mental health needs or require specialist support, and to explore their experiences of putting this provision into place. The DfE intend for this evidence to provide a basis for future policy and research.

### **Relevant Documents and Guidance**

- School Teachers Pay and Conditions Document 2017  
<https://essexprimaryheads.co.uk/files/school-teachers-pay-and-conditions-document-2017.pdf>
- DfE guidance on the Apprenticeship Levy  
<https://www.gov.uk/government/publications/apprenticeship-levy-how-it-will-work/apprenticeship-levy-how-it-will-work>
- **Exclusion from maintained schools, academies and pupil referral units in England –September 2017**
- **Preventing and Tackling Bullying – July 2017**
- **Supporting Mental Health in Schools and Colleges – August 2017**
- <https://www.gov.uk/government/collections/statutory-guidance-schools>

### **Your “do-list”**

- Download latest DfE guidance as listed above.
- Determine teacher’s pay in line with STPCD before 31 October.
- Consider how you might use your Apprenticeship Levy contribution.
- Make sure that you are using the most recent Exclusions guidance (unless you have an ongoing exclusion, prior to 1<sup>st</sup> September – then you should be using 2012 guidance)

## Data Protection and GDPR

### Key information

Schools collect, process, store, use and dispose of different types of data: educational records, personal data and sensitive personal data. This guidance focuses on the latter two categories and aims to ensure that schools are following the principles of the **Data Protection Act 1998**.

Personal data, held by schools, is governed by the **Data Protection Act 1998**. To comply with the act, schools must observe the eight 'data protection principles', ensuring that information is:

- used fairly and lawfully;
- used for limited, specifically stated purposes;
- used in a way that is adequate, relevant and not excessive;
- accurate;
- kept for no longer than is absolutely necessary;
- handled according to people's data protection rights;
- kept safe and secure;
- not transferred outside the European Economic Area without adequate protection.

### Data Protection – a guide for Essex primary schools

This guide, produced by EPHA, will help you to meet the requirements of the Data Protection Act 1998. The checklist covers (and explains) the following recommendations from the Information Commissioner's Office:

- Notification
- Personal data
- Fair processing
- Disposal
- Policies
- Subject Access requests
- Data sharing
- Websites
- CCTV
- Photographs
- Processing by others
- Training
- Freedom of information

### Model documents – all available on the EPHA website

- ECC Data Protection Policy model – *this must be personalised to your school*
- Primary school example of Data Protection Policy
- ICO Model Publication Scheme – *adopt as it is*
- ICO Information Guide template – *this must be personalised to your school*
- Essex HR Staff Code of Conduct – *this must be personalised to your school*
- Privacy notice for staff workforce – *this must be personalised to your school*
- Privacy notice for parents/pupils – *this must be personalised to your school*
- Record Management and Retention Schedule - *this must be personalised to your school*

### 7-minute staff meetings on aspects of data protection include:

Data protection principles

Information sharing

Records management and data security

<https://essexprimaryheads.co.uk/info-and-documents/data-protection/>

### GDPR –General Data Protection Regulations

The world has changed significantly since the Data Protection Act (DPA) was introduced in 1998. From a mere 800,000 computers in UK schools to several million now, schools communicating with parents, staff and pupils using text, emails, Twitter etc and a huge adoption of tablets and smartphones. All of these have combined to create a very different environment for data. Given this transformation to the data landscape, the rules required an overhaul.

## **So, what is the General Data Protection Regulation (GDPR)?**

GDPR does a few things:

It defines what is meant by 'personal data'

It confers rights on 'data subjects'

It places obligations on 'data controllers' and 'data processors'

It creates principles relating to the processing of personal data

It provides for penalties for failure to comply with the above.

Note that this relates to any personal data processed using computers, as well as personal data contained within any kind of filing system, including paper.

### **I've heard there are massive fines?**

Firstly, it is worth clearing up some misconceptions about the fines being discussed. Yes, GDPR does provide potential for increased penalties, but these are for major breaches which affect large numbers of data subjects and which could cause huge issues for those affected. Maximum fines (up to €20m) will be issued no more frequently than is currently the case under the DPA.

### **What Rights Do Data Subjects Have?**

Data subjects – the living individual the personal data being processed relates to – have the following rights under GDPR:

- The right to be informed – they must be told what data is used, why and for what purpose
- The right of access – they are allowed to see what data of theirs is processed upon request
- The right of rectification – if their data is wrong, it must be corrected
- The right to erasure – they can demand that all their data is erased
- The right to data portability – they can decide to move their data to another processor, which you must supply the data to
- The right to object – they can object to your use of their data and you must stop using it unless you have an overriding legitimate reason to continue
- Rights in relation to automated decision-making or profiling – they can demand that automated decisions about them are reviewed by a human.

### **Who Are Data Controllers and Data Processors?**

The Data Controller is the person or organisation which determines the purposes and means of the processing of personal data. In UK education, this would be the school (Scotland is an exception, with theirs being the local authority).

The Data Processor is the person or organisation which processes the personal data on behalf of the controller. Examples in education would be the MIS provider, cashless catering supplier etc.

### **What obligations do Controllers and Processors Have?**

To comply with GDPR, Data Controllers must determine:

- The legal basis for collecting data
- Which items of personal data to collect
- The purpose(s) the data is to be used for
- Which individuals to collect data about
- Whether to disclose the data and, if so, to whom
- Whether subject access and other individual's rights apply
- How long to retain the data.

### **Data Processors must set out, in a legal contract, their obligations which ensure that they:**

- Process the personal data only on documented instructions from the controller
- Ensure their staff involved in processing the data observe confidentiality
- Take appropriate security measures to protect the data
- Help the Data Controller by using appropriate technical and organisational measures
- Help the controller to ensure compliance
- Return or delete all the data at the end of the contract
- Provide the controller with all information necessary to demonstrate compliance.
- Schools can no longer merely sign a supplier's order form – they need a legally binding contract that stipulates all the above or they are not legally allowed to use the processor.

### **The Six 'Principles' Of GDPR**

A Data Controller must comply with 'the six principles' of GDPR and evidence how they do so. The principles

are that data must be:

- Processed fairly, lawfully and in a transparent manner
- Used for specified, explicit and legitimate purposes
- Used in a way that is adequate, relevant and limited
- Accurate and kept up-to-date
- Kept no longer than is necessary
- Processed in a manner that ensures appropriate security of the data.

### **So, how will GDPR affect schools?**

There are a few key changes that schools need to be aware of and ensure they comply with:

- The need to identify and record the legal basis for processing data before it is processed.
- Consent conditions have been strengthened
- Data breaches must be notified to the ICO within 72 hours
- Individuals have an increased right of access to their data and its use
- The 'right to be forgotten', also known as 'data erasure'
- Accountability for data controllers
- 'Privacy by design' will become a legal requirement under GDPR
- Data Protection Officers need to be appointed.

GDPR represents an 'evolution' rather than a 'revolution' – it's an opportunity to review your current practices and update them so that any personal data you hold is looked after adequately.

There is plenty to be done, but if your school is fully meeting data protection regulations, staff have undertaken GDPR training, you keep good records with suppliers, conduct data protection impact assessments and take thorough risk minimisation measures, you'll be well on your way to compliance.

### **Relevant Documents and Guidance**

- EPHA website – dedicated page <https://essexprimaryheads.co.uk/info-and-documents/data-protection/>
- Information Commissioner's Office <https://ico.org.uk/>
- NAHT guide – data and its use in schools
- ICO Data Protection guide for schools
- ICO guide to taking photos in schools
- Information Management Toolkit for Schools 2016
- Information sharing advice for safeguarding practitioners March 2015
- Essex Schools Infolink  
<https://schools-secure.essex.gov.uk/data/information-governance/Pages/DataProtectionAct1998.aspx>

### **Your "do-list"**

- Ensure that you are meeting the requirements of the Data Protection Act by completing the EPHA checklist.
- Adopt and publish key documents in accordance with Data Protection requirements.
- Make sure your staff are aware of data protection, using the 7-minute staff meeting presentations and handouts.
- Wait for further guidance from DfE (?) and EPHA on GDPR requirements.

## Updating policies, HR information and union news

### Key information

**DfE Statutory policy list is still September 2014** – looks like they aren't planning to update it any time soon!

### This term you need to review and adopt:

- Child Protection Policy – a new CP policy has been produced, updating information about Effective Support for Children and Families in Essex
- Pay Policy
- Performance Management Policy
- Attendance Policy

There is a new ECC Children in Care Policy available on the EPHA website

### Current ECC HR policy list for schools, academies and free schools

Policy or procedure	Mandatory or recommended	Current edition
Agency workers regulations		June 2013
Audit of HR function		November 2015
Capability procedure for all staff	Mandatory	April 2017
Code of conduct	Recommended (but required by KCSiE)	November 2015
Cover and PPA	Recommended	April 2016
Discipline and Dismissal	Mandatory	December 2015
Equality and Diversity in Employment	Recommended	February 2017
Flexible Working	Recommended	June 2014
Grievance	Mandatory	September 2016
Leave of Absence (and guidance)	Recommended	June 2016
Pay Policy	Mandatory	September 2017
Performance Management (all staff)	Recommended	September 2016
Pre-employment checks		May 2017
Probation procedure	Recommended	September 2016
Recruitment	Mandatory	February 2017
Redundancy and restructuring	Recommended	September 2016
Sickness Absence management	Recommended	February 2015
Sabbatical	Recommended	May 2016

### Pension Automatic Enrolment

When Essex County Council implemented Pension Automatic Enrolment in January 2013, it postponed enrolment for eligible staff at that time. In accordance with the Regulations, these staff will have to be Automatically Enrolled with effect from 1 October 2017. This is likely to affect a relatively small number of staff. Essex CC is currently working through the data and will write to affected staff, care of the school, to explain that they will be enrolled in October. Staff will be able to opt out of the scheme again.

### Egress email

Essex County Council is introducing a new system for emailing Official-Sensitive information (*Egress*) in order to comply with data protection regulations and to ensure that when such information needs to be shared, it is done securely via encrypted email. When you first receive a secure email from ECC via *Egress*, you will need to register for a free *Egress* account by clicking on the 'New User' link in the email you receive. Of course, if you are already an existing *Egress* user, you simply log in with your *Egress* ID and password. By using your free *Egress* account, you will be able to reply to and initiate secure correspondence with us and other paying *Egress* subscribers free of charge. For more information about *Egress* secure email, please visit: [www.egress.com/support-articles-getting-started](http://www.egress.com/support-articles-getting-started).

### The National Education Union

Combining the expertise and experience of both ATL and the NUT, the **National Education Union** is the UK's largest education union. With more than 450,000 members, the National Education Union (NEU) represents the majority of teachers and educational professionals in the UK.

The National Education Union will offer membership and a democratic voice to all education professionals: teachers, leaders and managers in maintained schools, academies, free schools and independent schools;

lecturers, managers and leaders in FE and HE and support staff across every sector in England, Wales, Scotland and Northern Ireland.

Members formerly in ATL or NUT will continue to be supported by their union's current staff and lay officials until the end of a transition period on 1 January 2019. Current general secretaries of both the ATL and NUT – Dr Mary Bousted and Kevin Courtney - will continue in place as joint general secretaries of the National Education Union until 2023.

NEU offers the following support and guidance to headteachers who are members:

[National Education Union advice line](#) or call 0345 8118111 for advice.

It also offers a useful A-Z Self help guidance on a range of issues

<https://www.teachers.org.uk/help-and-advice/self-help>

### **Relevant Documents and Guidance**

- HR list of policies for schools, academies and free schools available on the secure log in of EES <http://www.eesforschools.org>
- DfE website requirements <https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>
- EPHA website requirements checklists <https://essexprimaryheads.co.uk/info-and-documents/model-policies/>
- [National Education Union advice line](#) or call 0345 8118111 for advice.
- DfE Statutory policy list September 2014

### **Your “do-list”**

- Adopt the new Child Protection Policy (September 2017) personalised with your own school's procedures
- Adopt Pay and Performance Management Policies for the year ahead
- Update your school's Attendance Policy – or use the EPHA/ASHE model policy
- Update your policies with the most up to date versions of the HR policies (if you buy in to Essex HR)
- Update your website in line with most recent guidance, using the checklists provided by EPHA (November 2017).

## Academies Update

### Key information

#### Regional Schools Commissioner

Sue Baldwin, a director at the Department for Education, has been appointed as the new regional schools commissioner for the East of England and North-East London.

Baldwin will move over from her current director of school efficiency role at the DfE on August 1. Baldwin is currently responsible for the implementation of school funding reforms, dealing with funding agreement compliance issues and advise on funding policy.

She takes over from Tim Coulson who [announced in April](#) he was resigning to become chief executive of the Samuel Ward Academy Trust, the fourth RSC to resign.

Baldwin, who lives in the RSC region she will be covering, said she wants to make sure “every child and young person has the best school place possible and that they are excited by the opportunity that a brilliant education can offer”.

Today’s announcement means national schools commissioner Sir David Carter now just needs to appoint someone for the vacant south west role before he has a full team of commissioners again.

Carter said he was “thrilled” by Baldwin’s appointment. “Sue will bring a wealth of experience and talent from her recent roles as the Department’s director for academies and maintained schools and school efficiency . “Sue has an excellent understanding of the schools system and its future development, and a passion for education which will make her a really strong appointment.”

#### Academies Financial Handbook 2017

This handbook is a key document that sets out the financial framework for academy trusts reflecting their status as companies, charities and public bodies. It balances requirements for effective financial governance and management of funds, with the freedoms that trusts need over their day-to-day business.

Compliance with the handbook is a requirement in trusts’ funding agreements with the Secretary of State.

Pages 5 and 6 of the new handbook set out details of the changes from the earlier version. There are a number of changes relating to governance arrangements, including defining the roles of members and trustees, the obligations of holding office in a public body, the importance of developing trustee and governor competencies and how trusts might improve efficiency. The financial control section reflects the reports the ESFA now requires, and has important considerations on levels of executive pay and approval of novel and contentious transactions.

It is recommended that all trusts review their own financial policies and procedures to ensure they reflect the latest AFH.

#### Timetable of academy reports

Peter Lauener, Chief Executive of the ESFA, has written to all academy accounting officers and chief finance officers setting out a timetable for reports over the next 13 months.

<https://www.schoolbusinessservices.co.uk/fin-land-and-buildings-collection-tool/>

School Business Services has produced a useful Academic Year planner for Academies.

#### Charging for academy conversion

To date the Local Authority has not charged schools for the legal costs that they have incurred when managing structural changes around conversion to academy status (in particular around premises legalities). This cost, which amounted to an average of £5,000 per school (depending on the complexity of the case) was paid from the Education Support Grant. With the loss of the ESG, the decision has now been taken to pass on this cost to a converting school. This will not apply to schools that are already in the process (if concluded by the end of November), and will take effect from 1<sup>st</sup> December 2017

#### Relevant Documents and Guidance

- Academies Financial Handbook 2017
- ESFA <https://www.gov.uk/government/organisations/education-and-skills-funding-agency>
- MAT2MAT Headteachers and CEOs can access these resources at <https://www.hivelearning.com/mat2mat/> The passkey is M@T2M&T2017
- Academies compliance documents <https://www.gov.uk/government/collections/academies-funding-payments-and-compliance>

#### Your “do-list”

- Download the Academies Financial Handbook 2017
- If you are an academy, review your financial policies and procedures to ensure they reflect the latest AFH.
- Access the list of reports and the School Business Services academic year planner
- Note that there will a cost payable to the LA when converting to academy status.

# The Governing Body

## Key information

### New rules to allow the removal of governors

The Department for Education has introduced rules allowing schools to forcibly remove governors for the first time. Previously, only appointed parent governors could be removed. But as of September, all governors can be forcibly removed if there is a majority vote by the rest of the board.

Each individual school will have the power to remove its governors by a simple majority vote from the rest of the governing board.

An explanatory note issued by the Department for Education, said:

“The changes we are making in these Regulations mean that for all categories of governor there is now a body with the power to remove them from office. We think this is an important last resort to ensure governing bodies can function effectively, focusing on their core strategic functions and reducing time wasted in prolonged disputes.”

The five year disqualification term for removal reflects the expectation that the power to remove an elected governor will only be used in exceptional and serious circumstances (and such seriousness will depend on the facts of the case). Examples which could give rise to removal are where:

(a) there have been repeated grounds for suspension<sup>14</sup>;

(b) there has been serious misconduct. Governing bodies should decide what constitutes serious misconduct based on the facts of the case. However, it is expected that any actions that compromise the Nolan principles, if sufficiently serious, would be considered in scope of this reason for removal.

(c) a governor displays repeated and serious incompetence; for example where an elected governor is unwilling or unable, despite all appropriate support, to develop the skills to contribute to effective governance; or where attendance is so irregular that the governor is unable to make any meaningful contribution to the work of the board.

(d) the governor has engaged in conduct aimed at undermining fundamental British values of democracy, the rule of law, individual liberty, mutual respect, and tolerance of those with different faiths and beliefs; and/or;

(e) the actions of the governor are significantly detrimental to the effective operation of the governing body, distracting it from its core strategic functions; and/or the actions of a governor interferes with the operational efficiency of the school thereby wasting a significant amount of headteacher and /or senior leadership time.

### The constitution of governing bodies of maintained schools

Statutory guidance for governing bodies of maintained schools and local authorities in England –August 2017

This guidance is about the constitution of governing bodies and their size, membership and skills. It also explains the arrangements for the constitution of governing bodies of maintained schools constituted under the School Governance (Constitution) (England) Regulations 2012. All governing bodies of maintained schools are required to be constituted under the School Governance (Constitution) (England) Regulations 2012 or the School Governance (Federations) (England) Regulations 2012.

#### Key changes in this update

- Additional material on the Governance Database – paragraph 35, page 12.
- New guidance on the power to remove elected and staff governors – Section C.5 – pages 23/24.

The current Edubase system has been replaced by a new system called “**Get information about schools**”.

<https://www.get-information-schools.service.gov.uk/>

This is a register of schools and colleges in England. You can search for and download information on establishments, establishment groups or governors. Schools, local authorities and academy trusts can also update details by signing in to their Secure Access account.

### Relevant Documents and Guidance

- The constitution of governing bodies of maintained schools –August 2017
- “Get information about schools” <https://www.get-information-schools.service.gov.uk/>
- National Governors Association <http://www.nga.org.uk/Home.aspx>
- EES Autumn term Governor and Clerk training programme  
[https://www.eescpdportal.org/essex-gov/cpd/content\\_detail.asp?contentid=676](https://www.eescpdportal.org/essex-gov/cpd/content_detail.asp?contentid=676)

### Your “do-list”

- Let your governors know about the new rules around removal of governors
- Circulate the new guidance on the constitution of governing bodies of maintained schools.
- Access the new information system for schools –and check and update yours if necessary.
- Encourage your governors and clerk to attend training

## The Local Authority

### Key information

#### The new School Effectiveness Team

The school improvement team has been restructured to reduce cost as a result of the removal of the ESG but more importantly to provide much greater support to the established school partnerships as well as MAT's and TSAs. This will mean a different way of working for the team and for schools. Details of the new team can be found on the Essex schools Infolink along with the new core offer.

<http://schools.essex.gov.uk/info/director/Pages/default.aspx>

The team for **South** will be:

Lead School Effectiveness Partner – Lisa Fergus

School Effectiveness Partner Primary – Maz Norman

School Effectiveness Partner Primary – Vacant – Pav Saunders will cover for the term

School Effectiveness Partner – Secondary - Robin Harbord

North East:

Lead School Effectiveness Partner - Lyn Wright

School Effectiveness Partner Primary – Kerrie McGrory

School Effectiveness Partner Primary – Cathie Bonich

School Effectiveness Partner – Secondary - Robin Harbord

West

Lead School Effectiveness Partner – Nicola Woolf

School Effectiveness Partner Primary- Jacky Castle

School Effectiveness Partner Primary– vacant - Iain Birtwell will provide cover for the autumn term

School Effectiveness Partner Secondary – Nicola Pruden

Mid

Lead School Effectiveness Partner – Alison Fiala

School Effectiveness Partner Primary – Steve Mellors

School Effectiveness Partner Primary – Carole Farrer

School Effectiveness Partner Secondary – Nicola Pruden

Mid and South support – Chris Webster

The Inclusion team will be:

Lead School Effectiveness Partner – Ruth Sturdy

School Effectiveness Partner - Kim McWilliam

School Effectiveness Partner– Karen Woolhouse

The Core Offer for 2017-18 includes

Support and collaborative working with SLIS partnerships to include

- Ensuring there are leadership and government development plans in place across all levels
- Ensuring there are definitive and clear governance arrangements in place
- A focus on outcomes across the partnership for disadvantaged and SEND pupils
- Analysis of partnership school data
- Development for any other key bespoke priorities agreed with the partnership schools
- To support the use of the partnership evaluation and development tool to facilitate the developing maturity of the partnerships
- Support with mapping school improvement capacity across partnerships
- Support for schools due inspection in the next academic year
- Support for new headteachers

Support and collaborative working with MATs to include

- Support to review outcomes of vulnerable pupils

- Support for a key bespoke priority agreed with the MAT
- Sustaining and further development of relationships with MAT CEOs

All Schools to include

- Support for schools during inspection
- Support for schools as part of a critical incident
- Support for schools at risk of not securing a good judgment or at risk of not sustaining a good judgement at their next Ofsted inspection

#### **Essex headline provisional data**

- Early Years - Good Level of Development - 74%
- Key Stage 2 - At least expected standard in Reading, Writing & Maths - 63%
- Key Stage 4 - Standard Pass (9-4) - 66%
- Key Stage 5 - Entries with A\*-C Passes - 69%
- Ofsted Primary\* - Schools Judged good or outstanding - 92%
- Ofsted Secondary\* - Schools judged good or outstanding - 93%
- Ofsted All\* - Schools judged good or outstanding - 92%

#### **Essex priorities for education for the forthcoming year – Clare Kershaw editorial 05/09/17**

First and foremost the continued focus on the **transformation of SEND services** across Essex continues to be the major priority for 2017/18. Last year we opened four ASD hubs in each quadrant and the immediate priority is now to support the opening of the new four SEMH hubs. Both will provide much needed capacity in the system and outreach specialist support for schools.

However, in terms of SEND I want to go much further, both in terms of support and also challenge. I would very much like everyone to sign up to 2017/18 as being the Year of SEND in Essex and for all education leaders to champion inclusion in every single school. This will require an increase in partnership working building on our already existing good practice, and an increase in mutual support and challenge. We are looking to introduce a Headteacher's Roundtable to assist this work, which will include the development of a SEND charter, a programme of support and in the long term the development of a School-led SEND system in Essex. More detail will follow during the autumn term.

The second priority is the continued drive to establish a **School-led Improvement System** across the county. The new quadrant leads will be writing to the Leads of Partnerships and MATs separately to introduce themselves and the team. Linked to this priority is the successful establishment of the LA Initiated MAT – EMAT. We will be taking this proposal to both the ECC Cabinet and RSC Headteacher Board in the next month.

The LA bid to the Strategic School Improvement Fund was successful. This bid will focus on improving outcomes for boys in English across KS1, KS2 and KS4 and will be delivered by a partnership between some of the TSA's and the LA. The bid brings a welcome £500K into the county.

Third is a continued but increased **focus on outcomes for vulnerable children**, particularly those who are disadvantaged. We have made some significant developments in this area. However, there is still significant progress that we collectively need to make and the new School Effectiveness Partners will be working with individual schools and the school-led improvement partnerships on this agenda. Linked to this and the SEND priority is of course the review of alternative provision across Essex with a view to introducing a new model from April 18.

Finally as a key priority, we need to continue to provide a focus on ensuring there are **sufficient school places** in Essex to meet the growth in the pupil population. This September there are an additional 2,500 school places in Essex costing £74m.

Supporting all schools to be judged at least good, and teacher recruitment and retention continue to be ongoing priorities for us all.

Finally, this year I will be leading a wider restructure of the whole education directorate. The initial plans for the restructure are to provide more early help and intervention support and resource for schools as well as to more effectively configure the services around schools, children and families.

## **August Payroll**

### **Message sent on behalf of Clare Kershaw, Director, Education 06/09**

Further to the weekly newsletter yesterday, the apology I issued on behalf of Essex County Council only referred to teachers, when of course the payroll issue affected both teaching staff and non-teaching staff. I would therefore like to correct the apology below and I would be grateful if you could circulate this to all staff affected by this issue in your schools.

On behalf of Essex County Council I would like to apologise to all of the staff in schools, both teachers and non-teaching staff affected by the August payroll issue. A full investigation is underway into the cause of the issue but I would like to reassure you that next month's payment will be unaffected. In recognition of the disruption this has caused to schools we will be refunding August payroll charges as a credit against the current invoice.

If anyone affected has incurred any extra bank charges over the weekend, compensation is available on the production of evidence (e.g. copy of bank statement), please email [Schools.ServiceCentre@essex.gov.uk](mailto:Schools.ServiceCentre@essex.gov.uk) or contact 03330 135 859. The banks are also fully aware of the issue.

### **Schools Broadband Service**

A sub-committee of the Schools Forum met on 6 September to discuss the future funding and cost of the Schools Broadband Service. Whilst it is recognised that there have been performance issues around the service, the principle of enabling broadband provision for every school in Essex still remains a key one for EPHA. This is a particular issue for small, rural schools who might not be able to find an alternative provider at an affordable price. At the meeting at the end of September, the Schools Forum will decide whether the service will continue to be funded through de-delegation, therefore making it accessible for every maintained school. The alternative is to charge each school the actual cost of providing the service – this could result in savings for some, but would make the service much more costly for others.

### **2017 Primary Summary Report**

The 2017 Primary Summary Report provided by Essex for each primary school is being sent to schools through Perspective Lite. The format of this data report has changed this year and colleagues will find this in 'documents'. The Intelligence & Insight analysts are in the process of further developing a range of reports for each partnership to support data sharing. The School Effectiveness Partner, linked to each partnership, will be able to provide some partnership data to support the analysis of data at a future partnership meeting. For access issues please contact Angel Solutions on 0845 833 0933.

### **Relevant Documents and Guidance**

- Education Essex – weekly newsletter
- Information about the new School Effectiveness Team structure  
<http://schools.essex.gov.uk/info/director/Pages/default.aspx>

### **Your “do-list”**

- If you or a staff member has been financially affected by the late payment of the August payroll, contact [Schools.ServiceCentre@essex.gov.uk](mailto:Schools.ServiceCentre@essex.gov.uk) with relevant evidence
- Let us have your views on the future of the Schools Broadband Service
- Download the Primary Summary report from Perspective Lite
- Attend the termly headteachers' meeting to be kept up to date on LA plans, strategy and information – North East meeting is on Wednesday 8 November
- Make sure you read/see Education Essex each week

## EPHA events and dates

### Key information

**This term 53 primary schools in Essex have new headteachers – 6 of them in South**

Luke Bulpett	Brightside Primary
Emma Campkin	Kingswood Primary (Acting)
Sue Clarke	Barling Magna Academy (Head of School)
Leanne Gray	Downham CE Primary (co-head)
Ian Hampshire	Greensted Juniors
Michael Wade	Quilters Infants (Interim)

### **21 of them in North East**

Lehla Abbott	St George's Infants & Nursery
Rachel Anderson	Harwich Primary
Elizabeth Bartholomew	The Mayflower Primary
Tracey Caffull	Frinton-on-Sea Primary
Lisa Corby	Iceni Academy (Head of School)
Ruth Cornell	Kings Ford Infants & Nursery
Sarah Dukelow	Alresford Primary
Lisa Finch	St Andrew's CE Primary, Weeley
David Girdlestone	Sir Martin Frobisher Academy
James Gough	Cherry Tree Primary (Head of School)
Alison Grigg	Broomgrove Infants (Interim)
Julia Hunt	Brightlingsea Juniors
David Milligan	Gosbecks Primary
Martin Moriarty	St Luke's CE Primary, Tiptree
Stephanie Newland	Rolph CE Primary
Paula Pemberton	Hazelmere Juniors
Clare Sampson	Roach Vale Primary
Susan Shipp	Friars Grove Primary
Rita Tingle	Prettygate Juniors
Rebecca McCutcheon	Monkwick Juniors
Dawn Walton-Steed	Stanways Fiveways Academy

### **12 of them in Mid**

Kirsty Brown	Silver End Academy (Head of School)
Sarah Cottee	Ford End CE Primary (Head of School)
Sharon Derbyshire	St Pius X Catholic Primary
Mel Gaskin	Westlands Primary
Elizabeth Maycock	Ford End CE Primary (Executive head)
Dominic Mulholland	Mildmay Juniors
Susie Price	Feering CE Primary
Rowen Prigg	Powers Hall Academy (Head of School)
Vanessa Thomas	St Margaret's CE Primary, Toppesfield
Vicky Walker	Barnes Farm Infants
Debs Watson	Tanglewood Nursery
Mike Williams	Trinity St Mary's CE Primary, South Woodham Ferrers
Michael Wood	Elm Hall Primary

### **13 of them in West**

George Athanasiou	Great Sampford Primary
Debbie Attridge	Ongar Primary

Claire Berry	Birchanger CE Primary
Emma Bloomfield	Potter Street Academy
Laura Ciftci	Jerounds Primary
Andrew Cosslett	Takeley Primary
Lisa Gibbs	Leverton Primary
Kim Hall	Henham and Ugley Primary and Nursery
Chris Jarman	St John's CE Primary, Buckhurst Hill
Lee Kooyman	High Ongar Primary
Julie Puxley	Katherine Semar Juniors
Fiona Reid	Dr Walker's CE Primary, Fyfield (Interim)
Linda Todd	Radwinter Primary

### **EPHA termly headteacher meetings 2017 -18**

#### **South EPHA – Holiday Inn, Basildon**

Wednesday 21 February 2018

Wednesday 13 June 2018

#### **North East EPHA – Weston Homes Stadium**

Wednesday 8 November 2017

Thursday 22 February 2018

Thursday 14 June 2018

#### **Mid EPHA – Chelmsford City Football Club**

Thursday 16 November 2017

Thursday 1 March 2018

Thursday 21 June 2018

#### **West EPHA – Stansted Business Centre, Takeley**

Wednesday 15 November 2017

Wednesday 28 February 2018

Wednesday 20 June 2018

### **EPHA Primary Headteachers' Support Directory**

This document has been updated, to reflect the changes to the NUT (now the NEU) and updating the information about the School Effectiveness Partners. The document can be found on the EPHA website at <https://essexprimaryheads.co.uk/info-and-documents/welcome-pack/>

### **Conferences**

Headteachers' conference – Friday 23 March 2018 – Stock Brook Country Club

Deputy Headteachers' conference – Friday 5 October 2018

The **2017/18 EPHA funding contribution** has been paid directly from the DSG – therefore there will be no need to collect subscriptions from schools this year.

### **Relevant Documents and Guidance**

- EPHA website [www.essexprimaryheads.co.uk](http://www.essexprimaryheads.co.uk)
- What headteachers get in return for their EPHA contribution 2017/18 <https://essexprimaryheads.co.uk/about/constitution-and-finance/>
- EPHA Headteachers' Support Directory

### **Your "do-list"**

- Be kind to new colleagues (and existing ones!)
- Download the updated EPHA Support Directory for primary heads
- Find documents and information on the EPHA website, including the 7-minute staff meetings
- Contact Pam Langmead, EPHA Professional Officer, at [pam@langmead.me.uk](mailto:pam@langmead.me.uk) for any support

or information that you need