



## **Spring term briefing 2017**

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## Ofsted

### **Appointment of Amanda Spielman as HMCI**

Amanda Spielman has been Ofsted Chief Inspector since January 2017. Her Majesty's Chief Inspector (HMCI) is statutorily responsible for Ofsted's inspection and regulatory work. She is able to draw on the full range of our inspection findings to report on the quality of education, children's services and skills, locally and nationally. She is responsible to Parliament for the organisation, staffing and management of Ofsted, and for ensuring the efficient and effective use of resources.

Between 2011 and 2016, Amanda was chair of Ofqual, the qualifications regulator. From 2005 she was a founding member of the leadership team at the academy chain Ark Schools, where she became Research and Policy Director and an education adviser to Ark, the education charity. She previously spent more than 15 years in strategy consulting, finance and investment at KPMG, Kleinwort Benson, Mercer Management Consulting and Nomura International.

She is a council member at Brunel University London and has previously served on the boards of a number of organisations including the Institute of Education, STEMNET and Wales Millennium Centre, and has been a governor of two schools.

### **School Inspection update – November 2016**

*Message to inspectors from the national director, education – Sean Harford*

"As I have said before, marking has proved to be one of the harder myths to bust. In part, this has been because we have continued to report on it extensively at some inspections, especially with reference to areas for improvement in previous inspection reports from some time ago. I remain concerned that we continue to see some inspection reporting which gives the impression that more detailed or more elaborate marking is required, or indeed that it is effective in promoting pupils' achievement. Inspectors must not give the impression that marking needs to be undertaken in any particular format and to any particular degree of sophistication or detail; the reference to marking on page 10 of the school inspection handbook deals with this."

*In relation to governors:*

I have picked up that there are still cases where governor representatives who have not been present at the feedback meeting are being informed that the provisional judgement from the inspection cannot be shared with them. This is not the case. Every member of the appropriate governing authority of a school is entitled to know, in confidence, the inspection outcome, regardless of whether or not they attended the feedback meeting. Similarly, when the draft report is shared with the school, all governor representatives are entitled to see the report, along with relevant senior personnel as determined by the school.

The update includes:

*Information on academy orders*

*Key Stage 2 writing – teacher assessment*

Inspectors should interpret 2016 key stage 2 writing performance carefully, given that this is the first year of teacher assessment using a new curriculum and against the new interim framework.

It may be that there is variability between schools in how they have interpreted the demands of the interim framework in this first year of its use. It may also be that there is variability in the way that local authorities (LAs) have interpreted this demand when moderating against the interim framework for the first time.

Inspectors should consider a wide range of information. No single measure or indicator, such as writing progress or attainment, should determine judgements. No judgement should be based on only one year's outcomes.

Performance information for 2016 must be considered alongside earlier historic published data and other

evidence gathered during the inspection from pupils' work in books and folders, talking to pupils and teachers, listening to pupils read and speak, observation and the school's assessment information about the progress of current pupils.

*Prohibition orders on teaching assistants*

### **Ofsted inspections – and safeguarding issues**

A number of schools, both in Essex and further afield, have been caught out during Ofsted inspections because of safeguarding issues, and some have been judged to be inadequate as a result. Problems include:

- The Single Central Record – some schools still fail to keep this correctly and up to date. As a headteacher, don't just ask, make sure you personally check that the record is up to date and includes all the required information.
- Checks on visitors – make sure that they are robust and that all visitors sign in and can be identified while on the premises
- Social Care referrals – records and follow through. Inspectors will (often) ask to see whether CP referrals have been recorded and followed up appropriately.
- References – still an issue for some schools – HR has provided guidance in relation to references.

### **Relevant Documents and Guidance**

- School inspection update November 2016
- School comparison tool <https://www.compare-school-performance.service.gov.uk/>
- School Inspection Handbook, Section 5 - including evaluation descriptors *August 2016*
- School Inspection handbook - section 8 *August 2016*
- Inspecting safeguarding in early years, education and skills settings *August 2016*
- Essex HR guidance about references December 2016

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”**

- Make sure that your safeguarding processes are robust and complete – DON'T rely on other people assuring you that they are – check for yourself.
- Check that the school and Governing Body is fully, legally compliant and is meeting statutory responsibilities.
- Check out the new school comparison website to compare school and college performance.
- Ensure that your school website is up to date (see notes further on in the briefing paper)

# Safeguarding

## **Keeping Children Safe in Education 2016–updated guidance and EPHA checklist**

*All staff should read Part 1 and Annex A of the new Keeping Children Safe in Education guidance.*

Key change in the new KCSiE – staff must now be regularly trained and updated as required. EPHA has produced a quiz to use with staff as a follow up, to check whether or not staff have read, understood and remembered the summary! I have updated a checklist that will help you check that the school/academy is KCSiE compliant.

## **Ofsted safeguarding briefing paper – updated and EPHA checklist**

Current version is still August 2016. I have created a checklist for you/governors to use to ensure that the school/academy is meeting the Ofsted leadership and management guidelines.

**Essex Safeguarding Children’s Board annual report published** – Essex context and statistics are of interest. In addition, Essex Early Help Offer document – reviewed September 2016

## **SET Procedures – updated November 2016**

Now just 664 pages long! Essential as a reference document to ensure you are following local procedures. Download from the ESCB website <http://www.escb.co.uk/en-gb/home.aspx>

## **PREVENT policy and guidance**

A Southend, Essex and Thurrock PREVENT Policy and Guidance has been published.

It provides a guide for local partnerships and agencies in Southend, Essex and Thurrock in preventing radicalisation, and advice about what to do and who to contact, if you have concerns. It would be good practice to have this policy in your safeguarding file, and perhaps include a link or publish on your school website.

## **Prevent training catalogue**

Lengthy but useful directory produced by the Home Office that highlights some of the publically accessible Prevent related training courses that may assist individuals covered by the requirements of the Prevent Duty, contained in Section 26 of the Counter-Terrorism and Security Act 2015.

## **Safeguarding in Sport**

Recent investigations into the Professional Footballers Association following historical allegations of child sexual abuse, has raised concerns over safeguarding of children and young people participating in sport.

In July 2016, Essex Safeguarding Children Board published [guidance to parents on choosing activities, clubs or tuition](#).

The Local Authority Designated Officer (LADO) should be informed if you any have concerns where it is believed that a person working with children has;

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

<http://www.escb.co.uk/en-gb/safeguardingtopics/safeguardinginsport.aspx>

The NSPCC also has a [dedicated website](#) of resources for safeguarding children in sport. These include:

- [Information for parents and carers – what to look for in a sports club](#)
- Understanding grooming of children and young people in Sport - [Webinar](#)

## **Safeguarding Training for Schools (formerly the Safeguarding network group meetings)**

North East meeting – 7 March 2017, 12.30 – 4.00 pm Market Field School

## **Section 11 audit tool – now 2 yearly**

A web-based Schools & Colleges Safeguarding Children audit tool is available to all Essex schools and colleges to check the strength of their safeguarding arrangements, create action plans for identified gaps, and to evidence compliance to governing bodies, the local authority, Ofsted and the ESCB. Web-links to statutory and local guidance documents are provided throughout the audit tool, alongside the associated standards. The ‘Enable’ audit tool is hosted by Virtual College’s Safeguarding Children e-Academy – the UK’s largest provider of online safeguarding children training.

The audit cycle for the 2015-16 Academic Year ended at the end of the Summer term July 2016.

**An updated online safeguarding audit will be made available to all schools and colleges on 18th January 2017.** All registered users of the online tool who are allocated this audit will receive an email

notification from Virtual College alerting them to this, shortly before this date.

Please note: the ESCB and Essex County Council Education services will not be reviewing schools and colleges' safeguarding audits until the end of the Summer term, July 2018. The updated safeguarding audit is being made available now for schools and colleges who wish to voluntarily complete it before the end of the 2017-18 year.

The tool can be found at: <http://www.escb.co.uk/en-gb/workingwithchildren/schoolsandcollegesaudit.aspx>

### **NCB Whole School Framework for Emotional Well-being and Mental Health –self assessment and improvement tool for school leaders**

The tool signposts evidence from research and practice. It offers prompts for debate and activity bringing everyone together and building on existing practice, identifying new programmes and interventions, setting priorities and implementing and evaluating change.

This tool aims to help you:

- Build a common language, understanding the evidence about what works, getting a shared understanding of what is happening in schools now, identifying the gaps and opportunities in current practice and developing a whole school ethos and culture.
- Involve students and staff in planning, and developing practice, including early identification and intervention using existing practice supported by new initiatives where needs arise.
- Work with families and other services to promote wellbeing, prevent and reduce mental health problems and intervene early when these arise with effective support and services.
- Implement a systematic and strategic approach across the school and evaluate progress for individual children, young people and the whole school

### **Guidance on sexting in schools**

This advice is for designated safeguarding leads (DSLs), their deputies, headteachers and senior leadership teams in schools and educational establishments<sup>1</sup> in England.

This advice covers:

- Responding to disclosures
- Handling devices and imagery
- Risk assessing situations
- Involving other agencies, including escalation to the police and children's social care
- Recording incidents
- Involving parents
- Preventative education

### **Childcare Disqualification regulations consultation**

The outcome of the consultation on the applicability of these regulations in schools is due this month.

### **Relevant Documents and Guidance**

- Keeping Children Safe in Education – DfE July 2016
- Keeping Children Safe in Education: information for all school and college staff (summary document) July 2016
- Inspecting safeguarding in early years, education and skills settings *August 2015*
- EPHA follow up quiz for staff <http://essexprimaryheads.co.uk/info-and-documents/safeguarding/>
- <http://educateagainsthate.com/>
- <https://www.elearning.prevent.homeoffice.gov.uk/>
- Prevent Training catalogue March 2016 <http://essexprimaryheads.co.uk/info-and-documents/safeguarding/>
- SET Prevent Policy and guidance <http://www.escb.co.uk/Aboutus/News/TabId/3177/ArtMID/8353/ArticleID/1269/PREVENT-Policy-and-Guidance-published.aspx>
- SET procedures – Southend, Essex and Thurrock multi-agency child protection procedures December 2016 [www.escb.co.uk](http://www.escb.co.uk)
- Essex Early Help Offer
- Safeguarding in Sport <http://www.escb.co.uk/en-gb/safeguardingtopics/safeguardinginsport.aspx>

- NCB Whole School Framework for Emotional Well-being and Mental Health –self assessment and improvement tool for school leaders <http://essexprimaryheads.co.uk/>
- Guidance on sexting in schools  
<http://essexprimaryheads.co.uk/info-and-documents/safeguarding/>
- Training for staff on safeguarding page on infolink; including Keeping Children Safe in Education, CSE, Inspecting Safeguarding and Prevent (also links to online training)
- Section 11 audit tool <http://www.escb.co.uk/SafeguardingAudit/SchoolsandCollegesAudit.aspx>
- Children’s Safeguarding Service (Education) 01245 436744

**Your “do-list”**

- Ensure that you and all staff have read (at least part one of) Keeping Children Safe in Education September 2016 and Annex A and do the follow-up quiz to check everyone’s learning
- Use the checklists to make sure that you are KCSiE and Ofsted safeguarding compliant
- Attend one of the safeguarding network group meetings this term
- Make sure your PE/Sports lead in school is aware of current guidance around Safeguarding in Sport. You might want to add a link to the ESCB guidance on your website, to help keep parents informed.
- Consider publishing a link to the SET Prevent Policy on your school website – and keep a copy in your safeguarding file.
- Ensure that you are signed up to Andrew Hall’s brilliant weekly safeguarding briefing <http://www.safeguardinginschools.co.uk/> and consider joining Safeguarding Pro

# HR updates

## Key information

### Gender Pay Gap reporting

The Government will shortly issue Regulations requiring public sector employers with **250 or more staff** to publish data on the gender pay gap. Such employers will have to publish data on: mean and median hourly rates by gender; mean and median bonus payments by gender and the proportions of each gender in each salary quartile. The data will have to be published annually in April, starting in 2018, but a snapshot benchmark data collection will need to take place in April 2017. We are awaiting the details of these Regulations and will provide detailed guidance as soon as possible.

### Apprenticeship Levy

With effect from 1 May 2017 employers with a pay bill of £3m+ will have to pay an Apprenticeship Levy (0.5% of the pay bill minus £15,000 Allowance).

Relevant Foundation, Aided and Academy schools will need to include the levy in your usual PAYE payment to HMRC. Further details:

<https://www.gov.uk/government/publications/apprenticeship-levy-how-it-will-work/apprenticeship-levy-how-it-will-work>

The levy for Community and Controlled Schools will be part of the LA bill and we anticipate proportionate costs will be passed on to schools although details are not clear at this stage.

In addition, the government has proposed apprentice targets (2.3%) for larger (250+ employees) public sector organisations, including publicly funded schools. These employers will access their levy to fund apprenticeship training via a new Digital Apprenticeship Account. For smaller employers who don't pay the levy the Government will fund 90% of apprenticeship training. Community and Controlled Schools will be included in Local Authority targets/funding.

Details are being finalised and we will update you as soon as more information is available.

### Teacher prohibition checks

The DfE and Ofsted have clarified that this check is only required to be undertaken on an individual who is undertaking "unsupervised/undirected teaching work". In a maintained school this does include unqualified teachers and trainees but does not include support staff such as HLTAs, Cover Supervisors or LSAs who can only undertake teaching work under a system of supervision (in accordance with Specified Work Regulations). In Academies, the requirement for support staff to be under a system of supervision when undertaking teaching work does not apply and Academies will therefore have to assess whether such staff are undertaking unsupervised/undirected teaching work, and if so, they will have to complete the prohibition from teaching check and record the date of this check on the Single Central Record (SCR) under the "Teacher Prohibition Check" column. N/A should be recorded where this check is not required.

### Guidance on references

HR has published guidance about references (December 2016). A number of schools have told them recently that they are confused by varying advice from different sources in relation to the following situations:-

- Where there are no (or only one) reference(s) on file for existing members of staff.
- Where a candidate cannot give details of two referees
- Where referees do not respond to the request for a reference

In order to support schools this document reiterates HR's guidance on these matters and for ease of reference links to the relevant section of the pre-employment procedure. In addition they have drawn up two new documents that you can use to evidence the steps you have taken in these situations.

HR has shared its advice with Essex Standards and Excellence Commissioners and they have a consistent view. If you are given different advice by others they will be happy to discuss.

<http://www.eesforschools.org/hr>

### Performance reviews for support staff

Make sure that you complete performance reviews for Support Staff and determine performance related pay increases where appropriate, this term. The most up to date performance management policy for all staff was published in September 2016.

**Redundancy and restructuring –workshop taking place at the EPHA Headteachers’ conference  
17 March 2017**

In a time when budgets are shrinking rapidly, headteachers are forced to think strategically and may be considering the need to make essential savings on staffing costs.

In this workshop, Nicki Harris, HR Manager, gives advice, guidance and information about the process of restructuring and making redundancies to balance the budget. The session will include information about statutory guidance and good practice, and give delegates the chance to ask and receive answers to their burning questions.

**Relevant Documents and Guidance**

- Apprenticeship levy <https://www.gov.uk/government/publications/apprenticeship-levy-how-it-will-work/apprenticeship-levy-how-it-will-work>
- NAHT Apprenticeship Levy briefing paper
- HR reference guidance December 2016

**Your “do-list”**

- Complete performance reviews for your Support Staff and determine performance related pay increases where appropriate, this term
- Ensure that your business manager, and your governors, are aware of the new requirements to pay the apprenticeship levy and to report the gender pay gap in your school – depending on how big an employer you are.
- Download the HR reference guidance and use the checklists to ensure you are meeting best practice and legal requirements.

## DfE guidance

### Key information

Secretary of State for Education – Justine Greening

### Education Bill scrapped – written statement by SoS 27 October 2016

*The Schools that Work for Everyone consultation, which I announced in an oral statement to the House on 12 September, remains ongoing. This consultation asks how we can create more great school places in more parts of the country - including selective places for local areas that want them - and asks our independent schools, universities and faith schools to play their part in improving the quality of our state-funded schools. In addition, my department has renewed its focus on ensuring everything we do drives towards improving social mobility with an emphasis on not just the most disadvantaged families but also on those that are just about managing. Our ambition remains that all schools should benefit from the freedom and autonomy that academy status brings. Our focus, however, is on building capacity in the system and encouraging schools to convert voluntarily. No changes to legislation are required for these purposes and therefore we do not require wider education legislation in this session to make progress on our ambitious education agenda.*

The government is currently distracted by the Green Paper - Schools that work for everyone - focusing on:

- Grammar schools –expansion of existing ones, opportunity to open new ones;
- The possibility for non-selective schools to include selection criteria;
- The intention that grammars and independent schools should sponsor state schools;
- The change that faith school will be allowed to take 100% of pupils from mixed religious backgrounds.

### Assessment and reporting arrangements for 2017

The DfE has recently published a video about primary school accountability in response to feedback about the reforms introduced last year, and are publishing an information leaflet for schools and parents shortly. Schools may wish to refer to the leaflet in their discussions with parents.

<https://www.gov.uk/government/publications/sta-assessment-update-10-january-2017/10-january-2017-schools>

Published 21 October - Changes at **KS1** include:

#### *Optional English grammar, punctuation and spelling test*

Schools may choose to administer the 2017 KS1 English grammar, punctuation and spelling test and use the result to inform teacher assessment (TA), but there is no requirement to do so.

The use of the *interim teacher assessment frameworks* and the interim pre-key stage standards is extended for the 2016 to 2017 academic year. The frameworks remain the same as those used in the 2015 to 2016 academic year except for a single amendment published in July 2016 to make the guidance explicit for assessing pupils with physical disabilities or sensory impairment.

#### *Modified tests for mathematics*

The size and font type of the standard version of the KS1 mathematics tests have been designed to be more accessible to pupils with visual impairments. Enlarged print versions of the mathematics tests will no longer be supplied.

*Key dates (KS1) are included in Section 3, page 7*

Changes at **KS2** include:

The use of the *interim teacher assessment frameworks* and the interim pre-key stage standards is extended for the 2016 to 2017 academic year. The frameworks remain the same as those used in the 2015 to 2016 academic year except for a single amendment published in July 2016 to make the guidance explicit for assessing pupils with physical disabilities or sensory impairment.

#### *New outcome codes on test attendance registers*

Code 'T' will no longer be used as an outcome on test attendance registers.

From 2017, if a pupil is working at the standard of the tests but is unable to access them, they must be registered in the 'Pupil registration' section of NCA tools and marked as 'U' (unable to access) on the attendance register provided with the test materials.

Where schools have not had enough time to determine a pupil's abilities before the tests, they must be registered in the 'Pupil registration' section of NCA tools and marked as 'J' (just arrived) on the attendance

register provided with the test materials.

See section 5.2 for further guidance on registering pupils for the tests.

*Key dates (KS2) are included in Section 3, page 7*

### **Floor standard**

The floor standard is the minimum standard for pupil attainment and / or progress that the government expects schools to meet.

No school will be confirmed as being below the floor until December 2016 when schools' performance tables are published.

In 2016, a school will be above the floor if:

- at least 65% of pupils meet the expected standard in English reading, English writing and mathematics; **or**
- the school achieves sufficient progress scores in **all three** subjects. At least -5 in English reading, -5 in mathematics and -7 in English writing<sup>2</sup>.

To be above the floor, the school needs to meet either the attainment **or** all of the progress element.

The attainment element is a combined measure. This means an individual pupil needs to meet the 'expected standard' in English reading, English writing and mathematics, in order to be counted towards the attainment element.

### **Coasting schools definition**

The government defines 'coasting schools' for regulatory purposes in the guidance document, **Primary school accountability in 2016**.

The [TES](#) is reporting that the proportion of "coasting" primary schools is six times higher in the East of England than in London and the North East, [new statistics show](#).

The Department for Education has revealed that there are a total of 477 primary schools which are defined as coasting – 3 per cent of schools nationally.

But the geographical spread ranges from 6 per cent of schools in the East of England, where there are 1,505 primaries, to 1 per cent in the London and the North East regions, which have 1,603 and 720 primary schools respectively. The local authority with the highest proportion of "coasting" primaries is the small borough of Poole in Dorset, where nearly a quarter – four out of its 17 primaries – meet the definition.

To be defined as coasting a school must have fewer than 85 per cent of pupils reaching the expected level in reading, writing and maths, and the percentage of pupils making expected progress in English reading, English writing and mathematics must be below the set level for three consecutive years.

There were [665 schools below the floor standard in 2016](#), and 109 are both coasting and below the floor standard.

A school was above the floor standard in 2016 if at least 65 per cent of pupils met the expected standard in reading, writing and maths or pupils made sufficient progress in all three subjects.

<http://schoolsImprovement.net/east-england-primaries-likely-coasting/>

### **National Funding Formula consultation**

The DfE announced the second stages of the consultations for a Schools National Funding Formula and a High Needs National Funding Formula.

Whilst the increase to the Schools Block in Essex looks positive there are still 142 schools who lose funding from the proposed construction of the national funding formula.

The consultation closes on 22<sup>nd</sup> March 2017.

George Constantinides (one of the members of the School's Forum) has put together some excellent "reading notes" on the consultation paper – have a look at his blog at <https://constantinides.net/2016/12/16/national-funding-formula-for-schools-a-critique/> while you're going through the DfE's document.

The consultation can be found using the following links:

Schools National Funding Formula:

Response to 1<sup>st</sup> consultation

<https://www.gov.uk/government/consultations/schools-national-funding-formula>

2<sup>nd</sup> Consultation

<https://www.gov.uk/government/consultations/schools-national-funding-formula-stage-2>

### **School Attendance Guidance November 2016**

This DfE guidance is non-statutory, and has been produced to help schools and local authorities maintain high levels of school attendance and plan the school day and year. The document also provides information about the interventions available to address pupils' poor attendance and behaviour at school. It would be helpful to read this alongside the statutory guidance on parental measures for school attendance and behaviour – updated in January 2017 and available on the EPHA website.

### **PE/Sports funding**

The 2016 budget signalled the continued investment in education to equip the next generation for the future, tackling childhood obesity and investing in school sport.

<https://www.gov.uk/government/publications/pe-and-sport-premium-funding-conditions-for-2016-to-2017>  
*Funding for 2016 to 2017*

Schools with 16 or fewer eligible pupils receive £500 per pupil.

Schools with 17 or more eligible pupils receive £8,000 and an additional payment of £5 per pupil.

There is more information in the [conditions of grant for the academic year 2016 to 2017](#).

Active Essex has published a useful guide to the primary PE and sports premium, giving guidance about what schools must do to meet the conditions of grant, what the funding can be spent on, what must be on the school website, and good practice around PE and sport.

### **Fire risk during school maintenance or building works EFA guidance November 2016**

Any construction activity involving hot works has the potential to cause a serious fire. This document is to raise awareness of a school and contractors legal duty. This comes under the Health and Safety at Work etc. Act 1974 and Construction (Design and Management) Regulations 2015. This applies to the fire risks created by the hot work activities of contractors.

Hot works involve many activities including;

- plumbing with the use of heat guns and blow torches
- roofing activities using Liquefied Petroleum Gas (LPG) fuelled torches and bitumen burners.

This document links to the Health and Safety Executive (HSE) website where advice documents can be downloaded for free. Schools should refer to the links to detailed guides on the final page and not only rely on this signposting document.

### **Relevant Documents and Guidance**

- Primary school accountability in 2016
- Primary progress measures – how the primary progress measures are calculated
- 2017 Assessment and Reporting Arrangements – EYFS, Key Stage 1, Key Stage 2  
<https://www.gov.uk/government/publications/sta-assessment-update-10-january-2017/10-january-2017-schools>
- School Attendance guidance November 2016
- School attendance parental responsibility measures - reviewed January 2017
- Active Essex Primary PE and Sport Premium Guidance [www.activeessex.org](http://www.activeessex.org)
- Fire risk during school maintenance or building works EFA guidance November 2016
- <https://www.gov.uk/government/collections/mandatory-and-useful-timelines-information-for-schools>

### **Your “do-list”**

- Download latest DfE guidance
- Note key assessment dates
- Watch the new primary assessment video
- Watch out when carrying out “hot works”!

## Updating policies and the school website

### Key information

**DfE Statutory policy list is still September 2014** – they say it is up to date; it STILL isn't!

**Updated version (November 2016) of the webpage**, what maintained schools and as academies must publish online, including the requirements of what information about governors must be published. Key change is the reporting of pupil results – no more levels.

I have updated the website checklist for both maintained schools and academies – available on the EPHA website.

### ECC Health and Safety Policy

The health and safety policy template and accompanying guidance that Academy, Foundation, V/A, Independent and Free Schools can use to develop their own school / establishment specific H&S Policy has been revised and is available on [Essex Schools Infolink](#). Employers should have a written policy which details the organisation and arrangements for health and safety and this should be regularly reviewed.

For further information, please contact the Corporate Health and Safety Service on either 0333 013 9818 or [HS@essex.gov.uk](mailto:HS@essex.gov.uk)

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

Policy or procedure	Current edition
Agency workers regulations	June 2013
Audit of HR function	November 2015
Capability procedure for all staff	July 2015
Code of conduct	September 2016
Cover and PPA	April 2016
Discipline and Dismissal	November 2015
Employment of disabled persons	March 2006
Equality and Diversity in Employment	October 2013
Flexible Working	June 2014
Grievance	September 2016
Leave of Absence	June 2016
Pay Policy	September 2016
Performance Management (all staff)	September 2016
Pre-employment checks	September 2016
Probation procedure	September 2016
Recruitment	January 2016
Redundancy and restructuring	September 2016
Sickness Absence management	February 2015
Sabbatical	May 2016

### Relevant Documents and Guidance

- DfE Statutory policy list September 2014
- HR list of policies for schools, academies and free schools available on the secure log in of EES <http://www.eesforschools.org>
- EPHA website checklists
- DfE website requirements <https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>  
<https://www.gov.uk/guidance/what-academies-free-schools-and-colleges-should-publish-online>

### Your “do-list”

- Update your policies with the most up to date versions of the HR policies (if you buy in to Essex HR)
- Download and adapt the ECC Health and Safety Policy
- Make sure you have up to date safeguarding policies in place
- Update your website in line with most recent guidance, using the EPHA checklists.

## Review of Equality Information

### Key information

#### Legal requirements

Primary schools have a general duty to have due regard to the need to eliminate discrimination and harassment; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not.

This general duty is supported by specific duties and in summary, listed public authorities in England are required to:

- publish information to demonstrate compliance with the general duty, at least annually, and
- to prepare and publish one or more objectives, at least every four years to achieve any of the aims in the general equality duty.
- The information and objectives must be published in a manner that is accessible to the public.

#### Equality objectives

Since April 2012 all schools have been required by law to publish equality objectives.

The Commission issued guidance 'Equality objectives and the equality duty' to help public authorities to develop effective equality objectives. This can be found at <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty>

These should have been published initially by April 2012 and need to be reviewed by annually by Governing Bodies in the spring term.

Under specific duties, governing bodies, local authorities and proprietors are required to draw up equality objectives every four years and **annually publish information** demonstrating how they are meeting the aims of the general public sector equality duty. (see statutory policy list)

Review frequency: Objectives must be drawn up every four years (*not this year!*) but schools must publish information annually (see below).

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

Legislation: The Equality Act 2010 and The Equality Act 2010 (Specific Duties) Regulations 2011.

### Relevant Documents and Guidance

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty>

### Your "do-list"

- Review the equalities information published on the school website and update in line with current provision and impact of the equalities objectives.
- Depending on the level of delegation on your Governing body, ensure that this is on the agenda, approved by governors and that information on the website is updated.
- Equality information and equality objectives can be published as part of another document, such as the school's prospectus, school improvement plan or other document, or can be placed on the school's website.

# Freedom of Information requests, and a recent scam

## Managing freedom of information requests

The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002. Public authorities include government departments, local authorities, the NHS, state schools and police forces.

The Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a subject access request under the Data Protection Act 1998.

## Receiving a request

Anyone has a right to request information from a public authority. You have two separate duties when responding to these requests:

- to tell the applicant whether you hold any information falling within the scope of their request; and
- to provide that information

You normally have 20 working days to respond to a request.

For a request to be valid under the Freedom of Information Act it must be in writing, but requesters do not have to mention the Act or direct their request to a designated member of staff. It is good practice to provide the contact details of your freedom of information officer or team, if you have one, but you cannot ignore or refuse a request simply because it is addressed to a different member of staff. Any letter or email to a public authority asking for information is a request for recorded information under the Act.

This doesn't mean you have to treat every enquiry formally as a request under the Act. It will often be most sensible and provide better customer service to deal with it as a normal customer enquiry under your usual customer service procedures, for example, if a member of the public wants to know what date their rubbish will be collected, or whether a school has a space for their child. The provisions of the Act need to come into force only if:

- you cannot provide the requested information straight away; or
- the requester makes it clear they expect a response under the Act.

## Refusing a request

A requester may ask for any information that is held by a public authority. However, this does not mean you are always obliged to provide the information. In some cases, there will be a good reason why you should not make public some or all of the information requested. You can refuse an entire request under the following circumstances:

- It would cost too much or take too much staff time to deal with the request.
- The request is vexatious.
- The request repeats a previous request from the same person.

The Act recognises that freedom of information requests are not the only demand on the resources of a public authority. They should not be allowed to cause a drain on your time, energy and finances to the extent that they negatively affect your normal public functions. Currently, the **cost limit** for complying with a request or a linked series of requests from the same person or group is set at £600 for central government, Parliament and the armed forces and **£450 for all other public authorities –this latter includes schools**. You can refuse a request if you estimate that the cost of compliance would exceed this limit. The biggest cost is likely to be staff time. **You should rate staff time at £25 per person per hour, regardless of who does the work, including external contractors. This means a limit of 18 staff hours, in schools.**

In addition, the Freedom of Information Act contains a number of exemptions that allow you to withhold information from a requester. In some cases it will allow you to refuse to confirm or deny whether you hold information. Some exemptions relate to a particular type of information, for instance, information relating to

government policy. Other exemptions are based on the harm that would arise or would be likely arise from disclosure, for example, if disclosure would be likely to prejudice a criminal investigation or prejudice someone's commercial interests.

There is also an exemption for personal data if releasing it would be contrary to the Data Protection Act. You can automatically withhold information because an exemption applies only if the exemption is 'absolute'. This may be, for example, information you receive from the security services, which is covered by an absolute exemption. However, most exemptions are not absolute but require you to apply a public interest test. This means you must consider the public interest arguments before deciding whether to disclose the information. So you may have to disclose information in spite of an exemption, where it is in the public interest to do so. If you are refusing all or any part of a request, you must send the requester a written refusal notice. You will need to issue a refusal notice if you are either refusing to say whether you hold information at all, or confirming that information is held but refusing to release it.

For a full guide to FOI requests – go to  
<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/>

I have been advised by Essex Legal Services that, in the event that the headteachers seek legal advice on their position they should be directed to

**Linsey O'Donnell | solicitor**

ELS | Essex County Council

T: 0333 013 9627

E: [linsey.odonnell@essex.gov.uk](mailto:linsey.odonnell@essex.gov.uk)

W: [essexlegalservices.gov.uk](http://essexlegalservices.gov.uk)

## **Department of Education' Phishing Scam -Phishing and Ransomware Alert**

December 2016

Fraudsters are calling education establishments claiming to be from the Department of Education. They then ask to be given the personal email and/or phone number of the head teacher/financial administrator. The fraudsters claim that they need to send guidance forms to the head teacher (these so far have varied from exam guidance to mental health assessments). The scammers on the phone will claim that they need to send these documents directly to the head teacher and not to a generic school inbox, using the argument that they contain sensitive information.

The emails will include an attachment - a .zip file (potentially masked as an Excel or Word document). This attachment will contain ransomware, that once downloaded will encrypt files and demand money (up to £8000) to recover the files.

It should be noted that similar scam attempts have been made recently by fraudsters claiming to be from the Department for Work and Pensions and telecoms providers (in this case they need to speak to the head teacher about 'internet systems').

Having up-to-date virus protection is essential; however it will not always prevent you from becoming infected.

### **Please consider the following actions:**

- Although the scammers may know personal details about the head teacher and use these to convince you they are a real employee, be mindful of where these have been obtained from, are these listed on your public facing website?
- Please note that the "Department of Education" is not a real government department (the real name is the "Department for Education").
- Don't click on links or open any attachments you receive in unsolicited emails or SMS messages. Remember that fraudsters can 'spoof' an email address to make it look like one used by someone you trust. If you are unsure, check the email header to identify the true source of communication.
- Always install software updates as soon as they become available. Whether you are updating the operating system or an application, the update will often include fixes for critical security vulnerabilities.
- Create regular backups of your important files to an external hard drive, memory stick or online storage provider. It's important that the device you back up to aren't left connected to your computer as any malware infection could spread to that too.
- Do not pay extortion demands as this only feeds into criminals' hands, and there's no guarantee that access to your files will be restored if you do pay.

- If you think your bank details have been compromised, you should immediately contact your bank.
- If you have been affected by this, or any other scam, report it to Action Fraud by calling **0300 123 2040**, or visiting [www.actionfraud.police.uk](http://www.actionfraud.police.uk).

#### **Relevant Documents and Guidance**

- Freedom of Information requests guide  
<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/>
- **For legal advice**  
**Linsey O'Donnell | solicitor**  
ELS | Essex County Council  
T: 0333 013 9627  
E: [linsey.odonnell@essex.gov.uk](mailto:linsey.odonnell@essex.gov.uk)  
W: [essexlegalservices.gov.uk](http://essexlegalservices.gov.uk)
- 'Department of Education' Phishing Scam and Ransomware Alert – article on the EPHA website

#### **Your “do-list”**

- Don't ignore Freedom of Information requests – however tempting! Either respond, within 20 working days, or contact the Legal Services team for guidance.
- Watch out for scams - make sure that you and your staff are aware of this latest scam, and are careful never to open documents that they don't recognise.

# The Governing Body

## Key information

### Governance handbook January 2017

The Governance handbook is guidance from the Department for Education ('the department'). It sets out the government's vision and priorities for effective governance by:

- outlining the core role and functions of the governing board;
- summarising and providing a first point of reference on all the legal duties on boards<sup>1</sup>, signposting to more detailed information, guidance and resources; and
- providing information on the support available to boards to be effective.

This edition of the Governance handbook contains a new summary description of the six key features of effective governance – as set out Section 1. This provides the structure for the six sections that follow and also for the department's new Competency framework for governance.

The most significant changes to the content within other sections include:

#### Section 2: Strategic Leadership

- A new section at 2.3 bringing together material about the board's role as the key decision-maker.

#### Section 3: Accountability

- A stronger emphasis on ensuring financial propriety at 3.4.

#### Section 4: People

- Updated text at 4.1.2 to reflect the new requirement that all those involved in governance in maintained schools, as well as in academy trusts, must have a Disclosure and Barring Service (DBS) check.
- New advice on conducting informed elections at 4.1.4.
- New sections bringing together material on the important role of the chair at 4.3 and of the clerk at 4.4.
- A new explanation at 4.8 of the risks associated with close family relationships between those involved in governance or between them and senior employees.

Details of the duty on boards to provide information about individuals involved in governance via Edubase

#### Section 5: Structures

- Updated guidance on the role of Trustees and Members at 5.2.1.
- Clarification at 5.6 that all boards are required to publish a scheme of delegation to explain their governance arrangements, together with new guidance on what makes an effective scheme of delegation.
- Updated guidance on MATs at 5.2.2 and umbrella trusts at 5.5.1.

#### Section 6: Compliance

- Confirmation at 6.7 that an individual on the board should take leadership responsibility for the organisation's safeguarding arrangements, which include its Prevent duty.
- New advice at 6.7.1 on handling allegations of abuse made against other children.

#### Section 7: Evaluation

- Updated content on schools causing concern and on coasting schools at section 7.4.

It should be read alongside the department's **Competency framework for governance**, which describes the knowledge, skills and behaviours needed for effective governance.

The framework sets out the competencies needed for effective governance. It is non-statutory guidance and should be read alongside the Governance Handbook, particularly the section explaining the key features of effective governance. Academy trusts should also refer to the Academies Financial Handbook.

The framework begins with the principles and personal attributes which, alongside the commitment of time and energy to the role, underpin effective governance. Following on from this, the knowledge and skills required for effective governance are organised into those which are essential for everyone on the board; those which are required of the chair and those which at least someone on the board should have. In this way, the knowledge and skills required for chairs build on and complement the skills for everyone.

## **The Constitution of governing bodies of maintained schools – statutory guidance updated September 2016**

Version with changes highlighted available on the EPHA website. There are no changes to the actual constitution regulations (so no need to do anything!).

Key changes focus largely on the need to appoint governors with skills and experience that the governing body needs to be effective. *So as to ensure that governors continue to have the necessary skills to contribute to the effective governance and success of the schools, governing bodies should enable their governors to receive any appropriate training and development needed to address any skills gaps; and where appropriate liaise with local authorities in doing so.*

*Meaningful and effective engagement with parents, staff and the wider community is vital, but this is not the same thing as governance and is not achieved by having various categories of governor on the governing body. Through both appointments and informed elections the focus should be on constructing a governing body with the right skills. Community engagement, including with parents, should be seen as an important but distinct activity for which governing bodies will need to assure themselves that appropriate structures and arrangements are in place. The governing body as a whole should take responsibility for understanding what parents think, while acknowledging that being parents themselves, parent governors have valuable knowledge and perspectives about the school to bring to bear in discussions and decisions and guarantee that there is always a link between governance and the parent community.*

Insertion of the requirements to upload information to Edubase and the requirement for all maintained school governors to hold a Criminal Records Certificate.

### **Governance Support Subscription**

As you will be aware, the Education Support Grant will be significantly reduced by the close of this financial year and central funding will no longer be available to support the provision of support to governing boards, chairs and individual governors. The impact of this is that for 2017/18 the Governance Support Service will now be accessible through an additional fee of **£250 per annum** linked to the Governor Training package. Governing boards **not subscribing to Governing Training** can subscribe to Governance Support for **£275 per annum**.

### **Spring term EES Governor and Clerk training updated on line on the EES website**

Schools will need to decide whether they wish to buy into governor and clerk training for the year ahead, and which package they want. *Remember, EES will auto-enrol a school if it doesn't make a conscious decision to leave!*

### **Improving Governance – an Ofsted report on governance arrangements in complex and challenging circumstances December 2016**

#### **Relevant Documents and Guidance**

- Governance Handbook January 2017
- Competency framework for governors  
<https://www.gov.uk/government/publications/governance-handbook>
- The Constitution of governing bodies of maintained schools – statutory guidance updated September 2016
- EES for schools [www.eesforschools.org/](http://www.eesforschools.org/)
- National Governors Association <http://www.nga.org.uk/Home>
- Improving Governance – Ofsted report December 2016

#### **Your “do-list”**

- Download and circulate the new Governance Handbook
- Share and discuss the competency framework for governors
- Decide whether to buy in to governor and clerk training for 2017/18
- Decide whether to subscribe to the Governance Support Subscription for 2017/18
- Make sure that your governors (and clerk) understand the importance of attending training and development sessions

# The Local Authority

## Key information

### Excellence in Essex

The updated Excellence in Essex document along with the DfE SCC guidance is provided to give clarity to schools

about the processes that the Standards and Excellence team through its Standards and Excellence Commissioners will apply to support schools to make rapid improvement and secure high standards for Essex pupils. Every school will continue to have a named SEC, who will visit the school and will be a first point of contact for headteachers and chairs of governors as the need arises.

New headteachers will continue to have additional flexible visits from their SEC as well as opportunities to work with other new headteachers. Alongside this, there will be the opportunity for all new headteachers to access the Essex Early Headship Programme from EES.

### School Improvement Led partnerships

27 partnerships have now been approved – relatively few schools now not within a formal collaborative partnership of some description – and development visits are taking place to support effective collaboration.

**Peer Review** programme being rolled out, led by Education Development Trust.

Two cohorts trained so far:

60 headteachers and Improvement Champions trained in the first cohort,

75 headteachers and 50 Improvement Champions trained in the second cohort – including 3 heads from each improvement partnership and the TSAs. Intention is that TSAs will pick up the EDT model and will be able to offer training in the future.

[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)

### Essex Children and Young People's Strategic Plan 2016 onwards

Partnership plan published in November with the following system objectives:

1. Protect the most vulnerable
2. Close the gap for the most vulnerable
3. Promote resilience and positive choices
4. Achieve better from the use of collective resources
5. Maximise the use of community assets
6. Develop the system's workforce and culture

### Priorities for Essex in 2016/17

- Ensure that every school in Essex will be judged to be at least good *and more schools are judged outstanding*
- Raise the achievement of all disadvantaged children and young people and those in receipt of the Pupil Premium thus reducing the gap between Essex and National performance – *emphasis on the use of the Essex Toolkit and accountability for impact on improved outcomes*. There is still a 24% gap between disadvantaged children and their peers in Essex.
- Deliver a school led improvement system – *strongly encourage schools not yet in a formal partnership to join one, support partnerships with additional resources to support their development to a mature partnership*
- Transforming SEND Services in Essex
- Teacher Recruitment and Retention

### Increased capital contribution for schools failing to maintain their premises

The Schools Forum has agreed a proposal to increase the per pupil contribution from schools having LA funded work, from £40 to £80 per pupil, **where it is shown that the school has failed to properly maintain its building**. Primary representatives raised a number of concerns and questions including:

- Would schools be means tested – i.e. a look at the carry forward
- How would we avoid this becoming the norm, all schools having to pay an increased amount?
- How will this be communicated to schools?
- Who and how will the decision be made if a school has failed to carry out regular maintenance?
- Our concerns about small schools, many of which are in old buildings – they will be disproportionately

penalized for this. In some cases, they don't even have a Site Manager or caretaker. A checklist will be provided to help schools to evidence that they are undertaking regular, routine maintenance. The recommendation was finally approved by the maintained representatives, and agreed that it must be communicated clearly to schools at the spring term heads meetings.

### **2016 Health and Safety monitoring activity**

The online health and safety internal monitoring (HSIM) is now live. Links to the monitoring pages are available from the [Health and Safety](#) homepage.

All Community and V/C schools must submit the relevant checklists by Friday 10 February 2017. Please read the guidance before completing the checklists and use the preparation sheets.

Note: Academy, Foundation, V/A or Independent schools who buy the Health and Safety Service are not required to submit the forms but will have access to the monitoring exercise.

For further information, please contact the Corporate Health and Safety Service on either 0333 013 9818 or [HS@essex.gov.uk](mailto:HS@essex.gov.uk)

### **Relevant Documents and Guidance**

- Excellence in Essex
- Education Essex – weekly newsletter
- Essex Children and Young People's Strategic Plan 2016

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

- Make sure you read/see Education Essex each week
- Download the latest version of Excellence in Essex.
- Complete the Health and Safety internal monitoring activity and submit relevant checklists by Friday 10 February 2017.
- Ensure that routine and regular maintenance is carried out in your school, and that records are kept to enable you to show that this is taking place.
- Attend the termly headteachers' meeting to be kept up to date on LA plans, strategy and information – North East meeting is on Thursday 23 February 2017

## EPHA events and dates

### Key information

#### New headteachers

This term 18 schools in Essex have new headteachers

#### 5 in North East

Abbie Fairbairn	St Andrew's CE Primary, Weeley (Acting Head)
Marie Kelly	St Joseph's Catholic Primary, Harwich (Acting Head)
Jakki Sibley	Fordham All Saints CE Primary (now substantive Head)
Ruth Smith	Two Village CE Primary (Acting)
Clare Woodward	Queen Boudica Primary

#### 5 in West

Erica Barnett	Waltham Holy Cross Primary
Patricia Bryson	St John Fisher Catholic Primary, Loughton
Ann Grisley	Limes Farm Infant and Nursery (Acting Head)
Natalie Marris	Buckhurst Hill Primary (Acting Head)
Fiona Reid	Matching Green CE Primary

#### 4 in South

Terri Chudleigh	Briscoe Primary (Head of School)
Nicola Coggin	Briscoe Primary (Head of School)
Andrea Farrant	Blackmore Primary
Rebecca McCutcheon	Leigh Beck Junior (Acting Head)

#### 4 in Mid

Kerry Collins	East Hanningfield CE Primary
Lisa Finch	Westlands Primary (Interim Head)
Mary Gurr	Hatfield Peverel Infant School
Janet Hoy	Trinity St Mary's, South Woodham Ferrers

### EPHA termly headteacher meetings 2017 -18 North East EPHA – Weston Homes Community Stadium

Thursday 23 February 2017

Thursday 15 June 2017

Wednesday 8 November 2017

Thursday 22 February 2018

Thursday 14 June 2018

### Conferences

Headteachers' conference – Friday 17 March 2017 – Stock Brook Country Club - programme and booking form out in January. Key note speaker – Sir John Jones

Deputy Heads conference – Friday 6 October 2017 Weston Homes Community Stadium

### Coaching for the Soul

EPHA will be running a number of "Coaching for the Soul" sessions, delivered by Viv Grant, Integrity Coaching, in the summer term. **The North East meeting will be on Friday 30 June 2017 at Weston Homes Community Stadium.** This interactive workshop session is designed to offer Head Teachers a chance to connect, share experiences of school leadership and explore the benefits of coaching as a leadership support mechanism.

The session will also offer Headteachers the space and time to reflect on 'What Matters Most in School Leadership'. As such, the session will consider what it means to 'Take care of the Soul in the role' and actively meet the emotional, mental and vocational needs of school leaders.

This interactive workshop will demonstrate how coaching has the power to help school leaders:

- *increase their levels of emotional resilience*

- *maintain a deep connection with their core values and ability to make decisions that are more aligned to who they are and who they want to be*
- *heighten their levels of self-awareness, self-management and their ability to cope more effectively with the stresses of the role*
- *Maximise feelings of professional satisfaction and fulfilment*
- *Find ways for re-discovering their joy and passion for the profession*

The session will also offer a chance for Head teachers to ask any questions that they might have about the coaching process and how it supports individual and whole school improvement.

Please let Pam know if you want to be added to the waiting list –and pencil the date into your diary.

### **Relevant Documents and Guidance**

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

### **Your “do-list”**

- Find documents and information on the EPHA website
- Book on to the Headteacher conference on 17 March 2017.
- Pencil the “coaching for the soul” date in your diary.
- Contact Pam Langmead EPHA Professional Officer at [pam@langmead.me.uk](mailto:pam@langmead.me.uk) for any support or information you need
- Be kind to new colleagues (and existing ones!)