

LA /ESSEX PRIMARY HEADS' ASSOCIATION MID AREA

THURSDAY 9 MARCH 2023

MEETING SUMMARY: ISSUES AND RECOMMENDATIONS

Agendas and minutes for these meetings available at www.essexprimaryheads.co.uk

Attendance List

DISTRICT AND EPHA AGENDA (a.m.)
(Notes below)
Dawn Dack, Mid Chair

Welcome to the following Headteachers:

Liz Bartholomew	John Bunyan Primary Executive head)
Samina Metson	Finchingfield Primary Academy
Jinnie Nichols	Wethersfield Primary (Executive head)
Sandra Ledwith	John Bunyan Primary Acting Co-head
Claire Nicholls	John Bunyan Primary Acting Co-head
Ana Da Piedade	Belchamp St Paul (Acting head)
Danielle Welsman	Stisted Primary (Head of School)

Farewell to the following headteachers:

Alison Cole	St Peter's CE Primary, Coggeshall
Maire O'Regan	Roxwell CE Primary
Andrew Smith	Lyons Hall Primary
Lisa Waters	East Hanningfield CE Primary

MEPHA meeting
Prosecution disclosure
Essex Virtual school training
Outreach from ESSET schools

Dawn Dack
Natasha Taylor and Anita Patel-Lingham
Steve Phillips
Emily Welton, ESSET Professional Officer

AREA AGENDA

LA updates on current priorities including:

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- Where we are as a county – OfSTED inspections and pupil outcomes

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- SEND Improvement priorities and the Balanced System

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- Primary Statutory Assessment 2023

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- School Improvement Offer

p10

- Refugee update

Clare Kershaw

Ondrea Bloom – SEND Strategy Lead for Autism
Kate Martin – SEND Provision Lead: Commissioning & Contracting
Alison Fiala

p 13 **Key dates**

MID headteacher meetings 2022/23/24

Thursday 22 June 2023
Thursday 9 November 2023
Thursday 7 March 2024
Thursday 20 June 2024

Headteachers' Annual Conference 2023

Friday 24 March 2023 Chelmsford City Race Course

Deputy Headteachers' Annual Conference 2023

Friday 13 October 2023 Colchester Football Stadium

*Page numbers refer to the full minutes (posted on the EPHA website) of the Spring term Area meetings with LA Officers and Headteachers.

**LA /ESSEX PRIMARY HEADS' ASSOCIATION MID AREA
DISTRICT AND AREA MEETING
THURSDAY 9 MARCH 2023
ATTENDANCE**

Present

Katie Allen	Larkrise Primary
Rebecca Black	St Andrew's Juniors
Phil Brown	All Saints CE Primary, Maldon
Ian Bowyer	Boreham Primary
Justine Brooks	Great Waltham CE Primary
Amanda Buckland-Garnett	Collingwood Primary
Dida Burrell	White Court School
Hannah Cagney	Bocking Primary
Lisa Christian	John Ray Infants
Alina Clay	Stock CE Primary
Alison Cole	St Peter's CE Primary
Anna Conley	The Howbridge Infants
Rachel Cottee	John Ray Juniors
Andrew Cumpstey	St Michael's Juniors
Dawn Dack	Wentworth Primary/Mid Chair
Lisa Dale	Howbridge CE Juniors
Jona Davies	St John's Primary, Danbury
Geraldine Denham-Hale	St Mary's CE Primary, Burnham-on-Crouch
Sharon Derbyshire	St Pius X Catholic Primary
Samantha Dunne	Colne Engaine Primary
Anita Easton	Great Bradfords Infant and Nursery
Becky Fairhead	Southminster CE Primary
Zanya Farmer	Barnes Farm Infants
James Garlick	Great Leighs Primary
Kate Garnett	Tollesbury School
Sarah Ginzler-Mayer	St Francis/St Joseph's Catholic Pri
Carol Gooding	Danbury Park Primary
Natalie Hawkes	Newlands Spring Primary
Vicky Jackson	St Francis Catholic Primary
Clare James	Maylandsea Primary
Ann Kelliher	Holy Family Catholic Primary
Jenny Kemp	Latchingdon CE Pirmary
Jane Landa-Aresse	Moulsham Infants
Nerys Maidment	Elmwood Primary
Claire Mills	Chancellor Park Primary

In Attendance

Pam Langmead	EPHA Professional Officer
Nick Hutchings	EPHA Vice-Chair/North East Chair
Emily Welton	ESSET Professional Officer
Steve Phillips	CSS
Nikki Batt	Moreton Primary
Michelle Cole	Widford Lodge
Jodie Evans	High Ongar Primary
Debbie Hanson	Clarity Independent School
Michelle Hibbs	Stanway Fiveways Primary
Michelle Keeling	Vine Trust
Helen Russell	Chipping Ongar Primary
Jacky Wragg	Notley Family of Schools

Richard McIntosh	Baddow Hall Juniors
Ross McTaggart	Barnes Farm Juniors
Sarah Meares	Terling CE Primary
Becky More	Rivenhall CE Primary
Dominic Mulholland	Mildmay Primary
Cheryl Noble	Acorn Academy
Natasha Outhwaite	Trinity Road Primary
Emily Penkett	Cold Norton Primary
Rachael Plunkett	Priory Primary
Matt Poyton	Lawford Mead Primary
Debra Price	Rayne Primary
Rowen Prigg	St Michael's CE Juniors
Amanda Reid	Perryfields Infants
Karen Riches	Kings Road Primary
Natasha Robson	Chipping Hill Primary
Lesley Roche	Our Lady Immaculate C Primary
Stephen Saunders	Little Waltham Primary
Emma Seward	Notley Green Primary
Jane Scawthorn	St John the Baptist, Pebmarsh
Dan Sheehan	Powers Hall Academy
Heather Shelley	Broomfield Primary
Claire Smyth	Beckers Green Primary
Lisa Stainsbury	Downham CE Primary
Kirsty Stuart	Ridgewell CE Primary
Sarah Tate	Roxwell Primary
Melissa Taylor	Margaretting CE Primary
Nick Taylor	Writtle Juniors
Theresa Walker	St Mary's CE Primary, Woodham
Greg Waters	The Bishops Primary
Faye White	Maltese Road Primary
Carolyn White	De Vere Primary
Linda Wiskin	The Cathedral CE Primary
Lyndsey Wood	St Cedd's CE Primary
Mike Wood	Elm Hall Primary
Justin Wrench	Great Bradfords Juniors

LA Officers

Clare Kershaw	Director of Education
Catherine Hutley	Assistant Director, Mid
Alison Fiala	Head of EY and Education, Mid
Jo Barclay	Head of Education Safeguarding
Tony Sales	SEND Quadrant Lead
Kate Martin	ECC SEND Provision Lead
Ondrea Bloom	SEND Strategy Lead Autism
Anita Patel-Lingham	Education Compliance
Natasha Taylor	Essex Legal Services
Caroline Gibson	School Effectiveness Partner
Nicola Morgan-Soane	School Effectiveness Partner
Anthony Sapping	School Effectiveness Partner
Simone Webb	ECC

Apologies

Janet Hoy	Trinity St Mary's CE Primary
Andrew Smith	Lyons Hall Primary
Emma Flin	St Andrew's Primary, Great Yeldham
Dawn Baker	Hera Academy Trust

Note: If your attendance or apologies have not been noted please contact the EPHA Professional Officer at pam@langmead.me.uk for amendment.

MID EPHA AREA MEETING MINUTES 9 MARCH 2023

1. WELCOME

Dawn Dack, the Mid Area Chair welcomed headteachers to the meeting.

Welcome to the following Headteachers:

Liz Bartholomew	John Bunyan Primary Executive head)
Samina Metson	Finchingfield Primary Academy
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Sandra Ledwith	John Bunyan Primary Acting Co-head
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Alison Cole	St Peter's CE Primary, Coggeshall
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Andrew Smith	Lyons Hall Primary
Lisa Waters	East Hanningfield CE Primary

If you are leaving please make use of the EPHA new heads' checklist, and complete it for your successor. This is available on the EPHA website at <https://essexprimaryheads.co.uk/info-and-documents/good-practice/>

2. PROSECUTION DISCLOSURE

Natasha Taylor and Anita Patel-Lingham were welcomed to the meeting.

Natasha is a criminal lawyer working for Essex Legal Services, focusing on legal cases involving children, including attendance and child protection. Anita is the Education Compliance Manager in ECC.

Natasha noted that there has been an emerging trend when prosecuting non-attendance that the defence raises an objection, arguing that information relevant to the case should have been disclosed. A number of trials have had to be adjourned, even though it is clear that the case for the defence is weak.

She explained that disclosure obligations begin at the start of an investigation and the Attendance Compliance Officer, acting as Investigator, should pursue all reasonable lines of inquiry, whether these point towards or away from the suspect. What is reasonable in each case will depend on the circumstances.

When criminal cases are prepared for trial, the prosecution must share with the defence any evidence that supports a prosecution and any material which could potentially undermine the prosecution case or assist the case for the defence.

A significant source of relevant material is that which is held in school records. Attendance Compliance Officers have an obligation to disclose any material they think is 'relevant' to the case. They will disclose it to the Prosecutor who in turn will decide if it should be disclosed to the defence.

'Relevant' is a vague term. Ultimately it is the Attendance Compliance Officer and the Prosecutor that decides what is relevant in each case. The material must have some bearing on the offence under investigation or any person being investigated, or on the surrounding circumstances of the case. Nevertheless, the school has a duty to put its mind to the question of relevance and must not simply hand files over for others to decide. This does require an exercise of judgment and if in doubt, seek advice from the Attendance Compliance Officer.

Data Protection Act 2018.

Schedule 2, Part 1, Paragraph 2 of the Data Protection Act 2018 allows for personal data to be disclosed for the purpose of the prevention or detection of crime or the prosecution of an offender and otherwise in connection with legal proceedings. Consent of the data subject is not required where to request consent would prejudice the investigation.

On this basis the school must be satisfied that disclosure to the Attendance Compliance Officer can be justified as necessary for the stated aim and that it is proportionate and relevant. If relevant material is contained within a document that contains irrelevant information, then it should be appropriately redacted prior to handing it to the Attendance Compliance Officer. This includes information about the pupil in question but also siblings and other pupils.

Examples of disclosure material:

- School Register – to include a reasonable period leading up to, during and following a relevant period under review. The detailed attendance register giving reasons and any course of action taken by the school, is the most useful.
- Correspondence/ communication between school and parent – over a reasonable period and should reasonably be considered to relate to the issues being considered.
- Letters, texts, WhatsApp conversations, notes of meetings, photographs, call logs, Internal communications – related to the issue of non-attendance or facts that might reasonably be linked e.g. ongoing or known sporadic medical conditions can all be relevant material.
- Records and reports held on the pupil's file, including internal memos and notes. Several items considered together may have the effect of being relevant even if they would not satisfy the disclosure test when viewed individually.
- N.B. Medical reports and Social Care records may not be disclosable – seek advice from the Attendance Compliance Officer prior to releasing third party documents.

This is not an exhaustive list. Relevant material may come in various formats. The school should provide unaltered copies and retain original documents e.g. a hand written letter, but be prepared to produce an original document if required.

Disclosure obligations are ongoing up to the point of trial and any relevant information or material generated following initial disclosure should be provided at the earliest opportunity.

It is important to note that any material provided to the Prosecutor may later be shared with the defence. If the file contains unhelpful or inappropriate internal communications e.g. material that contradicts or casts doubt on other evidence on which the Prosecutor intends to rely; these must still be given to the Attendance Compliance Officer. The Prosecutor will decide what will be disclosed and how. It is important that nothing is destroyed during this process.

Please note that the Attendance Compliance Officer must provide a personal declaration that the disclosure task has been completed and therefore it is imperative that anything relevant is shared by the school.

There may be circumstances when material is not considered relevant but later becomes so. The

defence can make a voluntary statement that causes the Attendance Compliance Officer to re-visit the school records. It is important therefore for the school to secure its records and to provide further information or access if required.

Anita noted that Natasha is, of course, referring to cases where the parent is pleading not guilty. She reminded headteachers that, contrary to popular belief, it is not necessary to trigger a penalty notice prior to a court case; there can be an immediate prosecution and the Attendance Compliance team will rely on the headteacher's knowledge and professional judgment. The school will need to be able to demonstrate that appropriate support and advice have been in place and comprehensive records are vital.

The team has updated the template letter following a request of leave of absence for a term time holiday, to make it clear that taking unauthorised leave could result in a prosecution. In addition, it now explains that any funds raised from penalty notices are retained by the local authority to (partially) meet the cost of administration and possible court proceedings, and that schools do not benefit from this revenue.

Anita asked headteachers to be reasonably prompt when replying to term time holiday leave of absence requests, as some parents have complained that they did not receive the letter explaining that a holiday would not be authorised until they were already away, meaning that alternative arrangements or cancellation weren't an option. She asked schools to respond within 5 working days if the request is received over 4 weeks prior to a holiday, and 3 working days if the request is receiving within 3 weeks.

She agreed that requests for term time holidays have risen significantly, and the number of prosecutions are also on the rise; we are now back to pre-pandemic levels.

Anita explained that schools can find out the status of a penalty notice by using the ESI log-in. She agreed to share further details following the meeting.

Managing abusive parents

Pam Langmead noted that she is receiving an increasing number of calls from distressed headteachers who are experiencing abuse from parents. She asked Natasha to advise headteachers on the best course of action if a parent is behaving badly on the school site.

Natasha repeated her view that headteachers and their staff should never be abused or threatened by parents or members of the public, and they should take tough action if this happens, including calling the police.

She explained that there are a range of public order offences, which vary in their severity and potential sanctions. These include:

Offences under the Public Order Act 1986

There are four separate relevant offences under this Act. The behaviour that they criminalise has some overlap with the Protection from Harassment Act, but unlike that Act, one incident alone is sufficient to constitute a public order offence. Three of them (sections 5, 4A and 4) are heard within the magistrates' court.

Section 5 is the lower level of public disorder where a parent or carer causes a disturbance in or outside the school and causes alarm, harassment or distress.

Section 4A creates an intentional form of this offence.

Section 4 is more serious, where there is a fear or provocation of violence. The maximum sentence for section 5 is a fine up to £1,000. The maximum sentence for section 4 or 4A is a term of imprisonment not exceeding six months or a fine up to £5,000 or both. There is also a racially aggravated version of all three of the above offences, under section 31 of the Crime and Disorder Act 1998, with higher maximum penalties.

Section 3 of the Act, affray, may be tried either in the magistrates' court or the crown court. This offence is committed when a person uses or threatens unlawful violence such as would cause a reasonable person to fear for his safety; the threat cannot be made by the use of words alone. In the magistrates' court, the maximum penalty is six months, a fine up to £5,000, or both. In the crown court, the maximum sentence is three years, an unlimited fine or both. In the circumstances outlined above, although the LA may not have the relevant power to take action itself, it should – as the employer – work with the school to provide staff with full support in ensuring that action will be pursued against an alleged offender, under the above legislation as appropriate.

Protection from Harassment Act 1997 (under review)

This Act is more informally described as anti-stalking legislation, although not only used for that purpose. This action can be taken either through criminal prosecution or a private action for damages in the civil courts. It can be done on behalf of an individual, or a group (e.g. a group of children or teaching staff). The sanctions include both criminal penalties (fines, imprisonment, or community sentences) and a restraining order, which is a flexible order which prohibits the offender from continuing their offending behaviour. For example, it could prevent a parent from coming within a certain distance of a school, or from making phone calls to the school or a teacher's home.

The restraining order can last for as long as the court thinks appropriate.

Section 2 of the Act makes it an offence where someone pursues a course of conduct (on more than two occasions) that amounts to harassment of another, causing alarm or distress. The offence can only be tried in the magistrates' court with a maximum penalty of six months imprisonment, a fine of up to £5,000, or both.

Section 4 creates a more serious offence where people have been put in fear of violence on at least two occasions. It can be tried in the magistrates' court or the crown court. The maximum penalty for the offence is six months imprisonment, a fine up to £5,000, or both, in the magistrates' court. In the crown court, it is five years imprisonment, an unlimited fine or both. Where there is a racial element to either the section 2 or section 4 offence, a higher level of sanction applies under section 32 of the Crime and Disorder Act 1998.

Section 3 of the Act provides for a civil route in relation only to the section 2 and 4 offence. The level of proof is lower for the civil proceedings, as it will be to the civil standard of a balance of probabilities rather than the criminal standard of beyond reasonable doubt. If a restraining injunction is imposed on a defendant under the civil route and the defendant breaches the restraining injunction, proceedings for breach of the order become criminal with the offender liable to up to five years imprisonment.

Natasha recommended reporting incidents to the police and ensuring that an incident number is obtained. If the police don't take action the school could make a complaint, forcing them to do so.

Natasha stressed the importance of keeping records of incidents, correspondence (including phone calls) and any reports to police. She also encouraged anyone subject to abuse or harassment to write an impact statement, including the possible impact on children who might witness an incident. The Professional Officer also noted that impact statements can be important when informing governors about these sorts of incidents. Records should be retained in a confidential incident file, not on the individual pupil record, as these incidents relate to a parent or member of the public, not a pupil.

There is a model Parent Visitor Conduct Policy on the EPHA website which schools can adopt to strengthen their approach to managing difficult parents.

It was agreed that EPHA will organise further training on the management of complaints, led by Natasha.

Natasha and Anita were thanked for their very useful input to the meeting.

3. ESSEX VIRTUAL SCHOOL TRAINING OPPORTUNITIES

Steve Phillips, Deputy Head at CSS (Children's Support Service) was welcome to the meeting.

Essex Virtual School is working with CSS to offer Essex school funded training opportunities, for those that have Essex looked after children, previously looked after children and children with a social worker attending. All the training complements and aligns with the TPP (Trauma Perceptive Practice) approach that is endorsed in Essex.

Training offers include:

- Mental health
- Positive behaviour management
- Attachment theory into practice
- Effective communication
- Identifying and responding to behaviour
- Coaching pupils
- Stress analysis
- Co-regulation Self-regulation

The training is fully funded so availability is limited. If you have any questions about the project please do not hesitate to contact Steve Phillips by email Steve.Phillips@css-essex.co.uk or by phone 07484 083863. Alternatively, contact Sharon Halsey at Sharon.halsey@essex.gov.uk or by phone 033303 21200.

[Essex Virtual School - Interventions and Projects](#) bottom of page
[Essex Virtual Schools Request for Training form and Session Outlines 2022 2023](#)

Designated mental health lead training

The DfE has confirmed that the application form for the grant has been amended to accept claims for training courses that start before the end of this academic year (end of July 2023).

Steve.Phillips@css-essex.co.uk contact with any questions
[National Network of Mental Health Leads – The UK body for Mental Health and Wellbeing Leads](#)

4. ESSET OUTREACH PROPOSAL UPDATE – SCHOOLS SUPPORTING SCHOOLS

Emily Welton, ESSET Professional Officer was welcomed to the meeting. Emily reminded headteachers that she attended the termly meetings in November and asked primary headteachers for their views and ideas about how best they could be supported by special schools when managing special educational needs in their schools. She thanked heads and EPHA for their input and support for the ESSET outreach proposal.

She briefly re-capped on **the aims of the proposal**:

- ESSET's aspiration – to be part of the solution to current challenges relation to SEND provision and delivery in Essex
- Building capacity within SEND systems, both in special and mainstream schools
- Support staff skill development (in both sectors) – outreach and in-reach
- Sharing best practice in all schools
- Increasing staff and parental confidence in mainstream SEND provision
- Learning about challenges
- To be part of a continuum of provision
- Offering the right support, in the right place, at the right time and to work with the LA and partnerships to develop the SEND system

Steps taken since November

- Emily has begun mapping out the partnership with the existing support structure, including meeting

twice with Nicola Woolf to discuss the school partnership system. How this strategy can support the delivery of outreach.

- Emily and Jen Grotier, the Chair of ESSET, met with Clare Kershaw, Ralph Holloway and Philippa Holliday to discuss the plans that have been shared with primary and secondary headteachers. This was a really constructive meeting.
- A further meeting with Ralph Holloway, PRU leads, ASHE leads and Catherine Hutley (leading on the inclusion framework). It was agreed that any proposal must complement and support current strategies such as the Ordinarily Available offer and the Inclusion Framework.
- Emily then met with Partnership quadrant leads and Nicola Woolf to discuss how existing information and support can be gathered and fed into the proposal.

What is now needed from headteachers

An understanding of

- How can the existing partnerships be used to support the outreach?
- What is currently being used, including less formal support?
- What is not working?

It has been agreed that a working group (with representatives from all sectors and across the four quadrants) will be established to write a proposal included a business case to go to Schools Forum. Emily stressed that Clare Kershaw and Ralph Holloway agree with the proposal, at least in principle, and have accepted that this will need funding, which would come from the Schools Block. There is also support from Special Schools and Enhanced Provisions to develop this support.

If agreement is given by Schools Forum, the next step will be to create Service Level Agreements and protocols, with existing LA teams to begin phase one of a pilot of a formal outreach roll-out.

The Mid Chair thanked Emily for her drive and enthusiasm which she felt will ensure that the project does succeed. She was grateful that Mid heads had been engaged in the dialogue and had the chance to contribute their views.

2. EPHA UPDATES

- a) **The spring term EPHA newsletter** was circulated to headteachers in advance of the meeting - this can also be found on the EPHA website www.essexprimaryheads.co.uk.

b) **Conferences**

Headteachers' annual conference Friday 24th March 2023

The conference will be held, once again, at the Chelmsford City Race Course.

Key note speakers and presenters will include Phil Denton and Gareth Malone, and a choice of workshops, including Ros Blackburn (Logically Illogical), and the No Outsiders approach presented by Andrew Moffat.

This year's Deputy Heads' conference will be held on Friday 13 October 2023 at the Colchester Football Stadium.

The Small School Headteachers' Annual Conference will be held on Wednesday 18th October 2023, at the Lion Inn, Boreham

c) **Suspension and Permanent Exclusion training for Essex headteachers – Tanya Callman**

There are a small number of spaces left for the training on Wednesday 3rd May 2023 at Hylands House, Chelmsford. We can accommodate around 120 at each session, and the day will run from 10.00 am to 4.15 pm. This will be on a first come, first serve basis, so please contact Pam if you want to attend.

Pam Langmead will also deliver online training on exclusions for governors on a number of dates in the spring and summer terms – information to be circulated soon.

d) Universal Year 6 – 7 transition arrangements with Essex secondary schools

We have recently realised the positive impact of collaboration, as ASHE and EPHA have worked together to agree universal Year 6-7 transition arrangements for the majority of Essex primary and secondary schools. Historically the timing of transition events and requests for paperwork have varied widely, along with the information that has been required by secondary schools. At the recent EPHA Executive meeting the following arrangements were agreed with ASHE and secondary headteachers across most of Essex:

- The jointly agreed universal transition form will be circulated sometime after 1st March (when secondaries are informed which pupils will be transferring to their school) and will be completed by primary/junior schools by summer half term;
- Secondary schools will contact primary/junior schools to initiate further conversations about individual pupils, as indicated on the form;
- All Year 6 transition visits will be held in the week commencing 26th June and secondary schools will plan to hold these in the last week of June in future years.

Harlow schools are doing things slightly differently having previously agreed a template for information, but they are also running transition visits in the last week of June.

EPHA and ASHE will review these arrangements in the autumn term, but it is hoped that this will promote effective and efficient transition as pupils move on to their secondary school.

e) Lion Learning Pathways curriculum

At the in-person meetings (South, North East and Mid), representatives from Lion Learning MAT had a stand to promote their curriculum offer. They are running an event at Maple Grove on 22nd March at Maple Grove. Contact Aaron Wright a.wright@leighbeckjunior.net

6. FUTURE DATES

MID meetings with the Local Authority officers 2022/23/24

The Lion Inn, Boreham

Thursday 22 June 2023

Thursday 9 November 2023

Thursday 7 March 2024

Thursday 20 June 2024

Headteachers' Annual Conference 2023

Friday 24 March 2023 Chelmsford City Race Course

Deputy Headteachers' Annual Conference 2023

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