

Ward Hadaway – Lawyers for Education

## Insight: Education

# Your monthly education sector news roundup

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# Insight: Education

*Meet the team*

## Welcome

Welcome to this first edition of a new monthly newsletter that we will be sending to our contacts across the education sector. We hope you will find this a useful summary of latest developments in schools, further and higher education and the training and apprenticeships arena. If you have any comments on the format or want more detail about a particular subject, please do not hesitate to contact any of us.

## Meet the Education Team

As the evolving educational landscape continues to open up new opportunities and present challenges, you need to be confident that you are getting the right legal advice, at the right time and, of course, at the right price. Ward Hadaway's Education Team is recognised as a leading national player. Our friendly, commercial and pragmatic approach allows you to be reassured that you are in safe hands.

Whether you are a maintained school, academy, multi academy trust, free school, studio school or UTC, our team have an in-depth, up-to-date knowledge of the sector, making us ideally placed to offer the best possible advice to all those involved in the delivery of educational excellence for pupils, students and their communities. [Click here](#) to read about how we can work with you.

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## The multi academy trusts inquiry

In March 2016 the Education Committee launched an inquiry into multi-academy trusts (MATs), which has been looking at a number of aspects of MATs including:

- » The role of MATs in the context of other intermediate structures operating between Whitehall and individual schools, including Regional Schools Commissioners
- » The current MATs landscape, including in terms of the number, size, and geographical coverage of MATs
- » The balance of decision-making at the individual school level and at the chain level, and the appropriateness of formal governance structures employed
- » How the expansion of MATs should be monitored and managed
- » The characteristics of high-performing MATs
- » How the performance of MATs should be assessed.

Having already heard evidence from Ofsted, the National Schools Commissioner and a number of Chief Executives of MATs, the most recent session of oral evidence, in September, found the Committee questioning a number of academics, researchers and faith education providers.

The themes that were addressed were interesting:

- » The Chair kicked off by asking if the evidence on MATs' performance and impact was strong enough to justify the Government's ambition to see more MATs. The witnesses felt that the evidence is patchy, with one witness saying that it was clear that MATs are not a 'silver bullet' to raising standards.
- » The academisation process was criticised as taking up too much time and energy that did not go directly into school improvement or thinking about how teaching could be improved.
- » One witness said that you did not necessarily need a MAT to exchange information and resources between schools.
- » It was suggested that further research is required in some areas. For example, what should happen when academies and MATs fail? Why do the numbers of rejected and excluded pupils appear to be higher in MATs than maintained schools?
- » There was a discussion about the best policy for primary schools, whether they should join with other primary schools or secondary schools. The particular issue of rural primary schools was also addressed.
- » Some of the witnesses identified greater autonomy for teachers as a potential benefit of the academy system, although it was suggested by research that some MATs simply replace local authority controls with their own.
- » One witness described a concern over the rise of mixed MATs and the perception that these were giving religious organisations undue influence over non-religious schools, evidenced by the governance structures. It was suggested that there should perhaps be a control that says the ethos of a school when it joins a MAT should be preserved. The representatives of faith schools were keen to dispel those thoughts and suggested that the issue is really one of articulating a set of shared values across a MAT, but where former community schools could retain their existing character.



### Hearing of 7<sup>th</sup> September 2016

*Witnesses from left to right: Paul Barber, Director, Catholic Education Service; Reverend Nigel Genders, Chief Education Officer, Church of England Education Office; Andrew Copson, Chief Executive, British Humanist Association; David Wilson, Director, Freedom and Autonomy for Schools – National Association; and Reverend Steve Chalke, Founder, Oasis Community Learning.*

- » There was also a discussion about the role of local authorities and MATs. There was some agreement among witnesses that there is a continuing role for local authorities in matters which should be administered at larger than just MAT level, such as admissions, special educational needs and school transport.

## What's next for MATs?

### Will parent governors remain on academy boards?

The Government's white paper "Education Excellence Everywhere" contained a controversial proposal to scrap the requirement for academies to have at least two parent governors. However, Education Secretary Justine Greening has since indicated that she does not want to go ahead with the plan. As part of oral evidence given in a separate inquiry by the Education Committee into the responsibilities of the Secretary of State for Education, Justine Greening stated:

"I don't think we should be saying that MATs don't need to have parent governors. I think parent governors play a vital role...One way we can ensure that schools who are doing a less good job improve is getting parents more involved...when schools turn around it's when parents become more engaged and more invested in the school's success and that helps build the school from the outside as well as the hard work teachers are doing on the inside."

To view the full oral evidence given by Justine Greening in this inquiry, please [click here](#).

### Academy trust health checks to commence in January

The National Schools Commissioner, Sir David Carter, has announced plans to run "health checks" on MATs across the country from January 2017. Pilots have already been running and will take place at more than 30 trusts before the end of this year. The exercise will be used to determine whether an academy is fit enough to expand. Carter believes that the checks are "integral to enabling trusts to grow strategically and with confidence".

Confirmation of what the checks will comprise is yet to come from the Government. However a response by Edward Timpson, a Minister at the Department for Education (DfE), to the question of how trusts will be assessed provides some insight. It reveals that consideration will include Ofsted judgements, published performance measures in relation to progress and attainment of academies already within the MAT, how these relate to the floor standard, national and local averages, and improvement over time.

To view the full response to the question, please [click here](#).

## Could MATs be the "saviour of education" in the North?

There have been calls for successful London MATs to expand to the North of England to address the "postcode lottery" of education standards. In what is considered a "school-led system", it is thought by some that the best way to progress is for schools to make their way up North along with their best teaching talent. These organisations should "lead the development of good teaching through national research and multi-sector collaboration". Creating national institutions will provide the opportunity to rebalance policy discussions and potentially create an "educational northern powerhouse".

For more information, please [click here](#).

## Upcoming event

### Delivering quality outcomes in multi academy trusts

**Monday 5<sup>th</sup> December 2016, 6.00pm – 8.00pm, Ward Hadaway's Newcastle office**

Our panel event for Chairs, CEOs, Executive Principals, Head Teachers and Accounting Officers at multi and single academy trusts will look at the advantages MATs can exploit, the benefits and drawbacks of growth and consolidation, the focus on career guidance in schools to help reduce the perceived skills gap, and the introduction of greater powers of pupil selection. Our panel includes Sir Peter Vardy and John Cridland.

For more information, please contact [michelle.mcbride@wardhadaway.com](mailto:michelle.mcbride@wardhadaway.com).

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## Need to know – your policy and guidance quick read

### Children missing education: statutory guidance for local authorities

On 5 September 2016, the Government updated its statutory guidance for councils on helping children who are missing education get back into it. The update reflects the recent changes to the Education (Pupil Registration) (England) Regulations 2006. The advice is aimed at councils but can be used as non-statutory advice by maintained schools, academies and independent schools. For more information please [click here](#).

### Handling strike action in schools: guidance for school leaders, governing bodies and employers

The DfE has updated its advice on dealing with strike action in schools to take account of legal and other related developments since 2013. It provides advice on keeping schools open on strike days, and explains the law on trade disputes and picketing. For more information please [click here](#).

### Constitution of governing bodies of maintained schools

Statutory guidance on the constitution of governing bodies of maintained schools has been updated to include changes to law including Disclosure and Barring Service checks and supplying information to the Secretary of State about those involved in governance. It has also clarified information on governors' access to training and parent governors. For more information please [click here](#).

### Cloud software services: how schools should protect data

Data protection guidance for schools considering using cloud software services ("the cloud") to hold sensitive information has been updated with a new suppliers list. The information outlines how schools need to consider data security when moving services and information onto the cloud. The guidance applies to all local authority maintained schools, academies and free schools. For more information please [click here](#).

### IP in education

The Intellectual Property Office (IPO) has developed a range of tools, guidance and teaching resources designed for students and lecturers at all stages of education as well as researchers and university management. The information is intended to help users understand, manage and exploit their IP. For more information please [click here](#).

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# Insight: Education

*Events & quick read*

## **University and business collaboration agreements: decision guide**

The IPO has produced an interactive guide for universities and companies to use with the two party collaboration agreements. The guide is designed to help determine which one of the 7 Lambert research collaboration agreements is best suited to the organisations' needs in a particular set of circumstances. For more information please [click here](#).

## **Timelines for schools: mandatory and useful information**

On 15 September 2016, the autumn term mandatory and useful timelines for schools were updated to help head-teachers, principals and governors plan for the term and academic year ahead. For more information please [click here](#).

## **Expanding your academy trust: resources for multi-academy trusts**

The DfE has collated a selection of sources of support and guidance for multi academy trusts looking to take on more schools and grow their academy trust. For more information please [click here](#).

## **Higher Education and Research Bill: market entry and equality**

On 5 September 2016, the Government published a paper outlining how the Higher Education and Research Bill will ensure quality while making it easier for new higher education institutions to start awarding their own degrees and become universities. An accompanying technical note sets this out in more detail. For more information please [click here](#).

## **School inspections in England: Ofsted**

The House of Commons Library has published a note providing answers to some common questions on Ofsted inspections of state-funded schools in England. It looks at the practicalities of inspection and the implications of Ofsted 'gradings'. It also provides information on current topical issues in inspection. For more information please [click here](#).

## **EFA e-bulletin (issue 142): for academies**

The Education and Funding Agency has published an e-bulletin for academies. It includes information for new academy trusts intending to defer or submit dormant annual accounts. For more information please [click here](#).

## **EFA e-bulletin (issue 142): for schools, colleges, local authorities and other 16 to 19 providers**

The Education and Funding Agency has published an e-bulletin for schools, colleges, local authorities and other 16 to 19 providers. It contains a reminder for local authorities to submit grant return and use of funds statements by 24 October 2016. For more information please [click here](#).

## **Crown Commercial Service newsletter for schools and academies**

On 14 September 2016 the Crown Commercial Service published its quarterly newsletter providing updates to help schools and academies buy common goods and services. For more information please [click here](#).

## **Crown Commercial Service newsletter for universities and colleges**

On 14 September 2016 the Crown Commercial Service published its quarterly newsletter providing updates to help universities and colleges buy common goods and services. For more information please [click here](#).

## In the news

**Thousands of children back to school in 21st-century facilities**

Thanks to a government initiative to refurbish and rebuild some of the worst school buildings in the country, this autumn thousands of school children returning to school will walk through the doors of brand new state of the art buildings. The £4.4 billion priority school building programme (PSBP) will run in two phases with the majority of the 260 schools in the first phase opening new or refurbished buildings by the end of 2017. A total of 537 schools will benefit from construction through the two phases of the PSBP.

For more information please [click here](#).

**How the top grades will be awarded in new GCSEs**

Ofqual has confirmed how GCSE grades, including 8 and 9 will be awarded. The approach to awarding the top grades will be the same for all GCSE subjects and will employ a formula that means that about 20% of all grades at 7 or above will be a grade 9. The Chief Regulator stated that "the aim of the new formula for awarding the grade 9 is to be as fair as possible...those who rely on GCSEs will know that those students achieving the top grade have performed exceptionally".

For more information please [click here](#).

**More choice as over 80,000 new free school places created**

Thousands of new free school places have been approved by Parliament. Education Secretary Justine Greening has stated that this new wave of free schools "means more options for parents so they can choose a place that really works for their child's talent and needs...Alongside the reforms announced last week this will build on the progress that has seen 1.4 million more children in 'good' or 'outstanding' schools in 2010. This will help deliver the true meritocracy the Prime Minister has pledged to create."

For more information please [click here](#).

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**Councils' potential £320 million bill to convert schools to academies**

According to figures released by the Local Government Association (LGA), the potential cost to taxpayers of converting all schools to academies is £320 million. The LGA considers that using the "converter" method rather than the "sponsored" method will mean that councils will be better off, with a lesser bill of £120 million. The LGA remains opposed to forced academisation, and wants councils to be seen as "education improvement partners", working with government to ensure every child gets the very best from their years at school.

For more information please [click here](#).

**Investigation into 11-plus 'exam leak' in Plymouth**

Following claims that some schoolchildren in Plymouth had already seen an 11-plus exam paper before taking the test, an investigation has been launched by the company which provides the test, GL Assessment (GLA). Plymouth city Council is working with GLA to explore if there were any irregularities with the 11-plus exam.

For more information please [click here](#).

**Classrooms need more male teachers, charity says**

Education charity Teach First is calling for more male teachers in England's classrooms as government figures show a continued gender gap in the profession. The organisation wants to see an increase to the 26% demographic in order to give children and young people access to Local Government Association however has claimed that its own research shows that existing schools have almost run out of space.

For more information please [click here](#).

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## **Building new schools must be top priority for government**

Public sector buildings specialists claim that hundreds of extra schools could have to be built in England to cope with the school population bulge. Figures from the DfE suggest that there will be almost 730,000 more school age children by 2020 than there were last year. Ministers have said that there is "significant capacity still in the system" before new places are created. The Local Government Association however has claimed that its own research shows that existing schools have almost run out of space.

For more information please [click here](#).

## **England's academy trusts run up debts of £25m**

Figures obtained by the BBC suggest that debts run up by 113 academy trusts in England amount to almost £25 million. While the Government has said that the financial oversight of academies is "more robust than in council-run schools", the Public Accounts Committee has criticised some trusts for having a "complete disregard for the use of public money". The figures have aroused serious concerns about the transparency and accountability of the system.

For more information please [click here](#).

## **Many teachers working 60-hour week**

According to the Education Policy Institute most full-time teachers in the UK work an average of 48.2 hours per week. However it is claimed that one in five works 60 hours or more – above the limit set by the European Working Time Directive. These hours are said to be longer than those of teachers almost anywhere else in the world. The extra hours are mostly spent on marking, lesson preparation and form-filling rather than additional teaching.

For more information please [click here](#).

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