

Ward Hadaway – Lawyers for Education

Insight: Education

Your monthly education sector news roundup

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Welcome

Welcome to the February edition of our new monthly newsletter for those in 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.

Public sector apprenticeship targets

What's going on?

On 20 January 2017, the Government published its response to its consultation on "[Apprenticeship Targets for Public Sector Bodies](#)". The document confirms the setting of a minimum target of 2.3% of the workforce in public sector bodies to comprise apprentices. The duty will apply to public sector bodies with 250 or more employees, including schools and academies. The Government explained:

"...it is appropriate for schools to be included, given that this simply requires them to actively consider apprentices as part of workforce planning and 'have regard' to the target."

Further education colleges have been excluded, however, since they are classed as "non-profit institutions" rather than "government-controlled bodies".

When does this happen?

The target takes effect from April 2017, coinciding with the launch of the Apprenticeship Levy. The Apprenticeship Levy impacts any organisation with a payroll of more than £3 million, which will be required to pay 0.5% of their annual pay bill into the Levy fund (save for a £15,000 allowance). The aim of the Levy is increased employer contribution to apprenticeship training. Payees will have access to their funds as well as a 10% top-up from the Government.

What does this mean for educational institutions?

The apprenticeship target means that all schools and academies which meet the 250 staff threshold will need to publish certain information annually on their progress towards meeting the target and send this to the Secretary of State. The Government has stated that where an organisation has not shown that it has "had regard" to the target, it will "work with them to see what support is needed to enable them to meet the target in future years".

The Apprenticeship Levy is arriving at a time where many educational institutions are already feeling the pressure on their financial budgets. The NAHT union has warned that it is critical for schools to "mitigate the impact by ensuring that the money they're paying out comes back into their institution". Educational institutions are being encouraged to "fully engage" with the Levy, using funds to offset current training spend. Funds will sit in a Digital Apprenticeship Service account with a timeline of 24 months for utilisation. While not covering salaries, the funds can be used to cover any apprenticeship training

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costs. Changes to eligibility mean that apprenticeships are not restricted to hiring new entry-level staff; the funds can also be used to upskill existing employees.

What to do next?

It's vital that organisations begin to prepare now for the new requirements. The first reporting period for the apprenticeship target runs from 1 April 2017 to 31 March 2018, with first reports due by 30 September 2018. Planning efforts should also consider the particular future skills requirements for the organisation against the existing workforce, in order to assess how to make the best use of the Apprenticeship Levy funds.

Prime Minister announces overhaul of technical education

At her first regional Cabinet meeting on 23 January 2017, Prime Minister (PM) Theresa May launched a modern Industrial Strategy intended to help shape the landscape of post-Brexit Britain. As part of the strategy, the Government is set to overhaul technical education. Outlining the importance of developing skills, the Government explains in its green paper:

"poor performance in basic and technical skills is key to the UK's persistently lower levels of productivity compared with other advanced economies...Apprenticeships aside, technical education for those not pursuing the academic path has fallen behind. The existing system can be complex and confusing, which often does not deliver either for individuals, for the skills needs of employers, or for the wider economy."

The Government's proposals include:

- » £170 million of new capital funding to establish prestigious Institutes of Technology

The institutes will deliver education in science, technology, engineering and mathematics (STEM) subjects. The green paper stresses that the institutes will "increase the provision of higher-level technical education...to ensure that it is available in all areas". The expectation is that all institutes would specialise in technical (STEM) disciplines which are aligned to technical routes, offer provision to just below degree level and have a local focus to deliver qualifications of value that meet the skills needs of local employers.

- » Plans to use the free school model to expand the provision of specialist maths education across the country

The PM has identified the high performing Exeter and Kings College London Mathematics Schools as models for rolling out specialist maths schools across the country.

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» Action to tackle shortages of STEM skills

The strategy aims to put technical education on an equal footing to academic higher education, with new approaches adopted to improve the number of STEM graduates. The Government also intends to reduce regional imbalances in the number of students progressing to higher level STEM qualifications.

» Testing new approaches to encourage lifelong learning

Particular attention will be paid to areas where industries are changing or in decline. The Government will review whether to introduce maintenance loans for higher technical education.

The Government's proposals have generally been well received by the sector however some notes of caution have been expressed.

"Buildings are really important focal points, but we must not forget that some of the best training and development is in the workplace and not the workshop...As a further underpinning of the social mobility agenda, the Government should also make [FE maintenance loans] available for higher level apprenticeships."

MARK DAWE, CEO
ASSOCIATION OF EMPLOYMENT AND LEARNING PROVIDERS (AELP)

"Our response for the green paper will be positive and seek fair funding for colleges that all want to meet the challenges set out...Fair funding for colleges requires on-going revenue to support more tuition hours, work placements, skilled FE college workforces and capital for the equipment and facilities needed to deliver technical and professional education."

DAVID HUGHES, CHIEF EXECUTIVE
ASSOCIATION OF COLLEGES

"We are concerned the measures in the announcement risk willing the ends but not the means. It is essential to invest – these reforms need to be fully-funded to achieve a thriving economy with world class skills."

STEPHEN EVANS, CHIEF EXECUTIVE
LEARNING AND WORKS INSTITUTE

"...the Government must tread carefully. At the moment we are at risk of initiative overload...We also need to be careful that the Institutes of Technology don't simply end up being a re-brand of colleges. The funding proposed is not enough to establish new providers. Yet for the Institutes to offer the very best in technical training, they need to be unique."

CHRIS JONES, CHIEF EXECUTIVE
CITY & GUILDS GROUP

Term-time holidays debated in the Supreme Court

On 31 January 2017, the Supreme Court held an expedited hearing in the high profile case concerning school term-time holidays. The case was originally brought by a father, John Platt, in response to the imposition of a £120 penalty notice by the Isle of Wight Council for taking his daughter out of school for a family holiday.

The main issue in the case is whether a child's overall attendance is relevant to the question of whether, during a specified period, a parent has failed to secure regular attendance of their child at school as required by section 444(1) of the Education Act.

The Department for Education (DfE) has supported the Council, stressing its position that:

"...children should not be taken out of school without good reason. That is why we have tightened the rules and are supporting schools and local authorities to use their powers to tackle unauthorised absence."

Reports indicate that the approach taken by councils varies. Some councils issue no penalty notice at all, others issue penalty notices but do not enforce them and there are a proportion who take a hard line view. There have also been reports of councils which had issued penalty notices or prosecuted non-payers ceasing to do so. It has been suggested that this may be:

"...a reflection of a developing view that issues of absence from school for family holidays are best managed by co-operative dialogue between a school and parent, rather than rigid and punitive rules from central government".

At the end of the hearing the Supreme Court stated that it would issue its judgment "in due course". The judgment is awaited by schools, councils and parents in the hope for greater clarity and certainty on the matter.

Need to know – your policy and guidance quick read

Guidance: School workforce planning

A guidance document has been produced for school leadership teams, school business managers and finance directors, executive headteachers, academy CEOs, governors and trustees on school workforce planning. It will help school leaders to review their staff structures regularly, as part of annual school improvement, curriculum and financial planning.

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

Guidance: Schools' buying strategy

Targeted at school leaders and business managers, the DfE has published a school's buying strategy which aims to support schools to save over £1 billion a year by the 2019 to 2020 academic year on non-staff spend and allow them to invest in high quality education.

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

Guidance: Leasing and subscription services for school equipment

The Government has updated its best practice guidance, practical dos and don'ts and its suggestions as to how to find the best value for money agreements for leasing and subscription services for school equipment.

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

Guidance: Convert to an academy: guide for sixth-form colleges

The Department for Education (DfE) has updated the guidance on sixth-form colleges considering becoming a 16-to-19 academy. It will help sixth-form colleges understand if it's appropriate to become an academy and the application process.

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

Collection: Timelines for schools: mandatory and useful information

Spring term 2017 timelines to help Headteachers, principals and governors plan for the academic year ahead have been published. The 'mandatory' and 'useful information' timelines are available for academies, UTCs and studio schools, local authority maintained schools, sixth-form and further education colleges, pupil referral units, independent schools and non-maintained special schools.

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

Consultation outcome: Public sector apprenticeship targets

The Government has published its response to the joint DfE and Business, Innovation and Skills consultation which sought views on which public bodies should be set targets on the number of apprentices working for them.

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

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Guidance: School preference data collections 2017: guide

On 31 January 2017, the DfE issued guide for local authorities with information about the school preference data collections. The guidance includes the scope of the 2 collections, what data to include and how to submit data returns.

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

Guidance: Child sexual exploitation: definition and guide for practitioners

The DfE has produced guidance on the definition of child sexual exploitation, potential vulnerabilities and indicators of abuse and appropriate action to take in response. The guidance should be viewed by people who work with children, including in social care, health, early years and education.

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

Events

Academies: Governance & Growth

Tuesday 14th March 2017, 8.00am – 11.00am, Ward Hadaway's Newcastle office

Thursday 16th March 2017, 8.00am – 11.00am, Ward Hadaway's Leeds office

As the educational landscape continues to evolve and the demand for MATs to develop and grow rises, academies with ambition to grow have much to consider – is their governance structure robust? Does your Trust have the capacity and resource to take on additional schools? What impact will the new health check on MATs make? How important is due diligence? At this free breakfast briefing we will discuss the ways in which academy trusts can grow successfully, whilst also maintaining good governance, and what you need to do to prepare first.

Delivering quality outcomes in multi academy trusts

Wednesday 26th April, 8.30am – 11.00am, Ward Hadaway's Leeds 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.

[Click here](#) to read our summary report of the key topics discussed at our Newcastle event last December.

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Meet the team

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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