

Ward Hadaway – Lawyers for Education

Insight: Education

Your monthly education sector news roundup

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Welcome

Welcome to the March edition of our 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.

Budget 2017: the impact on education

On 8 March 2017, Chancellor Philip Hammond's [Spring Budget](#) revealed the measures which will impact the education sector. The package for the education sector totals over £1 billion. Here we take a critical look at the key announcements made for the sector:

» [£320 million free schools expansion plan](#)

The Government intends to fund up to 140 schools, including independent-led, faith, selective, university-led and specialist maths schools, in order to "give more parents the choice of a good school for their child".

Warnings have been sounded to the Government of the risk of creating "excess capacity" within the system, with some free schools opening in areas in which there are already sufficient places. This could have an effect on the future financial sustainability of the schools in those areas.

The Prime Minister has been accused of "jumping the democratic gun" by setting aside money for new grammar schools prior to a Parliamentary vote on the matter. The outcome of last year's Green Paper – "Schools that Work for Everyone" – which contained the proposal for the expansion of selective schools, is still awaited by the public.

» [£216 million for repairs to school buildings](#)

Provision for school maintenance announced by the Chancellor has also come under scrutiny. A [report](#) by the National Audit Office (NAO) in February 2017 highlighted the "significant challenges" which remain for the Department for Education (DfE) in relation to the quality and capacity of the school estate. The DfE's property data survey estimates that it would cost £6.7 billion to return all schools to a satisfactory or better condition and a further £7.1 billion to bring parts of school buildings from satisfactory to good condition.

Calls have been made for the Government to shift from its "wasteful" spending on "state-of-the-art" free school buildings and invest in the existing school estate which is falling into disrepair. The NAO has recommended that in order for the DfE, local authorities and schools to meet the challenges, the devolved system requires strengthened incentives and mechanisms for ensuring that accountabilities for managing the school estate are clear.

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Round up

» £500 million for technical education

Investment in technical skills and education has been more warmly welcomed and described by the General Director of the CBI as a "breakthrough for skills". The Government intends to increase the number of programme hours of training for 16 to 19-year-olds on technical routes by more than 50%, with the inclusion of a high quality industry work placement. The provision of further education maintenance loans will also support students to continue technical training and create parity with the academic route.

The plans have been hailed as a step in the right direction for a post-Brexit world, in which the UK workforce will require the right skills to successfully compete in the global marketplace.

Notwithstanding the positive reception, commentators have cautioned that the real test will be in effective implementation of the reforms. It has been said, for example, that for the UK to be prepared for Brexit, a rounded funding package covering young people and adults would need to be introduced now so that colleges are not at a "standing-start" when the new technical routes kick in. Moreover, the need for improved local, practical careers and labour market information has been identified in order to inspire young people towards locally available, highly rewarding jobs.

» Free school transport extended

The Government has announced the expansion of the "extended rights" entitlement for children aged 11 to 16, who receive free school meals or whose parents claim Maximum Working Tax Credit. These children will get free transport to attend the nearest selective school in their area.

This measure has been identified as another example of how the Government is failing to address the needs of the majority, by prioritising children who attend grammar schools against a backdrop of cuts, particularly to school transport of disabled children.

An education White Paper is expected imminently which will replace the scrapped "Educational Excellence Everywhere". It is likely to focus on the ambition to create free schools and selective schools.

Undoubtedly, close attention will be paid to how well the White Paper will fit with the Government's [Industrial Strategy](#), which outlines the Government's wider vision for the overhaul of technical education. This is currently under consultation until 17 April 2017. It remains to be seen how well the Government will engage with and overcome the feedback and criticisms following the consultation process.

MAT Report published

A year on from launching its inquiry on Multi-Academy Trusts (MATs), the Education Committee has published its [report](#) on the findings of its investigation. The Committee considered 60 written responses and held five oral evidence sessions. The majority of the evidence was received prior to the Government's shift in policy away from enforced academisation. Nevertheless, in light of the expectation that in five to six years most schools will have converted and joined a MAT, the Committee has urged the Government to "promote expansion that prioritises performance".

The report flags a number of challenges in managing the expansion of MATs, stating that it is "far from clear" if the Government can cope with the predicted degree of growth. Some of the key concerns raised by the Committee include:

» Finding suitable sponsors

The Committee has exposed a "scarcity" of suitable sponsors to run new academies. It highlighted an investigation in January 2017 by Schools Week which found that of the 57 sponsors barred from taking on any more schools, some had actually expanded. The Committee warned the Government to ensure that only quality sponsors could expand and has urged it to investigate claims of trusts flouting bans on expansions.

The Committee also expressed concern at the number of schools missing out on "potentially transformative takeovers" because they are unattractive prospects to sponsors. The report encourages greater support for these schools by the Government playing a more active role in rebrokering through Regional Schools Commissioners.

A spokesperson for the DfE has stated that "growth check" is already in development to ensure that only "good trusts" take on new schools "when they are ready".

» Pressure on the DfE and the Education Funding Agency

According to the report, pushing for more academies would put further pressure on the DfE and the EFA. The Committee has called on the Government to ensure adequate planning and resource over the next six years if schools are expected to keep converting.

» Local authority involvement

The Committee has recommended that the Government encourages local authorities to create MATs. It is currently too premature to determine whether MATs are more successful than local authorities in tackling under-performance. Accordingly, councils with a strong record of educational performance should be allowed to use their expertise within their education department to create MATs, the report says.

In response, the DfE has stated that local authorities are already able to form academy trusts, as long as less than a fifth of those trusts' boards have council links.

» Inspection

The lack of clarity between the responsibilities of Ofsted and Regional Schools Commissioners was said to be "unsatisfactory". The Committee has therefore called for a new MAT inspection framework beyond the current system of "batched" inspections.

Upcoming event

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.

Need to know – your policy and guidance quick read

Guidance: Academies and dedicated schools grant: recoupment

The 2017 to 2018 guide for academies and dedicated schools on the calculation of recoupment has been published by the EFA. The guide helps local authorities understand how the EFA will calculate the adjustment of a dedicated schools grant for eligible academies.

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

Guidance: 30 hours free childcare: eligibility

The DfE has published a short guide setting out the eligibility requirements for 30 hours childcare for parents of 3 and 4 year olds in England.

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

Independent report: Behaviour in schools

An independent report by Tom Bennett entitled "Creating a culture: how school leaders can optimise behaviour" has been published by the DfE. The review highlights strategies school leaders can use to: prevent classroom disruption; maintain good discipline; and promote pupils' education.

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

Open consultation: School loan schemes: changes to criteria

The DfE has launched a consultation on changes to criteria for school loan schemes. Views are sought regarding a proposed revision to the statutory guidance to clarify the criteria around the use of loan schemes.

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

News story: Education Funding Agency and Skills Funding Agency to merge

A written statement by Justine Greening on 28 March 2017 has revealed that a new, single funded agency – to be called the Education and Skills Funding Agency – will carry out the existing roles of the Education Funding Agency and Skills Funding Agency. The body will sit within the Department for Education and begin to operate from April 2017.

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

Press release: Government launches company to create more free schools

On 28 March 2017, the Department for Education announced the launch of LocatED, a new public property company set up to purchase and develop sites to help create 500 new free schools by 2020. LocatED will act on behalf of the Government "to secure the right sites, at the right price".

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

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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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