

Ward Hadaway – Lawyers for Education

Insight: Education

Your monthly education sector news roundup

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Welcome

Welcome to the July edition of our monthly newsletter for those working 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.

What the 2017 General Election result means for education

The loss of the Conservative's Commons majority in the general election on 8 June 2017 has cast doubt on key education promises which were made in the party's election manifesto.

In order to proceed as a minority administration, on 26 June 2017, the Conservatives made a "Confidence and Supply Agreement" with the Democratic Unionist Party (DUP). The Government insists that this agreement will allow it to "deliver a stable government". Essentially the agreement means that the DUP will support the Conservative government in any votes which are critical to the party's survival in office, i.e. votes of no confidence or budgetary votes. In spite of the agreement, passing some key legislation could still be tricky for the Government given the potential for defiance from its own backbenchers.

The Queen's Speech: education policies

The Government's weakened position to achieve its desired legislative agenda was reflected in the [Queen's Speech](#). The speech confirmed the Government's legislative priorities for the next two years but was silent on certain commitments made in the Conservative election manifesto. The fate of many pledges remains uncertain. Pending clarification from the Government, we have outlined the current state of play for education policies:



Likely to go ahead

Only two explicit references to education were made in the Queen's Speech:

» National funding formula (NFF)

The Queen's Speech confirmed the Government's commitment "to ensure that...all schools are fairly funded". However it did not promise any legislation on the Conservative's controversial NFF. It has been reported that Government Ministers may be exploring options to introduce the NFF without the need for primary legislation. Such action would, of course, trigger debate as to how much should be available to pupils and in particular for disadvantaged or low attaining pupils. The Conservative's manifesto pledged to increase funding to £4 billion by 2022. The Government remains under pressure on this issue following criticism that this level would subject schools to real-terms cuts in pupil funding.

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Round up

» Technical education

"Major reform of technical education" was outlined in the Queen's Speech. The focus of this is expected to be the creation of new "T-Levels" based on standards designed by employers. The [background notes](#) to the speech reaffirmed the Government's plans to establish "Institutes of Technology" and to continue with the creation of apprenticeships, "so that employers get access to the skills they need".

One other proposal was not explicitly stated in the Queen's but expressed in the background notes:

» Reform to mental health services

The Government has committed to publishing a Green Paper on Children and Young People's mental health focused on "helping our youngest and most vulnerable members of society receive the best start in life". The Conservative manifesto promised to deliver this document by the end of the year.



Possibly going ahead

There are a number of Conservative education election pledges which do not need necessarily require primary legislation to implement and therefore might be moved forward by the Government. This includes:

- » Ensuring all children have access to an "academic, knowledge-rich curriculum".
- » Introducing a curriculum fund to encourage Britain's leading cultural and scientific institutions, like the British Museum, to help develop knowledge-rich materials for schools.
- » Strengthening literacy and numeracy in the early years.
- » Expecting every 11-year-old to know their times table off by heart.
- » Ensuring that key stage 2 assessments draw from a rich knowledge base and reduce teaching to the test.
- » Improving schools' accountability at key stage 3.
- » Considering how Ofsted can give parents more information on what their children are being taught.
- » The target of 75% of pupils to have been entered for the Ebacc combination of GCSEs by 2022, rising to 90% by 2025.
- » Conducting a review of school admissions policy, working to ensure that a "mandatory lottery-based" policy is never introduced.
- » Prohibiting councils from creating any new places in schools that have been rated either "inadequate" or "requires improvement" by Ofsted.
- » Working with the Independent Schools Council to ensure that at least 100 leading independent schools become involved in academy sponsorship or the founding of free schools in the state. The option of changing the tax status of independent schools, if progress is not made, would be kept open.
- » Introducing new funding arrangements to enable the opening of a specialist maths school in every major city in England.
- » Offering forgiveness on student loan repayments and bringing in dedicated career support for new teachers, in order to help them remain in the profession.
- » Providing greater support for teachers in the preparation of lessons and marking, including through the use of technology; reducing unnecessary paperwork and the burden of Ofsted inspections.
- » Requiring universities wanting to charge maximum tuition fees to become involved in academy sponsorship or the founding of free schools.

*Unlikely to go ahead*

Two controversial Conservative manifesto pledges were noticeably omitted from the Queen's Speech and thus, it appears, have been scrapped from the Government's agenda:

» **Grammar schools**

The Conservatives had planned to lift the ban on new grammar schools, subject to conditions such as allowing pupils to join at ages other than eleven. Formerly the flagship policy, it seems to have been dropped in recognition of the unlikelihood of the proposal making it through the House of Commons.

» **Scrapping free school meals for all infants**

Scrapping free school lunches for all infants and replacing them with free breakfast for all primary school children was part of the Conservatives' scheme to achieve funding commitments. The policy was widely opposed and it seems that due to its weakened position it has been scrapped from the Government's programme.

A degree of clarity has been provided by the Queen's Speech in that it confirms the plans which the Government intends to progress. However it has also left a raft of uncertainty regarding its previous manifesto commitments which it has failed to mention. It is hoped that more clarity on these issues will be provided by the Department for Education in the coming months ahead.

Mental health training for teachers

On the 27 June 2017, the Government announced a first step towards moving forward with one of its manifesto promises: the reform of mental health services for young people. £200,000 of government funding will help to deliver a programme of training for teachers and staff to identify and respond to early signs of mental health problems among pupils.

The programme will be delivered by the social enterprise Mental Health First Aid. Teachers will receive practical advice on how to deal with issues such as depression and anxiety, suicide and psychosis, self-harm and eating disorders. The programme will create "Mental Health First Aid Champions", who will share their knowledge of mental health across the school and wider community.

The Government received criticism after originally claiming that the £200,000 funding would reach 3,000 staff, "covering every secondary school in England". It later clarified the plan, explaining that the budget covered 1,000 staff in the programme's first year, extending in years two and three to cover all secondary schools. Although the Government has committed to extended the training to all primary schools by the end of the parliament, it has not made clear whether further funding will be available.

The plan has been welcomed as an important first step in tackling mental health problems in young people. However commentators have stressed that the long waiting times for child and adolescent mental health services must be addressed if the programme is to have an impact. There is a concern that without boosting existing resources, the Government's efforts will fail to tackle what is already recognised as a growing crisis.

"The proposals are not even a sticking plaster. There seems to be no additional money for schools...and more importantly, no money for the specialist services we need to be available to refer students to when they have a mental health problem."

RACHEL GOOCH
SUFFOLK COUNTY COUNCIL

"Even if there is more awareness of the issue, if there's nowhere to refer to teachers are left holding an issue they're not trained to deliver help for."

EMILY FRITH
EDUCATION POLICY INSTITUTE

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Events & quick read

Upcoming event

Education law update

[Wednesday 11th October 2017, 8.00am – 10.30am, Ward Hadaway's Newcastle office](#)

[Wednesday 18th October 2017, 8.00am – 10.30am, Ward Hadaway's Leeds office](#)

Our next education breakfast seminar 'Education Law Update' takes place in October and will be a general update on topical subjects such as HR issues and safeguarding. Further details to be announced, however, if you would like to reserve an early place at the session please click on the links above to attend the Newcastle or Leeds seminars.

Need to know – your policy and guidance quick read

Guidance: Academy conversion: important dates

The DfE has updated the documents explaining the deadlines for schools wanting to open as an academy in a chosen month. It has added important dates from October 2017 through to March 2018.

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

Guidance: Adult education budget funding rules 2017 to 2018

The Education and Skills Funding Agency (ESFA) has set out the adult education budget (AEB) funding rules for the 2017 to 2018 funding year (1 August 2017 to 31 July 2018). The rules apply to all providers of education and training who receive AEB from the Secretary of State.

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

Guidance: School performance: 2017 point scores for KS4 qualifications.

The DfE has published a spreadsheet listing the point values for every key stage 4 qualification in the school performance tables. This allows comparison of qualifications which are of a different level, size and grading system.

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

Guidance: School performance: 2017 point scores for 16 to 18 qualifications

A spreadsheet listing the point values for every 16 to 18 qualification in the school performance tables has been published by the DfE, allowing comparison of qualifications which are of a different level, size and grading system.

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

Guidance: Preventing bullying

The DfE has updated its guidance for schools on preventing and responding to bullying with the inclusion of information on how schools can support children and young people who are bullied.

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

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Quick read

Legislation: Home Education (Duty of Local Authorities) Bill 2017 (HL Bill 11)

The first reading of the Home Education (Duty of Local Authorities) Bill took place in the House of Lords on 27 June 2017. The Bill makes provision for local authorities to monitor the educational, physical and emotional development of children receiving elective home education. It proposes, for example, an annual review by a social worker on every home schooled child.

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

Letter to academy trust accounting officers: June 2017

Peter Lauener, chief executive of the ESFA, has sent a letter to accounting officers of academy trusts setting out all academy sector financial returns that the ESFA requires from trusts through to the end of the summer term 2018.

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

Consultation outcome: Allowing schools to hold spare adrenaline auto-injectors (AAIs)

The outcome of the consultation on changing the law to allow schools to hold spare AAIs, without prescription, has been published. The Department of Health received an "overwhelmingly supportive" response to changing the law.

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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