

Ward Hadaway – Lawyers for Education

Insight: Education

Your monthly education sector news roundup

In this issue:

Is there a new wave of 'no-frills' private schools on the horizon?

Head of the Education Skills Funding Agency warns Chief Executives to be 'curious and sceptical'

Councils revealed to be disproportionately charging academy conversion fees

Official figures show that more children are on track to be fluent readers in primary school

Monthly policy and guidance quick read

Welcome

Welcome to the October edition of our 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](#).

Is there a new wave of 'no-frills' private schools on the horizon?

In September, the first "no-frills" private school opened in Durham. The Independent Grammar School: Durham, has opened its doors, after a year-long delay, to children from reception to year four. Parents will pay £52 a week for a "traditional private education", without some of the added extras such as extra-curricular activities. The founder of the school James Tooley said that he expected 65 pupils to attend and three teachers have been hired.

Does this new system have a future?

James Tooley, school founder and professor of education at Newcastle university has been called the 'brain child' of the school in Durham and he is of the opinion that these institutions can offer a great option for parents who want a private education for their children but cannot afford the fees which average at £15,000 - £17,000 per pupil per year.

However, teaching unions have been vocal in their opposition to the school and the possibility of more similar schools opening in the future, explaining that it simply can't be possible to provide a quality education on such a low budget. Joint secretary of the National Education Union Kevin Courtney said he fears that the school will fail, which would result in these pupils being adversely affected at such a vital point in their education journey. Furthermore, some have argued that this is merely an experiment and they are using children as "guinea pigs".

Nevertheless, despite the controversy, a second 'no-frills' private school is in discussion for North London and could open in two years. Sophie Sandor, a previous employee at two right-learning think tanks is working to promote the school and explained that investors are being sought and a site in north London has been targeted.

Sandor explained that the potential of these new "no-frills" schools is "probably limitless". She believes that they could be of particular benefit to the areas where the poorest state school options are. A low cost private school could open up in the area, to ensure children in the area have a viable education option. Furthermore these schools could help to fill the gap of pupil number increase and schools being stretched beyond their capacity.

Insight: Education

Round up

Head of the Education Skills Funding Agency warns Chief Executives to be 'curious and sceptical'

Head of the Education and Skills Funding Agency (ESFA) Eileen Milner has warned that Academy Trust Chief Executives need to be vigilant and watch out for inappropriate behaviour in their organisations.

Chief Executives must apply "a degree of both curiosity and scepticism" to ensure budgets are being used as intended. Members in charge of academy trusts are reminded that as accounting officers they are responsible for using taxpayers' money and this should be used wisely.

The advice has been given in the wake of the information revealed about Bright Tribe. New trustees at the troubled Trust are investigating allegations of repeated false claims for building and maintenance grants. Milner revealed that a review of the trusts' accounts found the main areas of non-compliance were related-party transactions where there is a pre-existing connection with a company. This included procurement and tendering, financial reporting to managers and trustees and weak independent checks within the trust.

Milner also added as a reminder to trusts, that they must be transparent, proportionate and justifiable in the way they set executive pay. This is in the wake of a list of trusts being challenged by the Government for their level of executive pay.

New requirements

Academy trusts face a range of new reporting requirements enforced by the new Academies Financial Handbook, which Milner explained would help ensure scandals like the one Bright Tribe is currently embroiled in will not happen again. This sets out:

- » All party-related transactions must be declared in advance; further any payments of more than £20,000 must be approved by the ESFA;
- » The reason the trust made the decision to choose a supplier must be recorded following a fair competition;
- » Trusts will have to prove that no-one in their organisation had a personal interest in a deal; and
- » Trusts will have to report in their annual accounts which employees received annual full-time equivalent pay of more than £100,000.

Councils revealed to be disproportionately charging academy conversion fees

The number of councils charging fees for the conversion of schools has rapidly increased since 2015, now more than half of councils impose fees on schools that convert to academy status. Last year councils took in around £1.7 million in fees from school conversions. Whereas in 2013, only seven local authorities charged schools for converting and now only 51 councils and local authorities do not charge for academy conversions.

An even bigger issue lies with the disproportionality of the fees being charged across the local authorities. At the lowest figure, Medway council in Kent charged one school £289 to convert, whilst Derby council charged three schools £40,000 because of the PFI agreements attached to the schools.

Some councils charge a flat rate such as Oxfordshire which charges £6,000 per conversion but estimates each conversion costs around £12,000. Some councils make a distinction between those converting by choice and those being forced to convert. Newcastle council charges for all conversions except schools forced to convert.

Trust members have stated that these council fees can often dig into a schools core budget, taking funding away which should go towards pupils. Trusts have been forced to try and negotiate with councils to reduce these charges.

Councils have justified their stance on imposing charges, explaining that on top of council funding cuts there are large costs in the administration required, including transferring payrolls, management information systems and land to the new trust as well as the legal fees involved. Thurrock council explained that charges were introduced to make up for funding cuts and to allow conversions to happen in a timely manner.

Russell Dalton Chief Operating Officer of a MAT in Worcester has called for a greater level of transparency from local authorities particularly in relation to conversion costs, stating that if academies have to be transparent in relation to how public money is used, so too should local authorities. The Department for Education has explained that they are attempting to combat this by working with the sector to reduce costs, and they have also published guidance on this for schools and academy trusts.

Insight: Education

Round up

Official figures show that more children are on track to be fluent readers in primary school

Figures released this month have revealed that 163,000 more 6-year-olds are on track to become fluent readers since 2012. This large increase is the result of the Department for Education's shift in focus to phonics centred teaching. In 2012 the phonics screening check was introduced and these figures prove that the transition to a focus on phonics have been a successful move.

The figures also revealed that the proportion of pupils reaching the expected standard in phonics was 82% in year 1, an increase of 1 percentage point from last year and up 25 percentage points since 2012. England has now risen from 19th place in 2006 to joint 8th in the world reading league table (PIRLS).

Why has phonics been so important?

Phonics involves children learning to read by sounding out and blending letters to create words. The method teaches children how to decode letters into their sounds, a skill which is essential for them to read unfamiliar words themselves. This provides children with a more structured building block to allow them to read fluently and confidently.

The use of phonics along with the introduction of a more rigorous national primary curriculum and the hard work of teachers has not only improved the total number of readers, it has also resulted in the attainment gap between disadvantaged primary pupils and their more affluent peers reducing by 10.5% since 2011.

Commentary

School Standards Minister Nick Gibb said on the situation:

"This is a huge achievement, improving the lives and education of hundreds of thousands of children but we remain determined to make sure that not just most children, but every single child is able to meet his or her potential."

Education Secretary Damian Hinds praised the new focus on phonics in its success at getting more children to be fluent leaders and he highlighted the fact that the government "cannot afford a let-up" on these statistics, it must use its best efforts to maintain and improve these figures.

Need to know – your policy and guidance quick read

[School attendance: guidance for schools](#)

The Department for Education has issued its guidance relating to the use of pupil registers and attendance codes. It also includes guidance for schools for setting school hours as well as term dates.

[Increase participation in advanced maths in schools](#)

The Department for Education has released a support programme to help increase participation in post-16 maths education. The advanced mathematics support programme provides CPD, resources and support to improve teaching to help increase participation.

[Automated external defibrillators \(AEDs\) in schools](#)

This guidance details how schools and academies can buy, install and maintain an automated external defibrillator. It also provides details on how to use the defibrillator.

[Support for teaching phonics and early reading](#)

The Ruth Muskin Read Writ Inc. programme helps schools improve literacy through the teaching of phonics and early reading. It is available to school rated 'requires improvement' or 'inadequate' by Ofsted, are in an opportunity area and those who have not had in-school Read Write Inc. phonics training or development days in the last 2 years.

Insight: Education

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.

Your key contacts



Tim Care
Partner | Public Sector & Academies
E: tim.care@wardhadaway.com
T: 0191 204 4224



Frank Suttie
Partner | Commercial
E: frank.suttie@wardhadaway.com
T: 0113 205 6783



Paul Scope
Partner | Employment
E: paul.scope@wardhadaway.com
T: 0191 204 4352



Fiona Wharton
Partner | Head of Charities
E: fiona.wharton@wardhadaway.com
T: 0191 204 4219



Alex Shiel
Partner | Head of IP/IT
E: alex.shiel@wardhadaway.com
T: 0191 204 4296



Graham Vials
Partner | Employment
E: graham.vials@wardhadaway.com
T: 0191 204 4383