



Spring ½ TERM UPDATE 2019

Ofsted Updates

New Education Inspection Framework

January 2019 saw Ofsted open its consultation on the proposed Education Inspection Framework (EIF) due to be implemented in September 2019.

It is proposed that the overall effectiveness judgement will be supported by four specific judgements:

- **Quality of Education** – which specifically focuses on the provider’s curriculum in the context of:

Intent

- leaders adopt or construct a curriculum that is ambitious and designed to give all learners, particularly the most disadvantaged, the knowledge and cultural capital they need to succeed in life.
- learners study the full curriculum with providers teaching a full range of subjects for as long as possible, ‘specialising’ only when necessary.

Implementation

- teachers have good knowledge of the subject(s) and courses they teach with leaders providing effective support for those teaching outside their main areas of expertise.
- teachers and leaders use assessment well, for example to help learners embed and use knowledge fluently or to check understanding and inform teaching. Leaders understand the limitations of assessment and do not use it in a way that creates unnecessary burdens for staff or learners.

Impact

- learners develop detailed knowledge and skills across the curriculum and, as a result, achieve well. Where relevant, this is reflected in results from national tests and examinations which meet government expectations, or in the qualifications obtained.
- learners are ready for the next stage of education, employment or training. They read widely and often, with fluency and comprehension.

- **Behaviour and Attitudes**

- the provider has high expectations for learners’ behaviour and conduct and applies these expectations consistently and fairly.
- learners have high attendance and are punctual.
- relationships among learners and staff reflect a positive and respectful culture. Learners feel safe and do not experience bullying or discrimination.

- **Personal Development**

- the curriculum extends beyond the academic, technical or vocational and provides for learners’ broader development, enabling them to develop and discover their interests and talents.
- the provider prepares learners for life in modern Britain by: equipping them to be responsible, respectful, active citizens who contribute positively to society; developing their understanding of fundamental British

values; developing their understanding and appreciation of diversity; celebrating what we have in common and promoting respect for the different protected characteristics as defined in law.

- **Leadership and Management (which includes Governors)**

- those responsible for governance understand their role and carry this out effectively. They ensure that the provider has a clear vision and strategy and that resources are managed well. They hold leaders to account for the quality of education or training
- those with responsibility for governance ensure that the provider fulfils its statutory duties, for example under the Equality Act 2010, and other duties, for example in relation to the 'Prevent' strategy and safeguarding.

Inspectors will continue to always comment on the effectiveness of safeguarding within the provision being inspected.

Detail has not yet been provided on whether the nine criteria specifically related to governance in the current Inspection Framework will be amended for the new EIF. That level of detail has not been provided in the draft consultation documentation.

The consultation closes on the 5th April 2019 and can be accessed [here](#). This includes access to the consultation and the supporting documentation: the draft EIF; the draft inspection handbooks for Early Years, Schools, Non-Association Independent Schools and Further Education and Skills; and the research that has informed the development of the criteria in the EIF.

Academy Updates

Excessive Executive Pay

The start of February saw the parliamentary undersecretary for schools, Lord Agnew, write to the Chair of Trustees in twenty eight academy trusts, seeking, clarity on how they propose to address the issue of high executive pay. Lord Agnew reiterates the DfE's continued focus on high pay in academy trusts, stating that "it is a divisive issue, diverting financial resources that are more effectively deployed to the front line of education" and that decisions on executive pay "must be proportional and defensible to the public sector market and should reflect value for money."

In his letter, Lord Agnew has outlined three "simple and helpful principles" that Trust Boards should considering when setting the pay of its most senior employees:

1. the educational performance of the Trust;
2. ensuring the Trust's effective financial performance and a healthy, balanced budget; and
3. the number of pupils being educated in the Trust and the degree of challenge in the roles of the highest paid.

The twenty eight Trusts have been requested, as a matter of urgency, to update the DfE on how they propose to address the issue of high pay within their Trust and provide Lord Agnew with a range of information for those individuals earning more than £100K: basic salary; contractual notice period; performance-related pay and other bonuses awarded during the financial year; pension contributions and payments in lieu of pension

contributions, including information on participation in the Teacher Pension Scheme, the Local Government pension scheme, or both; non-taxable benefits that are available only to senior members of staff; and other remuneration and the cost to the provider of providing each type of remuneration.

Public Accounts Committee (PAC) report on academies

A new PAC report into academy accounts and performance has concluded that the governance of academy trusts must be strengthened. In 2017/18, the DfE provided £20Bn of funding to academy trusts and more than half of the pupil population is now educated in academy trusts. In order to ensure more rigorous oversight over the academies system, the PAC's report made several findings and recommendations including:

1. **Academy trusts do not make enough information available to help parents and local communities understand what is happening in individual academy schools.**

Recommendation: The ESFA should include in the Academies Financial Handbook 2019 requirements for academy trusts to make available financial information at school level and to be transparent about governance and decision-making at all levels of the trust.

2. **The Department is not adequately meeting the needs of users in presenting financial information about academy trusts.** The PAC recommended in March 2018 that the DfE should publish more analysis in the academy sector annual report and accounts (SARA), including a comparison of the financial performance of academy trusts of different sizes and geographical areas. Whilst the DfE has included some additional analysis in the latest annual report, it is not the breakdowns the PAC requested.

The Department presented analysis in the annual report and accounts on academy trusts' cumulative deficits which draws attention to how many trusts are in significant financial distress. It should do more to explain the financial sustainability of the academies sector as a whole, for example by presenting analysis of trends in in-year deficits to explain whether and why a growing number of trusts are spending more than their annual income.

Recommendations: The Department should:

- write to the PAC by March 2019 setting out the work it has done to understand better who the users of the academy sector annual report and accounts are and what information they need.
- the Department should include in the annual report for the academy schools sector for 2017/18 an analysis of the financial performance of academy trusts of different sizes and geographical locations, and an analysis of trends in trusts' in-year deficits as well as cumulative deficits.

3. **It is not clear to whom parents can turn when they need to escalate concerns about the running of academy schools and academy trusts.** The DfE requires trusts to have complaints procedures and there is a right of appeal to the Department. However, the DfE cannot confirm that appropriate arrangements for complaints are in place in all academy trusts. Parents whose children are in stand-alone schools are more likely to feel that their views are heard than those in multi-academy trusts.

Recommendation: The Department should:

- by the start of the 2018/19 school year, ensure that all academy trusts have published complaints procedures, including a named individual for parents to escalate concerns to; and
- by March 2019, make clear and easily accessible the name and contact details of whom in the Department parents should turn to if their concerns are not addressed adequately by the academy trust.

4. **Where there have been serious failings at academy trusts the Department has not had an effective regime to sanction the academy trustees and leaders who were responsible.**

Recommendation: The Department should write to the PAC by March 2019 to set out what sanctions it has imposed to date and explain how it plans to strengthen the sanctions regime to deter, punish and

prevent malpractice. In strengthening the sanctions regime, the DfE should work with the Charity Commission, Companies House and the Insolvency Service.

5. **The ESFA is not sufficiently transparent about the results of inquiries into concerns about the financial management and governance of academy trusts.** Whilst the ESFA regularly conducts investigations and reviews into academy trusts' financial management and governance, the results of these inquiries are not always made public and, where they are published, there can be lengthy delays.

Recommendation:

- The ESFA should publish, within two months of completing the work, the results of its inquiries into concerns about the financial management and governance of academy trusts.

6. **Neither Ofsted nor the Education and Skills Funding Agency assesses the impact of funding pressures on the quality of education and the outcomes schools achieve.**

Recommendation: As part of its school inspections, Ofsted should examine and report on whether the quality of education and the outcomes schools achieve are being adversely affected by the need to make savings.

7. **Nearly a quarter of schools have still not provided the information that the Department needs to understand fully the extent of asbestos in school buildings and how the risks are being managed.**

Recommendation: In March 2019, the DfE should name and shame those schools which did not meet the February 2019 deadline and which have therefore repeatedly failed to respond to its asbestos management survey.

The PAC inquiry heard from witnesses from Bright Tribe Trust and Durand Education Academy where a catalogue of high-profile failures have taken place in recent years. The PAC report concludes that such failures "have been costly to the taxpayer and damaging to children's education with some academy trusts have misused public money through related-party transactions and paying excessive salaries."

The full findings and recommendations from the PAC [here](#).

Kreston Academies Benchmark Report

The eighth Kreston Academies Benchmark report has recently been published. This year's survey received responses from over 350 Trusts, representing over 1,000 schools. The report warns that "further spending reductions will be hard to achieve, and that future funding uncertainty could begin to hit the way in which education is provided". Schools have already made significant cuts due to financial constraints, including to staff, and secondary schools have felt the biggest impact so far. Without further investment on the core revenue budget, funding pressures will not be managed without a negative impact on the quality of education provided.

Whilst the full benchmarking report can be accessed [here](#), key highlights include:

- The financial position of the sector has been challenging, but 2018 could probably best be described as a steady financial year in uncertain economic times.
- Trusts continue to show deficits with 50% showing an in-year deficit, before depreciation, for the year ended 31st August 2018 which is slightly reduced from the 55% reported in 2017.
- Although reserves are still falling, with in-year deficits being lower on average than last year, the sector can now survive for longer than the 2-3 years that the report's authors extrapolated last year. Based on the evidence collected for this report and given the current level of in-year deficits, the report's authors are now estimating that the sector has 5-6 years' worth of reserves remaining.
- 7.7% of Trusts demonstrated cumulative deficits for 2018, compared to 5.9% in 2017.
- Average cash balances have increased from £1.72M in 2017 to £1.84M in 2018.

- Trusts are faced with future uncertainty as well as maintained schools. Whilst in the short term the increase in teachers' pay and pensions has been or will be funded by the DfE, there is no guarantee of this income post 2020. There has been little change to non-staff costs, implying that many significant savings have already been made, and many Trusts have made difficult decisions over restructuring, often resulting in redundancies and a reduced workforce.
- That said, the use of Integrated Curriculum Financial Planning is helping Trusts in a number of areas, particularly staffing.
- Income per pupil has remained relatively consistent with more than 95% coming from central and local government; staff costs have remained steady at 72% of the total cost base.
- Trusts that responded to this report named:
 - changes in government funding which made schools financially unviable; and
 - changes in teachers' pay and conditions which were unfunded
 as two of their biggest risks. More than 80% of respondents had these as part of their top five risks in their risk registers. Yet less than 50% had a risk associated with poor exam results.
- The uncertainty ahead over income streams, such as high needs funding, causes significant budget pressure in Trusts, with Local Authorities dealing with the allocation of this funding in different ways, causing confusion. More certainty over income streams would be welcomed by the sector and would make it easier to budget more accurately.
- There continues to be a shift in emphasis with respect to how a Multi-Academy Trust is run with some now operating on a far more commercial basis. To enable financial governance to continue to improve, and financial efficiencies to be found, the report's authors argue that it is essential for MATs to become more centralised. This will, in turn facilitate GAG pooling which will enable MATs to 'look after' the financially weakest schools in the system
- The average number of schools within a MAT has increased from 3.5 to 5.6 in just two years. Furthermore, 20% of respondents expect to add five plus more schools to their MAT structure in the next twelve months.

Financial Notices to Improve

A number of common themes continue to be highlighted in the Financial Notices to Improve which have been issued to academy Trusts this half term. FNTI can be issued to Trusts by the ESFA for a wide range of issues, including weaknesses in financial management, control and governance. Common themes continue to include:

- Ineffective action around Related Party Transactions
 - Disclosing related party transactions, including in the financial statements;
 - Not providing the associated services at cost;
 - Inconsistency in declaring conflicts of interests in Trust Board meetings; even when declaring such conflicts, the meeting minutes not showing that the affiliated Trustee left the room and did not participate in discussions.
- Consultants fulfilling the role of Chief Financial Officer, off payroll, for more than six months. This raises concerns that the Trust has not ensured that its senior employee's payroll arrangements fully meet their tax obligations. Furthermore, in one particular case, the consultant carrying out the CFO role was also the Trust Chair, resulting in a lack of appropriate separation at board level and representing a clear conflict of interest.
- Pecuniary and Business Interest Registers not being up to date on Trust websites.
- It is the DfE's view that the most robust governance structures will have a significant degree of separation between the individuals who are Members and those who are Trustees. The DfE's recommendation is for a Majority of members to be independent of the Trust Board. Yet, a number of Trusts continue without this

recommended separation with one Trust where three of the four Members listed on GIAS were also Trustees.

- Agreed procurement procedures were still not followed with instances identified of CEO's appointing without following due and agreed process.
- The ESFA, and the Get Information About Schools (GIAS) system, not being updated on a timely basis when Trustees left or were appointed to the Board – this must be done within fourteen days of the Board movement.
- Trustee records held at Companies House did not align with what was recorded on GIAS or disclosed on the Trust's website.

New Model Articles of Association

Both the Catholic and Church of England Academies Model Articles of Association have recently been updated on the DfE website. The latest versions can be accessed [here](#)

Assessment

New research exploring the fairness of Progress 8 as a school performance measure

The University of Bristol has recently published a paper which looks at its research into the fairness of "Progress 8" as a measure of secondary school performance. The DfE argue that Progress 8 is a fair measure as it accounts for school intake attainment differences in pupils' Key Stage 2 test scores. However, Progress 8 ignores school intake differences in all other pupil background characteristics, which the University of Bristol team believes predict why some schools score higher at GCSE than others.

Their research compared the DfE's 2016 Progress 8 measure with an 'Adjusted Progress 8' version which accounts for pupil age, gender, ethnicity, English as an additional language, special education needs, free school meal status, and residential deprivation. The results show that schools' Progress 8 scores, differences in average scores between regions and different school types all change dramatically once adjustments are made for pupil background. This leads to very different interpretations and conclusions about education in England.

Whilst the research report can be read in full [here](#), the report's key findings were:

- The DfE's decision to ignore pupil background when comparing schools is in stark contrast to both the academic literature and practitioner commentaries, both of which argue that such adjustments should be made when holding schools to account.
- The high average Progress 8 score seen in London more than halves when pupil background is adjusted for. This is principally due to these schools teaching high proportions of high progress ethnic groups. In contrast, the low average Progress 8 score seen in the North East increases substantially after adjustment due to the high proportions of poor pupils taught in this region.
- Other dramatic changes are seen for grammar schools and faith schools whose high average Progress 8 scores reduce substantially once the educationally advantaged nature of their pupils is considered. In contrast, the low average pupil progress seen in sponsored academies increases once the disadvantaged nature of their pupils is recognised.
- Progress 8 effectively punishes schools teaching high proportions of disadvantaged pupils for the national underperformance of these groups.

- Progress 8 can, therefore, be argued to give too much emphasis to schools rather than Government or society, as primarily responsible for the national underperformance of these groups. This is in contrast to the research group's adjusted Progress 8 figures.

The research group then go on to highlight potential Government policy implications from their research on the Progress 8 score:

- The many well-known statistical issues with all attempts to measure school performance, not to mention more general concerns with perverse incentives introduced by high-stakes testing, suggest the DfE and Ofsted should place far less emphasis on Progress 8 when holding schools to account.
- Given the importance of pupil background in driving schools' scores, the Government should revise their current school league tables to include an adjusted Progress 8 measure side-by-side with Progress 8 to present a more informative picture of school performance.
- In this case, the DfE should provide users with greater insight as to why schools achieve the scores they do, accompanied with a more detailed explanation as to the limitations of using such scores for school accountability.
- Adjusting for pupil background would see the national league table rankings of over one-fifth of schools change by over 500 places.
- Adjusting for pupil background would lead 40% of schools judged 'underperforming' under the current Progress 8 progress measure to move up out of this banding.

ESFA changes rules on post-16 maths and English GCSE resits

The Education Skills and Funding Agency has recently altered the funding conditions for pupils aged 16-19 who are required to re-sit their maths and English GCSEs. Previously, a condition of this funding was that, if a Year 11 pupil achieved a grade 3 or below in their maths and/or English GCSE, they were required to re-sit the qualification(s) until they achieved at least a grade 4 or they left compulsory education aged 18.

The new rules now mean that pupils who achieved a grade 2 or below (or are studying part-time post-16 and achieved a grade 3 in their GCSEs) will be able to either resit their GCSEs or "study towards a pass in functional skills level 2". However, those who achieved a grade 3 in their Year 11 maths and/or English GCSE, and are studying a full-time post-16 course, will still be required to re-sit their GCSE(s) until they achieve at least a grade 4.

This change follows concerns raised by the Association of College Leaders (ASCL) following last year's GCSE results. One of ASCL's primary concerns was that those pupils "who did not achieve a grade 4 (in maths and/or English GCSE)... face(d) the grind of compulsory resits" despite the fact that "the percentage of pupils attaining each grade is more or less fixed by a system known as comparable outcomes". This means that roughly the same proportion of pupils will not reach grade 4 each year, putting low attainers at risk of having to take continuous resits.

STEM subjects at Key Stage 4

The DfE has published the findings of a study into attitudes towards STEM subjects at KS4, based on gender. The report finds that there were significant gendered difference in attitudes towards STEM and non-STEM subjects amongst KS4 pupils. Whilst the full findings of the study can be read [here](#), the report's key findings include:

- Proportionately, female pupils were less likely to rank a STEM-related subject first for enjoyment - 32% compared to 59% of males.
- Female pupils were also less likely to consider themselves to be best at a STEM subject - 33% compared to 60% of males.
- When asked about which subjects were most likely to lead to a future job, 69% of male pupils named a STEM subject compared to 51% of females.
- More males (36%) than females (23%) felt that mathematics was most likely to lead to a job in the future; the most common answer for female pupils was English.
- Like male pupils, the majority of females thought that STEM subjects were most likely to lead to higher paid jobs (77% compared to 81%). Science was thought to yield the highest salary by both genders - 31% of males, 39% of females.
- Males were more likely to plan to take a STEM subject at A level, with the exception of biology -26% of males compared to 34% of females.
- The largest difference in planned take-up of a STEM subject at A level was for physics (30% male, 8% female) and IT (16% compared to 3%).

Concerns that deaf pupils are being let down

The National Deaf Children's Society (NDCS) has recently expressed its concerns that deaf children in England are falling behind their classmates from primary school through to GCSE as well as a lack of funding for additional specialist teachers. The NDCS's analysis, based on attainment data, highlighted that:

- The attainment gap between deaf children and those with no SEN first becomes apparent as early as Key Stage 1 where only 53% of deaf pupils achieved the required standard compared to 84% for hearing pupils.
- 57% of deaf children fail to reach expected levels in reading, writing and maths combined at the end of Key Stage 2 compared with 26% of children with no SEN.
- Only 30.6% of deaf children achieved a GCSE strong pass (Grade 5 or above) in both English and maths, compared with 48.3% of children with no special educational needs.
- The average Attainment 8 score (how well pupils do across eight core subjects at GCSE) for deaf children was 39.2 compared to an average of 49.8 for those with no SEN.
- Based on this analysis, the NDCS predicts that it will be at least 21 years before the attainment gap can be closed.

Updates to the Ofsted Inspection Dashboard Summary Reports

Updated Ofsted Inspection Dashboard Summary Reports (IDSRs) can now be found on the Analyse School Performance website. The IDSRs now include updated early years (final), Key Stage 1 (provisional), Key Stage 2 (revised), Key Stage 4 (revised), destinations (revised) and post-16 (provisional) data. As clearly highlighted in the Governance Competency Framework, it is an expectation underpinning effective governance, that all Governors, and not just the nominated data Governor, are able to review and understand assessment information and use it to ask questions of the senior leadership team.

Resources Updates

Checklist of Potential Fraud Indicators

One of the core functions of any Governing Board is to oversee financial performance of the organisation and to make sure money is well spent. To support schools in ensuring effective financial performance, the DfE has compiled a list of indicators and risk factors associated with potential fraud, which can be accessed [here](#)

The indicators have been categorised into the following areas:

- Personal motives for fraud
 - Personnel believe they receive inadequate compensation and/or rewards (such as, recognition, job security, vacations, or promotions);
 - Expensive lifestyle (such as cars or trips);
 - Personal problems (such as gambling, alcohol, drugs or debt);
 - Conflicts of interest; and
 - Disgruntled employee (such as being recently demoted or reprimanded).
- Organisational motives for fraud
 - Organisation experiencing financial difficulty;
 - Organisational governance lacks clarity, direction, or substance;
 - Sudden change in organisational practice or pattern of behaviour;
 - Organisation under pressure to show results (such as budgetary matters or exam results)
 - Organisation recently suffered disappointment/ consequences of bad decisions; and
 - Organisation recently affected by new and/or changing conditions (such as regulatory, economic or environmental).
- Weaknesses in internal controls
 - Management fails to specify and/or require appropriate levels of qualifications, experience, or competence for employees;
 - Management displays a penchant for risk taking risks;
 - Lack of an appropriate organisational and governance structure with defined lines of authority and reporting responsibilities; and
 - Organisation lacks policies and communication relating to individual accountability and best practices.
- Transactional indicators
 - Related party transactions with inadequate, inaccurate or incomplete documentation or internal controls;
 - Previous audits with findings of: questioned costs; evidence of non-compliance with applicable laws and or regulations; weak internal controls; a qualified audit opinion; and an inadequate management response to any of the aforementioned;
 - Multiple sources of funding with: inadequate, incomplete or poor tracking; failure to segregate funds; and/or existence of pooled funds; and
 - Unusual, complex or new transactions, particularly if occur at year end, or end of reporting period.
- The possible methods used to commit and/or conceal fraud
 - Employee indicators such as: eagerness to work unusual hours; access to/use of computers at unusual hours; reluctance to take leave/seek support; insistence on doing job alone; and refusal of promotion or reluctance to change job;
 - A general lack of transparency about how the organisation works, procedures and controls; and

- Fabricated explanations to support inability or unwillingness to evidence transactions/assets (such as stated computer failure/loss of electronic data or stated theft of business records/assets).
- Record keeping/banking/other
 - Documents: missing documents; documents are copies, not originals; documents in pencil; altered documents; and false signatures/incorrect person signing/no authorisation where it would be expected;
 - Deviation from standard procedures (for example, all files but one handled a particular way; or all documents but one included in file);
 - Excessive and/or poorly evidenced journal entries, unable to provide explanations for journal entries;
 - Transfers to or via any type of holding or suspension account;
 - Records maintained are inadequate, not updated or reconciled;
 - Use of several different banks, or frequent bank changes; use of several different bank accounts; and
 - Failure to disclose unusual accounting practices or transactions

Teacher Pension Contributions

As a result of a recent treasury review of public sector pension schemes, teacher pension contributions will rise from 16.48% in 2018/19 to 23.6% for the period 1st September 2019 to 31st March 2023. The Government estimates that, for 2019/20, this increase will cost state-funded schools £830M and Further Education institutions £80M.

The DfE is proposing to “provide funding towards” the £830M and the £80M for state-funded and FE institutions respectively for the costs incurred in 2019/20. However, funding beyond 2020 would be dependent on the Government’s spending review scheduled for next year. Without targeted funding support, this increase in teacher pension contributions will further squeeze already stretched school budgets. Watch this space!

Teacher Supply Costs

The DfE has recently published an online tool, using the Crown Commercial Service, which signposts schools to a list of local agencies providing the type of worker they are seeking. These agencies will be sorted by the rates they charge, making it easier for schools to find the best deal for them.

This online tool can be accessed [here](#)

In addition, the DfE is continuing its rollout of the [Teaching Vacancies](#) service (a free service), with schools in Lancaster & West Yorkshire and East Midlands & Humber now being invited to use the service. The rollout is planned to finish next month when schools from the West Midlands and South West England will be invited; schools in all other regions can already post vacancies on this service.

The DfE’s Teacher Recruitment and Retention Strategy

The DfE has recently released its teacher recruitment and retention strategy, the aim of which is to ensure that teaching continues to be an attractive and rewarding profession by tackling the most prominent concerns and professional obstacles faced by teachers and school leaders. The strategy was developed collaboratively with teachers, headteachers, representative bodies, teachers’ unions, initial teacher training providers and leading experts.

The strategy outlines four key areas where focus, investment and reform can have the biggest impact on improving teacher recruitment and retention. Whilst the strategy can be read in full [here](#), the four key priorities of the strategy are:

Priority 1: create the right climate for leaders to establish supportive school cultures

- The key to this priority is reforming the current school accountability system.
- In particular, the DfE will radically simplify the system, consulting on making Requires Improvement the sole trigger for an offer of support, thereby replacing floor and coasting standards.
- The new Ofsted framework will have an active focus on reducing teacher workload, with inspectors considering staff workload as part of the leadership and management judgement. They will also look unfavourably on schools that implement burdensome data practices and will refuse to look at internal assessment data.

Priority 2: transform support for early career teachers

- The DfE is launching the Early Career Framework, which will underpin a fully-funded, two year package of structured support for all early career teachers, alongside funded time off-timetable in the second year of teaching and additional support for mentors.
- The DfE will introduce phased training bursaries, with staggered retention payments to encourage good people to remain in the profession, as well as to join.

Priority 3: build a career offer that remains attractive to teachers as their careers and lives develop

- The DfE will develop specialist qualifications to support clearer non-leadership career pathways for teachers that want to stay and excel in the classroom.
- The DfE will invest in these new and existing leadership qualifications and will do so disproportionately in challenging schools.
- The DfE will support headteachers to transform approaches to flexible working in schools.

Priority 4: make it easier for great people to become teachers

- The DfE will launch a new discover teaching initiative, giving as many people as possible the opportunity to experience the unique opportunities that a career in teaching provides.
- The process for becoming a teacher will be simplified, introducing new digital systems designed to make application much easier and more user-friendly.
- The DfE will review the initial teacher training market to support it to work more efficiently and effectively.

News in Brief

BBC report on council overspend on SEND

Data from a series of Freedom of Information requests by the BBC has revealed that, across 123 Local Authorities, spending on children and young adults with complex needs is £324M over budget.

In response to growing pressures, the Government has pledged an additional £250M to fund extra support, as well as a further £100M dedicated to creating new school places. However, according to the BBC, councils are reporting that “funding has not kept pace with the growth in extra support”.

The shortfall has forced many LAs to draw on reserves or to appropriate funds from elsewhere in their education budgets in order to provide the support necessary to match an 11% increase in Education, Health and Care plans in 2017/18 alone. Other solutions include eliminating the need for out-of-area placements through the creation of specialist local units. However, the long term savings associated with such measures still hinge on sufficient funding being provided, which will be considered as part of the next Government spending review.

February 2019 also saw a High Court ruling provide further evidence that councils and schools are struggling to meet the needs of high needs pupils due to funding restraints. The Local Authority in question was found to have placed a child with significant SEND requirements into a school that was deemed to be unsuitable. The child in question had previously attended a mainstream school in a different LA which accommodated the child's communication and sensory requirements. The school chosen to enrol the pupil into felt that it was not equipped to meet the pupils' needs, with the LA then subsequently amending the EHCP, including dropping many of the previous provisions for the child. Furthermore, although the school requested an extra £40K in funding, just over half the amount was offered. After the school's appeal to the Secretary of State was rejected, the High Court subsequently ruled that the selected school was likely to be unsuitable.

The TES has also obtained figures from the DfE under a Freedom of Information request which further highlighted the impact of the current funding crisis in schools. It was found that 20 councils had approached the DfE to transfer funding from the "schools block" to the "high needs" block (see also Bromley's local news section) in order to pay for SEND provisions. TES also reports that, in the councils concerned, the LA schools' forums' were against the move.

Both of these stories reflect the current pressures on the high needs funding in schools. Whilst the Government's £250M investment over two years to help meet the needs of pupils with SEND is welcome, nearly three quarters of respondents to the School Governance in 2018 survey stated that high needs funding is insufficient and the Local Government Association has previously projected a £536M shortfall in funding for SEND support for 2018/19.

School Complaints Procedures

January 2019 saw the DfE publish its *Best Practice Advice for School Complaints Procedures 2019*. The guidance, which includes a model complaints procedure can be accessed in full [here](#), but key points include:

- This guidance is for maintained schools, including nurseries, only. That said, whilst the guidance is not directly applicable to academies and free schools, due to the differing governance layers, the guidance is still worth reading by academy and free school Boards to ascertain the key principles.
- The expectation is that schools should adopt the best practice recommendations, only applying alternative processes if they have a good reason to do so and can demonstrate this reason.
- Schools must have a complaints procedure, tailored to the specific school – a guidance document is not legally enough.
- The procedure that should be followed for complaints against the Head, Chair of Governors and the whole of the Governing Board.
- Whilst the school is free to choose how many stages are included in their complaints procedure, the DfE recommends two, with the second being the Governor Review Panel.
- Legal representation is not recommended for either party although the DfE acknowledges that there may be instances where legal representation may be needed.

- Guidance is provided on the audio recording of proceedings, other than by the Clerk.

DfE Consultation: Identifying Schools for Improvement Support

The DfE is seeking views on its proposals for a clearer, simpler approach to identifying schools that may benefit from an offer of support to help improve a school’s educational performance. Specifically, the DfE is proposing that:

- All schools judged as ‘Requires improvement’ by Ofsted will be eligible for support;
- Schools with two consecutive RI judgements will be eligible for more intensive support; and
- To simplify accountability, the DfE is also proposing that floor and coasting data standards are removed.

The consultation, which closes on the 25th March 2019, can be accessed via

<https://consult.education.gov.uk/inspection-and-accountability-division/identifying-schools-for-improvement-support/>

The DfE has also just published guidance on the support that is available for schools which have been identified as coasting or below the Government’s floor standards but not judged as Inadequate by Ofsted.

Measure	Ofsted inspection judgement	Tier of support
Below floor, coasting or below the 16 to 18 minimum standards	Not judged as Inadequate	1
Below floor, coasting and 16 to 18 standards do not apply	Requires Improvement	1
Eligible for tier 1 support and has 1 or more previous published Ofsted ratings	Requires Improvement from last 2 Ofsted inspections	2
Eligible for tier 1 support with no previous published Ofsted rating	Requires Improvement from most recent Ofsted inspection	2

Tier 1 – the school will get up to three days’ free advice from a designated National Leader of Education (NLE) or equivalent. The NLE will work with senior school/trust leaders to:

- help them identify what their improvement needs are;
- agree on an action plan; and
- help them access school improvement resources.

Tier 2 – the school will get up to three days’ free advice from a designated NLE or equivalent with up to £16K of funded support to address the needs identified by the NLE.

All eligible schools will receive funding by the end of the 2020 spring term with the Teaching Schools Council co-ordinating the support and matching NLEs to appropriate schools.

DfE plans for Character Education Benchmarks

February 2019 has seen the Secretary of State, Damian Hinds, state that character and resilience are as crucial to young people's future success as academic qualifications. Mr Hinds has laid out the five Foundations for Building Character and pledged to work with schools and external organisations to help every child access activities within each of those foundations. The five foundations are:

1. Sport – which includes competitive sport and activities such as running, martial arts, swimming and purposeful recreational activities, such as rock climbing, hiking, orienteering, gym programmes, yoga or learning to ride a bike.
2. Creativity – this involves all creative activities from coding, arts and crafts, writing, graphic design, film making and music composition.
3. Performing – activities could include dance, theatre and drama, musical performance, choir, debating or public speaking.
4. Volunteering & Membership – bringing together teams for practical action in the service of others or groups, such as volunteering, litter-picking, fundraising, any structured youth programmes or uniformed groups like Beavers, Brownies, Cubs, Guides, Scouts, Cadets and the Duke of Edinburgh.
5. World of Work – practical experience of the world of work, work experience or entrepreneurship. For primary age children, this may involve opportunities to meet role models from different jobs.

To make this happen the Education Secretary announced:

- Plans for an audit of the availability of out of school activities across the country, to help understand where more focus is needed to increase access and choice. The Government will also work with organisations to look at how it can support greater provision in areas where it is limited.
- A call on businesses and charities to offer more work experience and volunteer placements to young people.
- Relaunching the DfE's Character Awards, which highlight innovative or outstanding programmes that develop a wide variety of character traits including conscientiousness, drive and perseverance, as well as virtues, for other schools to learn from. These were first set up by Nicky Morgan but dropped by Justine Greening, the previous Education Secretary, in 2017.
- A new advisory group, led by Ian Bauckham (who led the work to update the Relationships, Sex and Health Education guidance for schools) will develop a new framework to help teachers and school leaders identify the types of opportunities that will help support their pupils to build character. The framework will also provide a self-assessment tool for schools to check how well they are doing.

Alongside this work Mr Hinds also underlined the significance of pupils learning about the importance of positive personal attributes, such as self-respect and self-worth, honesty, courage, kindness, generosity, trustworthiness and a sense of justice, as part of the new Relationships, Sex and Health Education curriculum.

This announcement follows a series of recent activities to help schools focus on more than just academic achievement. These include:

- Ofsted's plans to introduce a new Education Inspection Framework that will specifically look at how schools will ensure a child's education is about more than just exams;

- A £2.5M programme with the British Council to ensure more children, particularly those from disadvantaged backgrounds, are able to go on school exchanges and benefit from the opportunity of experiencing other cultures first hand; and
- New research by the Social Mobility Commission looking at the impact of extra-curricular activities on social mobility. This research will help ensure the most effective practices are scaled up and targeted at the areas that need them most.

Post-16 Transport and Travel support to Education and Training

This half term has seen the DfE issue statutory guidance for Local Authorities with respect to post-16 transport and travel support to education and training. This means that Local Authorities must have regard to this guidance when carrying out their duties with respect to developing their transport policy and publishing their transport policy statements for young people of sixth form age and adults aged 19 and over (including those with an Education, Health and Care plan) in education and training.

Whilst there have been no key changes to the 2017 statutory guidance, which this now replaces, changes have been made to:

- Further clarify the sixth form age and adult duties, including clearer explanation of when each applies;
 - Include good practice suggestions; and
 - Provide additional annexes containing an example Local Authority Transport policy template, information on compliance checks conducted by the department and Frequently Asked Questions.
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