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SCHOOLS
WEEK

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In January, with a general election in the offing, we launched 'The Sector's Manifesto' – a series of articles from expert sector leaders with specific, experience-informed proposals to improve education.

The feature had phenomenal feedback. And, more importantly, many of the policies came to shape the major parties' own manifestos, and they continue to inform the new government's approach.

Today we launch a new sector-led series: the Curriculum Conversation.

It will maintain the principles that guided its political predecessor, and harness the sector's expertise. But this time it will aim to inform the work of the ongoing review led by Becky Francis of curriculum and assessment.

The series opens with a powerful article by curriculum impresario Christine Counsell. Looking back on 35 years of sector leadership in the field, during which a fair few such reviews have come and gone, Counsell sets out the common traps they have fallen into – and the best bets for meaningful improvement.

And just to be clear: this isn't a place for passionate pleas about what schools

should teach. No hobby horses. No lazy lobbying. No political pressure.

Instead, over coming weeks and months, we will turn to curriculum and assessment experts across the sector with track records of impressive practice in specific areas, by key stage, across a variety of settings, and in terms of inclusion and diversity.

Not only do we want to help provide some solutions, we want to help readers really understand the nitty gritty of some of the problems the review is trying to resolve.

Our aims, as ever, are to foster productive and informed conversation, to represent the voices of the sector, and to shape policy that works.

■ Usually during October, we have one week out of edition. However, from this year on we will have two weeks out of production, meaning your next **Schools Week** will drop in your inbox on **Thursday, November 7**. Fear not – you're not losing out on an edition, we've instead tagged this on in July. As always, we'll still have all the latest news at www.schoolsweek.co.uk

Most read online this week:

- 1** [Ex-head denies off-rolling at Educating Greater Manchester school](#)
- 2** [SEND: Backlash and legal threats as inclusion push turns sour](#)
- 3** [Labour set for academies support staff pay showdown](#)
- 4** [DfE scraps £1.6m key stage 1 SATs paper opt-out scheme](#)
- 5** [Trust gets notice to improve after school blaze](#)

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See stories on page 6 and 7

NEWS: BUILDINGS

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Repeated review of new buildings irks councils

FREDDIE WHITTAKER

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EXCLUSIVE

Councils in need of special school places have expressed “unease” over the need for a repeated review and approval of new building projects, saying any further delays risk provision opening late.

A senior Department for Education official this week confirmed the new administration was “working through urgent decisions and taking time to understand those”.

Bracknell Forest in Berkshire was one of 30 council areas selected last March to receive a new special free school in wave three of the programme.

‘Unease’ of special school reviews

At the Education Estates conference in Manchester this week, a council official asked Jane Balderstone, the DfE’s director of construction delivery, what was happening.

He said the project had been “going fine...the lawyers are all happy, but four weeks ago we were told the minister has called everything in so they can’t even give us a start date now”.

“If that’s true, when will we know that our project can go forward? The big trouble we’ve got for that is if it drags on we will have a problem delivering those spaces to young people when they’re needed.”

Balderstone replied that it was “genuinely a case of working through urgent decisions and taking time to understand those as a new government”.

Grainne Siggins, from the council, said that “due to government changes, this scheme is required to be re-presented to ministers for approval”.

“Bracknell Forest Council is currently awaiting the outcome of this review, and a response is expected imminently.”

Lincolnshire was one of 16 areas selected in March this year to receive a new special free school in wave four of the programme.

At the conference, Eileen McMorro from Lincolnshire County Council also asked for an update.

“Local authorities have a sense of unease at the moment, because it feels very quiet. So just wondered if there was an update.”



‘In the long term, we want to rebalance our approach’

Balderstone said there was not, but “we’re working through those, as you would expect, and we will come back to colleagues as soon as possible”.

Martin Smith, the council’s assistant director for children’s education, said it “took this opportunity” to ask for reassurance that the new school’s importance was recognised and that progress would be made soon.

Labour commits to projects

Stephen Morgan, the minister in charge of school estates, this week recommitted the new administration to continuing with the school rebuilding programme and annual condition funding awards.

It comes after the BBC reported that of more than 500 schools selected for rebuilds, contracts had been awarded for just 62.

Asked if rebuilds would go ahead as planned, Balderstone said for schools given indicative start dates it was “still our plan that we will come to those schools around those indicative start dates”.

Tim Warneford, an academy funding consultant, said: “My sense is in absolutely every

area, whether it’s school rebuilding programme, whether it’s RACC projects, whether it’s special projects, anything that you name, there seems to be an absolute dearth of comms.

“It may be, to be fair to them, that they just want to lift up the bonnet and understand what’s going on.”

He said there was a “ton of goodwill” for the new government’s agenda, “but at some stage, the elephant in the room is a £15 billion backlog funding requirement”.

In 2021, the DfE estimated repairing or replacing all defects in England’s schools would cost more than £11 billion. That figure is likely to have increased, with the National Audit Office last year warning of a £2 billion annual gap in funding.

“We would hope at some stage that we would be communicated with in terms of ... what we can expect,” Warneford said.

Labour said little during the election campaign and since about how it will approach capital funding, with much of it hingeing on the budget and spending review later this month.

According to reports, chancellor Rachel Reeves is weighing up whether to change fiscal rules to

Continued on next page

NEWS: BUILDINGS

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unlock extra borrowing to provide more capital cash for projects such as schools and hospitals.

CIF under review

But the new government has ordered a review of the system for maintenance funding to schools, as concerns grow that the current set-up is “too complicated”.

Officials are also working on a “education estates management portal” to bring together its interactions with trusts and councils over site issues behind a “single front door”.

Dr Jonathan Dewsbury, the department’s director of education estates and net zero, told the conference on Monday it knew there was “room for improvement” in how the condition improvement fund (CIF) and the school condition allocation (SCA) programme functioned.

Asked whether CIF was working, he said the government was “really keen to make sure that consistency of funding continues. But I think our conversations with the sector and with responsible bodies, in particular those small trusts that access CIF, it’s perhaps too complicated and not in some places as accessible as it needs to be.

“That’s what we need to work through and work out a better way of thinking through that



Dr Jonathan Dewsbury

type of programme.”

Lindsay Harris, the deputy director of education estates, said the DfE in the next year would look at the “whole mix of how we provide maintenance funding, SCA and CIF”.

He said the 2025 CIF round, which will open shortly, would follow “roughly the format that it’s taken in recent years. Then we’ll be reviewing in parallel for 2026 onwards, but I don’t know what that will look like yet.”

Morgan told the conference the government was “committed to improving the condition of

school buildings through annual funding, fixing the problem of RAAC and continuing the school rebuilding programme”.

But he said that, “as demographic shifts in the coming years, the estate will have to serve new requirements”.

That meant “thinking beyond just rebuilding. In the long term, we want to rebalance our approach, prioritising sustainable maintenance and retrofit for energy efficiency and climate resilience.”

FREDDIE WHITTAKER | @FCDWHITTAKER

‘High bar’ for new estates improvement notices, says official

The bar for trusts and councils issued with new notices to improve school estates will be “very high”, and only if they are failing to engage with the government, an official has said.

The academy trust handbook was updated this year to state that notices to improve may be issued to chains that fail “to manage their school estate and maintain it in a safe working condition strategically and effectively”.

The change prompted concern that trusts could be penalised for issues caused by a lack of capital funding.

The matter was raised several times with Department for Education officials at the Education Estates conference in Manchester this week.

Asked what the “likely threshold” for intervention would be, Lindsay Harris, the department’s deputy director for education estates, said it would be “pretty high”.

He said the update was added to “signal to trusts that estate management is a core part of their responsibility. It’s a legal responsibility. Trusts need to be managing their buildings in the same way they need to be managing their finances.

“I think there would be a very high bar for issuing a notice to improve, and it would only be in cases where a trust was failing to engage with the department.”

Over the past year, the RAAC crisis forced the government to engage with all responsible bodies – councils and trusts – in England.

“We did come across instances where we found it very difficult to get basic information,” said Harris, although he admitted he was talking about “a tiny minority of responsible bodies”.

The “vast majority” were responsive and “on their game. They know what they’re doing.”

But the ability to issue notices to improve would be “there in the back pocket for those rare cases where we’re simply not getting engagement on estate management, which is not acceptable.”

Pressed further at a later session, Harris said: “Our expectation is that it will be extremely rare cases where we would use this.”

“It’s not quite like financial documents where there are a series of clear things, returns that trusts have made to the department, and it’s much easier to say ‘you haven’t met your responsibilities’.”

He pointed to the government’s “good estates management for schools” guidance, known as GEMS.

But he said it was “not a standard that you can measure people on”.

NEWS: BUDGETS

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Schools must be reimbursed for any NI hike, say unions

SAMANTHA BOOTH

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EXCLUSIVE

Ministers have been told any imminent national insurance hikes must be fully funded for schools, as some trusts put aside cash just in case it isn't.

Reports this week suggested the government will increase NI contributions for employers when it presents its first budget at the end of this month.

The BBC said this could be done by charging NI on an employer's pension contributions, currently exempt.

Daniel Kebede, the general secretary of the National Education Union, said it was "incumbent on the chancellor to protect schools and other public services from a further wave of cuts".

Chancellor Rachel Reeves "should reimburse public sector employers for additional costs, and at the same time use money raised from the private sector to increase funding for public services", he said.

Damien McNulty, the national salaries official at the NASUWT, said any unfunded additional costs "would exacerbate a school funding system that is



Rachel Reeves

already fully stretched".

Bellevue Education Trust has already begun making "contingencies" for unfunded rises.

Mark Greatrex, its chief executive, said it was "scenario planning" a 1.25 per cent rise, equivalent to tens of thousands of pounds.

"We're adding that into our assumptions for our individual school budgetary arrangements. If schools have got the reserves in their individual budgets then that's fine, but if they don't ... or if their in-year budget is quite close, they might have to find some adjustments to be able to afford this increase."



Daniel Kebede

Bev Matthews, the chief executive of the Minerva Learning Trust, said if it was unfunded the trust would have to cut funding for "curriculum resources, trips, visits, all the additional services we've put in place to address issues with behaviour and attendance.

"It minimises what we can do in all these areas. It's basically money away from additional services for children."

The government has previously funded similar rises, covering rises in employer pension contributions and the abandoned health and social care levy.

But this was just for state schools, meaning private schools may not be shielded from any rise – which would also come as VAT is whacked on to their fees.

David Woodgate, the chief executive of the Independent Schools' Bursars Association, said it would be a "further tax that schools would have no choice but to pass on to parents".

When quizzed about NI reports this week, education secretary Bridget Phillipson said she would not "engage in speculation", but "recognised the pressures that have been there in recent years."

LUCAS CUMISKEY | @LUCAS_CUMISKEY

New law mustn't rule CEOs are 'support staff', DfE told

Trust chief executives and central team staff currently fall within the broad definition of support staff under the government's flagship employment rights bill, lawyers have warned.

While Labour has said it will later consult on which staff are captured under the bill, it has only said this will include "whether some or all central team staff in academies should be excluded".

Legislation to reinstate the school support staff negotiating body (SSSNB) was introduced last week.

The government wants to establish national terms and conditions, career progression routes and fair pay rates.

However, the legislation will also apply to academies, curtailing some of their current pay freedoms.

But the current definition of school support staff is wide-ranging. The bill defines them as anyone "employed by the proprietor of an academy under a contract of employment

providing for the person to work wholly at one or more academies".

Jean Boyle, head of education at Stone King, said it was currently unclear whether senior trust roles – such as chief executive, finance and operating officers – would fall under the SSSNB's remit.

Central teams also have a plethora of other senior roles, including education directors, estate managers and school improvement leaders.

Boyle said: "I don't know whether the legislation was drafted purposely to exclude central staff, or purposely to include central staff. It's really confusing."

The Department for Education said it intended to "consult on the categories of people who should be excluded from the SSSNB's remit prior to making secondary legislation".

This would include "whether some or all central team staff

in academies should be so excluded".

In a briefing to members, seen by Schools Week, Leora Cruddas, the chief executive of the Confederation of School Trusts (CST), said the "exclusions must apply to central teams in trusts".

"The bill sets out very broad arrangements for the school support staff negotiating body, with the intention of providing more precise details in secondary legislation after consultation, so we don't yet know exactly what the impact will be.

"We are talking to school trusts to understand potential practical implications, The CST will work with the government, other employer representatives, and the trades unions on this over the coming months."

The confederation has already warned the government that trusts should be exempt from having to follow national pay for support staff.

At present they do not have to follow national rates for teachers.



Leora Cruddas

Suicide risk over SEND funding confusion, coroner warns

CHAMINDA JAYANETTI

@SCHOOLSWEEK

A coroner has warned Bridget Phillipson that schools are delaying applications for education, health and care needs assessments because they have misunderstood the rules – increasing the risk of suicides.

The warning follows an inquest into the death of Jennifer Chalkley, who was 17 when she took her own life in 2021.

The inquest found that an inadequate education health and care plan (EHCP), and failures in children's mental health services and systemic multiagency failures contributed to her death..

However, the inquest also heard that Howard of Effingham School in Surrey, where she was enrolled until 2020, had delayed making an application for an EHC needs assessment after misunderstanding the rules.

The school's SENCO told the inquest: "We are required to prove that we have put up to £6,000 of support in place before applying. This is guidance that we are given by Surrey."

Senior coroner Richard Travers said evidence "suggested that this belief was widespread amongst schools, colleges and others, both in and beyond Surrey".

But he said the SEND code of practice stated that youngsters with special needs "must be identified as soon as possible so that their needs can be assessed and met as soon as possible".

He made clear that the school's errors about the financial rules were a "genuine misunderstanding", and that it had tried to help and support Jennifer within the system as it understood it.

But in a prevention of future deaths (PFD) report, published on Monday, he warned: "I am concerned that the misunderstanding by schools and colleges is delaying or preventing applications for statutory



assessments being made in some cases, thereby acting as a barrier to ensuring all children and young people with additional needs are receiving effective support as soon as possible.

"I am concerned that this creates or increases the risk of avoidable suicidality developing."

Surrey County Council has updated its guidance to make clear schools do not have to spend £6,000 before applying for an EHC needs assessment.

But the PFD report said that evidence received from a local college showed the misunderstanding persisted.

Travers wrote that the error likely stemmed from England's school and early years finance regulations, which set the high-needs costs threshold at £6,000.

"I am concerned that the misconception persists nationally and that ... action is needed to ensure that all schools and colleges understand, clearly, that spending an additional £6,000 on a child is not a prerequisite to applying for a statutory assessment."

Margaret Mulholland, a SEND and inclusion specialist at the Association of School and College Leaders, said she was concerned "about the notional SEN budget and believe it could be a source of

confusion".

Some councils "may ask for proof of spending" over a certain threshold but this was not a legal requirement.

"There desperately needs to be more investment in the SEND system to ensure decisions are being based on the needs of children rather than available funding."

The Howard Partnership Trust, which runs Howard of Effingham School, did not respond to a request for comment.

The Department for Education and Surrey County Council are required to respond to the PFD report by December 9.

Clare Curran, Surrey's cabinet member for children, said they have "emphasised that swift assessment and support to meet a child's needs is paramount". But she added "further national efforts may be needed to prevent similar misunderstandings elsewhere".

DfE did not respond to a request for comment.

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INVESTIGATION

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Special needs tribunal costs spiral to £13m

SAMANTHA BOOTH

@SAMANTHAJBOTH

EXCLUSIVE

The Department for Education had to pay the courts more than £13 million last year so it could deliver SEND tribunals.

The payment is nearly double that of the year before and another example of the ballooning costs of the special needs system.

Record numbers of parents are appealing council refusals to issue education, health and care plans (EHCPs), with nearly all winning their tribunal cases.

Warren Carratt, the chief executive at Nexus MAT that runs 16 special schools, said: "How long until we get a realistic assessment of the full cost of the SEND crisis in this country?"

"Then we can start to invest in a new way that is resourced more realistically so that it can rebuild trust and reduce the costs – financial and human – that the current dysfunctions are only driving upward at an exponential rate."

Courts may publish decisions

Schools Week can also reveal the judiciary is considering changing the rules to speed up tribunal decisions.

Some parents wait almost a year for a hearing, with children sometimes not in school. Delays can also mean schools are not getting funding to provide the right support.

Meanwhile, the courts are also exploring publishing anonymised decisions on individual cases to try to make the system more transparent.

SEND tribunals rule on decisions such as councils refusing to issue an EHCP or a parent disagreeing with the school named on it.

Roughly £13 million was sent to HM Courts and Tribunals Service (HMCTS) in 2023-24, analysis of DfE expenditure shows.

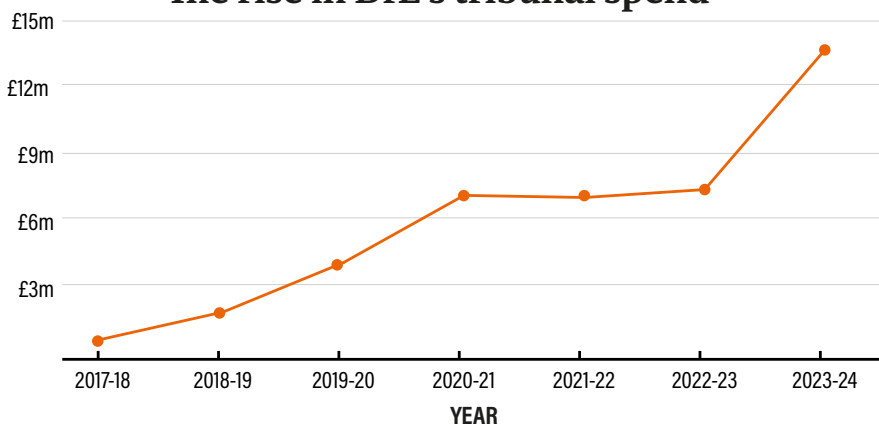
This is almost double the £7.2 million paid in 2022-23, and way above the £600,000 in 2017-18.

The department said most of this spend was for administering SEND tribunals, a cost split between it and HMCTS.

Carratt added it felt like another example of public money being thrown at the symptoms "rather than investment being made to remedy the root cause".

A total of 13,658 appeals were registered in 2022-23, up nearly 25 per cent from 2021 and more than

The rise in DfE's tribunal spend



Source: DfE Source: Analysis of DfE spend over £25,000 E

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300 per cent since 2014. Latest quarterly figures also suggest another big rise.

But in 2022-23, just 136 of the 7,968 appeals that went to a hearing upheld decisions by councils – a measly 1.7 per cent.

A study by ProBono Economics estimated councils "wasted" £46.2 million on tribunals in 2021-22 alone.

'Tackle the problem at source'

Matt Keer, an expert at the Special Needs Jungle website, said an appeal was "often the last line of accountability for families desperate to have their children's needs met".

"The best way to reduce this cost to the public purse is to tackle the problem at source: to fund, incentivise, and compel local authorities to make lawful SEND decisions."

A Local Government Association spokesperson said councils were struggling to cope with the rise in EHCPs.

"We find ourselves with a system weighted down by legal disputes through tribunals and an over-reliance on special schools due to a loss of parental confidence that mainstream schools can meet their children's needs."

It wants the government to build more capacity for pupils with additional needs, "sustainable" long-term funding and for councils' high-needs deficits to be written off.

The judiciary does not publish SEND tribunal outcomes. However, a spokesperson told Schools Week it was "exploring publishing anonymised decisions on individual cases" to "provide more transparency and learning for stakeholders".

Catriona Moore, a policy manager at the legal

charity IPSEA, said this "would be a good way of demonstrating, clearly and transparently, the application of relevant legal tests that local authorities could learn from."

Separately, the tribunal procedure committee is consulting on increasing the number of appeals that can be determined by a review of documents, rather than a hearing.

It says on average, cases decided at a hearing take 33.75 weeks, compared with 14.89 for those taken on paper. Appeals registered in March 2024 were being listed for February 2025.

While parents ask for the decision to be made without a hearing in 90 per cent of refusal appeals, councils only agree in 20 per cent of these.

LA's 'exploiting system'

The committee said that by withholding consent, the local authority could delay any final outcome that might involve its resources "to comply with the statutory deadline to complete the EHC needs assessment".

In the "interests of justice, it was appropriate that the local authority ought not to be in a position to delay the case".

Keer suggested this was the "closest that any public body has come to suggesting that local authorities are exploiting the SEND tribunal system to delay decisions and spending".

The consultation closes on December 5.

A DfE spokesperson said the government "is determined to deliver change" and "urgent work is already underway to ensure more children are getting earlier and better support to thrive in education".

ANALYSIS: SEND

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SEND spend spotlight: the 4 graphs keeping Labour up at night

The National Audit Office is expected to publish its report on the cost and performance of the special needs system in England next week. It will put SEND spend in the spotlight right before the budget and spending review later this month. *Schools Week* looks at four of the most pressing concerns ...

The £2.5bn timebomb set to explode in 2026

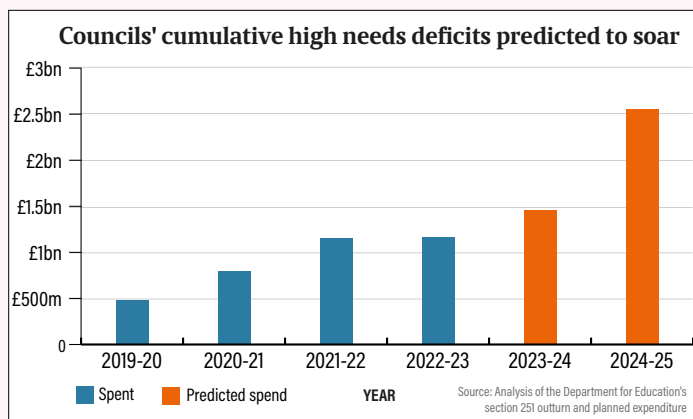
Councils are predicting a deficit on their dedicated schools grant of £2.5 billion in 2024-25, up from £1.4 billion in 2023-24.

These are estimates, so actual spend could vary. But the further rise presents a very worrying outlook.

At present councils have accounting immunity, which means they can keep these ballooning deficits off their books – known as a statutory override.

This was due to end in 2023, but the Conservative government had to extend it until 2026 after ten councils said putting the deficits back on to their balance sheets would effectively make them bankrupt.

Now half of councils say they could be insolvent within three years and a quarter within a year if it was removed, a survey by ISOS Partnership has found.



Record funding, but outcomes not improving

Despite councils falling into deficit – the high-needs budget has increased by a huge 65 per cent in the past five years to a record £10.3 billion.

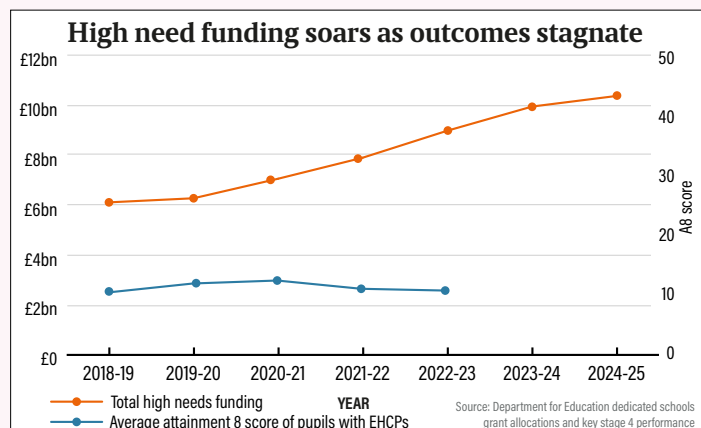
However, there is little evidence to suggest outcomes for SEND pupils are improving.

Measuring outcomes for such pupils isn't straightforward. But at key stage 2, the percentage of pupils with an education health and care plan (EHCP) achieving the expected level in reading, writing and maths has stagnated at about 7 to 8 per cent since the SEND reforms.

This compares to a rise from 62 per cent to 70 per cent for pupils without special needs, the analysis found.

At key stage 4, the gap between SEND pupils and their peers "has remained stubbornly large and shows no evidence of closing", the partnership warned.

Given the wider funding blackholes Labour said it has inherited, this effectiveness of this increased spend is undoubtedly under close scrutiny.



Costly private SEND school spend soars 200 per cent

The extra cash is being eaten up partly because councils are increasingly using expensive private special schools.

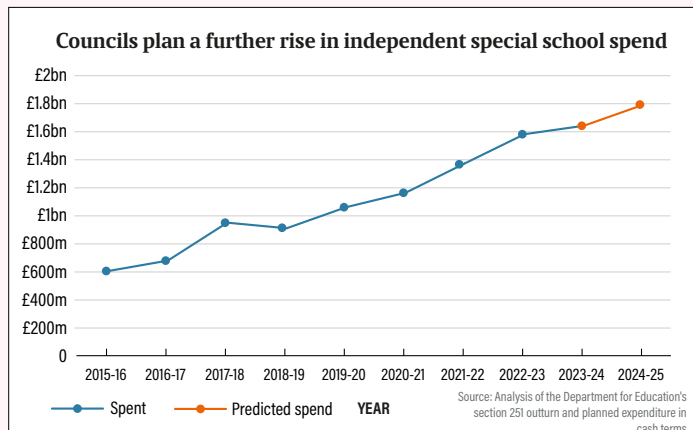
Councils predict they will spend £1.7 billion on independent provision in 2024-25, a 206 per cent rise from the £576,000 spent in 2015-16.

On average, a place in an independent special school costs double what it does in a state school.

A *Schools Week* investigation last year found some private schools are run by companies

backed by private equity investors and a Middle East sovereign wealth fund who are making millions as state school provision bursts at the seams.

The previous government has since told some cash-strapped councils to rein in spend on independent special schools. But unless money can be found to build new state schools – or incentivise mainstream schools to be more inclusive – then it's hard to see how this will change.



£1.2bn bailouts, just 1 council deficit wiped

Thirty-eight councils with the biggest SEND deficits have signed up to controversial "safety-valve" deals.

The government gives them bailouts to help get spending under control, but only if they commit to introduce sweeping reforms. Others are facing legal cases from parents.

One council refused to sign a deal, saying the proposed cuts would essentially force it to break the law over the support it is required to provide.

Since 2020, bailouts totalling more than

£1.2 billion have been promised. They are usually paid in intervals over five to seven years, and are dependent on councils meeting cost-cutting targets. Five have already been suspended because councils were not able to hit targets.

However, the Department for Education's top civil servant, Susan Acland-Hood, admitted in May that only one council – the London borough of Richmond upon Thames – has been able to eliminate its deficit.

£1.2bn
IN GOVERNMENT
BAILOUTS FOR SAFETY
VALVE COUNCILS OVER
A DECADE

Just
1 council
HAS REMOVED
THEIR DEFICIT

NEWS: CEO PAY

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37 trusts hit in new 'outlier' CEO pay crackdown (but £455k deemed OK)

JACK DYSON

@JACKDYDS

Thirty-seven academy trusts have been named as part of the government's outlier chief executive pay crackdown – but the MAT whose boss earns almost £500,000 a year isn't one of them.

Schools Week revealed earlier this year that the Department for Education will resume naming and shaming the chains under scrutiny because of high wages.

Officials on Thursday released the list of trusts that the Education and Skills Funding Agency (ESFA) wrote to last November for having the "highest executive pay". The letters were sent under the previous government.

Previously, they were issued to trusts paying staff more than £150,000, but this has been in limbo since mid-2020.

The new approach instead compares the pay of chief executives with organisations of a "similar size and type".

To calculate the outliers, the ESFA initially grouped trusts by type and pupil numbers "to minimise bias".

Officials then worked out those in the top 5 per cent of highest-paid executives overall and "as a proportion of general annual grant funding".

The new approach aims to ensure "that decisions about pay represent good value for money [and] are defensible relative to the public sector market".

"We have a duty to ensure that academy trusts, as autonomous bodies, uphold high standards of transparency and accountability," the ESFA said.

"Compliance with the academy trust handbook (ATH) is a condition of every academy trust's funding agreement."

The trusts were asked "for evidence of how, when setting executive pay, the trust complied with conditions set out in the ATH 2023". However, the webpage has since been deleted.

A spokesperson for St Cuthbert's Roman Catholic Academy Trust –



one of those named and shamed – stressed that former chief executive Ged Fitzpatrick, who was paid at least £280,000 in 2022-23, "has now left".

While recruiting for his replacement, the MAT was "mindful of ESFA guidance and a full benchmarking exercise was undertaken. The new CEO's salary is now in line with ESFA expectations."

Meanwhile, the Eveleigh Link Academy Trust said its chief executive, Joseph Figg, was on a secondment "with a nearby academy trust who at the time were without a CEO", which "inflated" his pay.

The DfE later told the Paradigm Trust and Northampton School for Boys, that their approach to executive pay adhered to academy rules.

Controversially, the Harris Federation, whose Sir Dan Moynihan is England's best-paid trust chief, was not on the list. Last year his minimum salary rose for the first time since 2018-19, from £455,000 to £485,000.

The trust has two other unnamed members of staff earning between £230,000 and £250,000. A DfE spokesperson said it would "continue to challenge executive pay where it is neither proportionate nor directly linked to improving pupil outcomes".

But the department did not say how many of the 37 trusts it took further action against.



Sir Dan Moynihan

The 37 trusts warned over 'outlier' CEO pay

Aquinas Church of England Education Trust Limited
Bournemouth School For Girls
Brampton Manor Trust
City Learning Trust
Congleton Primary Academy Trust Limited
DYRMS – An Academy with Military Traditions
Elmwey Learning Trust
Flagship Learning Trust
Great Heights Academy Trust
Greater Nottingham Education Trust
Inspire Multi Academy Trust
Kingsway Community Trust
LDBS Frays Academy Trust
Lion Academy Trust
Loxford School Trust Limited
Mayfield Grammar School, Gravesend
Mother Teresa Catholic Academy Trust
Northampton School for Boys
Paradigm Trust
Queen Elizabeth's School Barnet
South Farnham Educational Trust
St Cuthbert's Roman Catholic Academy Trust
St Edward's College Edmund Rice Academy Trust
St Joseph Catholic Multi Academy Trust
Stowe Valley Multi Academy Trust
Strive4 Academy Trust
Swift Academies
The Bishop of Winchester Academy Trust
The Collegiate Trust
The Eveleigh Link Academy Trust
The Inspire Multi Academy Trust (South West)
The Northampton Free School Trust
The Premier Academy Limited
The Ron Dearing UTC
Wembley Multi Academy Trust
Willow Tree Academy
Wilson's School

SOLUTIONS: WORKFORCE

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School trials free creche for teachers in latest flexibility push

LUCAS CUMISKEY

@LUCAS_CUMISKEY

A London school is offering staff guaranteed wraparound childcare places and a discounted on-site creche as Labour's drive to deliver thousands of school-based nurseries opens up the potential for others to follow suit.

Michael Eggleton, the head of Charles Dickens Primary in Southwark, said the perks were helping to retain parent teachers who might otherwise leave the workforce.

It helped them to balance childcare around the logistics and timings of the school day, while also cutting childcare costs.

"I know it has prevented staff from leaving," Eggleton said.

Charles Dickens provides free breakfast and after-school club provision from 8am to 9am, and 3pm to 5.30pm for the children of staff. This would cost £28 a day at full whack – or £560 a month if it were used each day.

Its on-site nursery currently takes two to four-year-olds, and staff are offered a 20 per cent discount – about £11 on its daily fees, which start from £55.

From next year, it is planned to repurpose a spare classroom to allow the nursery to cater for children as young as nine months. Eggleton did not say how much the trial scheme costs the school. But he said although the nursery got "slightly less" income as a result, it still made a small profit. It was never meant to be a "cash cow".

The school's provision coincides with the government's promise of 30 hours of free care for children aged from nine months up to school age.

Five staff at Charles Dickens have priority places to use the nursery, but must have a one-year contract to qualify.

Emma Sheppard, the founder of the Maternity Teacher/Paternity Teacher Project (MTPT) said it would be "a huge motivator for many parents to be joining or staying at a trust or a specific school".

National figures show that existing capacity could not meet demand for childcare places this summer, with the Department for Education saying that 70,000 new places were needed above the "December



2023 baseline for autumn 2025".

The government has pledged to open 3,000 school-based nurseries. Primaries can now apply for up to £150,000 capital funding to open provision.

Cassie Buchanan, the chief executive of the Charter Schools Educational Trust, which Dickens is part of, said "It would be great if this was a national offer for teachers ... and that feeds directly into the importance of all schools committing to the expansion of early years provision so there are enough places for everyone in great schools."

The MTPT Project has recommended all 3,000 newly established school-based nurseries be allowed to give priority to children of school and nursery staff.

In 2023, 9,147 women aged 30-39 left the state education system – the largest single group leaving teaching, a report found. This compares to 3,400 men in the same age bracket.

Speaking to the BBC this week, Bridget Phillipson, the education secretary, said this showed it was "too difficult to juggle family responsibilities with teaching and we need to turn that around".

When MTPT interviewed 383 women who left teaching in the state sector in their thirties, nearly 40 per cent said access to on-site childcare would have

helped them stay in the classroom.

It is already common in the NHS for on-site nurseries to give priority to staff and those working in the emergency services.

Eggleton said as Charles Dickens is in central London, most staff commute in.

"Having a very young child in a nursery near your home, is challenging for a lot of people – who are then having to get on the train to work.

"So I'm realistic that a lot of these families would have chosen to find a primary school which was much closer to home if we hadn't allowed them to have their children in our nursery. It has definitely kept staff."

Charles Dickens is one of the government's regional flexible working ambassador schools.

Buchanan said one of their values is being "evidence-informed". The childcare trial suggests it is "beneficial for working parents, and we are looking to formalise this once our next round of staff evaluations has been gathered".

But she added: "Any 'benefit in kind' won't come at 'no cost', so we need to make sure we choose the right things and 'and if we do offer it across the trust, how we offer it to all staff, including those in secondary schools."

The trust also offers "duvet days" – where all staff can work a half-day once a term – and has 18 employees with flexible working arrangements.



Emma Sheppard



Cassie Buchanan

ANALYSIS: DIVERSITY

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Call for leadership 'diversity targets' after sluggish improvement

JACK DYSON

@JACKYDYS

EXCLUSIVE

Trusts have been told to set "diversity targets" as efforts to close the gap in leadership roles among the country's biggest trusts falter.

The latest *Schools Week* diversity audit of trusts with 15 or more schools has revealed women now occupy 35 per cent of the top jobs.

The findings are an improvement on last year – when progress stalled for the first time since 2018 – boosting numbers to slightly above 2021. But the number of black, Asian and minority ethnic (BAME) leaders remains static.

Meanwhile, among the 50 largest trusts, 25 per cent have a female chief executive, and only one leader is non-white.

'Hard to defend'

Sam Henson, of the National Governance Association (NGA), said the "stark" findings showed "a lack of genuine progress in achieving diversity in leadership, which is frankly hard to defend".

Our audit of the 171 trusts with 15 or more schools found 59 (34.5 per cent) were run by women, 8.1 percentage points up on six years ago, but only slightly above 2021 numbers.

Of the trusts included in our survey, 30 changed chief executive in the past 12 months. Despite this, only 10 newly installed MAT chiefs were women and just one was non-white.

David Watson, who became chief executive of Sherborne Area Schools' Trust in February, said in his "experience as a black educator" he had noticed "additional challenges around racism and bias – subconscious and not".

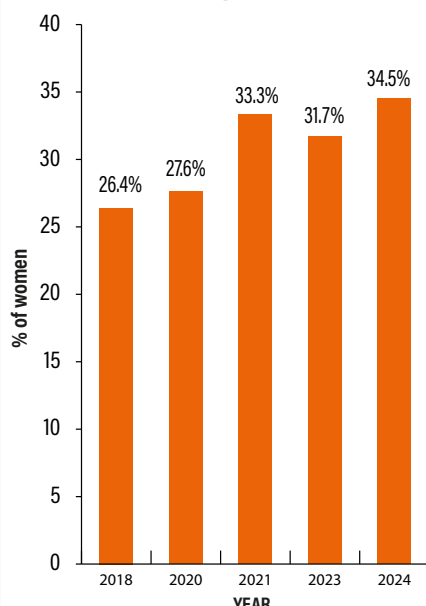
"We must understand what bias is, accept that bias is real, and be prepared to be proactive in addressing this matter. If we fail to address this imbalance, we will lose talent in the education system and all be poorer for it."

In all, we recorded four (2.3 per cent) non-white CEOs, all of them men. The figure is similar to last year.

Henson added: "The setting of diversity targets in the workforce must apply to every layer of staffing and leadership, and so it is vital boards [which hire leaders] are looking to establish measurable goals for improving board and leadership diversity, with regular progress



Percentage of female CEOs at big trusts



reviews."

But an NGA survey found "a stark lack of ethnic diversity persists" at board level too, with "95 per cent of respondents identifying as white".

Latest figures show female teachers make up 76 per cent of the workforce, dropping to 69 per cent in leadership roles. This falls to 43 per cent in secondaries.

A report written by think tanks The New Britain Project and the MTPT Project said "an additional 2,639" women heads were needed to address the imbalance.

By committing to the "bold" target and "openly acknowledging this issue", the study argued, the DfE "will spark the crucial conversations needed to begin to address and rectify" this.

ESFA data gap

In its 2023 school workforce census, the Education and Skills Funding Agency (ESFA) admitted to a "data gap on centrally employed MAT staff".



It conducted scoping research over how to collect the information, but this week refused to comment on the outcome.

The government also last year told governing boards to publish diversity figures, but in March *Schools Week* found that few had done so.

Ann Palmer, the chief executive of the leadership support organisation Fig Tree International, argued "a more targeted... approach is needed to ensure that the percentages that we currently have move in the right direction".

Representation issues are prevalent in other sectors too. About 20 per cent of the NHS workforce is black or Asian, but account for 9 per cent of senior managers.

Across the Department for Education, Ofsted and Ofqual, 43 per cent of those listed as ministers or in "our management" sections of their websites are female.

This represents a rise on last year, but the gender gap returns to 2021 levels across government departments.

Two people – ministers Janet Daby and Seema Malhotra – are non-white.

Ofqual said it would "continue to work with our staff networks to ensure that we are an inclusive employer".

An Ofsted spokesperson said its senior management team was not "as representative as we would want it to be, particularly in terms of race and ethnicity".

The regulator hopes to boost representation through its "future leaders" project in which ethnic minority staff are invited "to meet senior leaders and shadow inspection as part of their development".

"We hope that, over time, our scheme, as well as other professional development programmes, will enable us to recruit from a more diverse range of candidates."

The DfE refused to comment.

NEWS ROUND-UP

DO YOU HAVE A STORY?
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Five stories you might have missed this week

Here's your trusty Schools Week round-up of the news, announcements and research you may have missed this week.

Row over CST policy group candidates

The 125 leaders aiming for a place on the Confederation of School Trusts' new policy advisory council have been listed.

The council will act as a "representative forum that can support the CST in developing policy positions and speaking for the sector to external policy-makers, including ministers".

The elected group will consist of two accounting officers and one executive leader for each region, two trustees nationally and two SEND or AP leaders altogether.

However, Paul Tarn, the chief executive of the Delta Academies Trust, said on LinkedIn that "the ones doing a good job [should be asked to take on such positions], rather than those that come forward".

"Why are we totally disregarding any idea of a meritocracy, where people doing a great job, with great outcomes and strong financial management are actively sought out to help shape policy? I'm not referring to any individual or trust, just pleading for some sense."

He said he analysed trust performance across the country "and there are some shockers. I'm tempted to publish outcomes, finance, and eye-watering EHE [elective home education] rates, exclusion figures per region to better inform those voting."



The CST will appoint up to four more members to ensure broad representation across demography, trust size and expertise.

Members have until Friday October 25 to vote.

[See the full list online here.](#)

Autism and ADHD appointment delays

An autism or ADHD diagnosis must stop being one of the "only ways to unlock support in school", the children's commissioner has said after data



showed about 400,000 children are waiting for their first appointment.

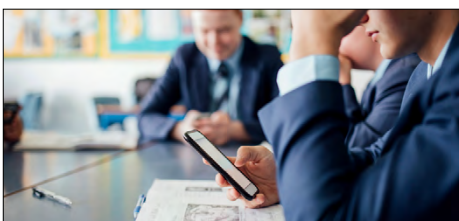
Dame Rachel de Souza this week published NHS data that revealed the "huge waits" children faced for a diagnosis and treatment for neuro-developmental conditions.

They could wait two years and three months on average for a diagnosis, with 17 per cent waiting more than four years.

De Souza said the government must address long waiting times and invest in increasing the number of appointments in community and mental health services.

The report also called for more staff in all schools trained to identify needs, with "profiling tools" provided to help identify pupils with potential neurodivergence.

[Read the full story online here.](#)

MP seeks compulsory school phone ban

Labour MP Josh MacAlister wants a ban on phones during the school day to become compulsory.

His private member's bill would put the government's non-statutory guidance on mobile phones in schools on a statutory footing.

Current guidance tells schools to ban phones throughout the school day, but schools would have a legal duty to follow the advice if it were changed.

The bill will get its second reading in the Commons in March next year.

[Read the full story online here.](#)

Results checking deadline extended

The deadline for schools to check their GCSE and post-16 results has been extended after technical issues in its first year back in-house.

The Department for Education said it was aware of issues affecting logging in and downloading data for those trying to complete the key stage 4 and 16 to 18 autumn checking exercises.

Schools can check that the DfE holds the correct exam results information, which is then used to calculate performance data.

The DfE will "confirm the revised closing dates and will provide further updates in due course." It confirmed schools would not be penalised.



[Read the full story online here.](#)

Fines won't stop term-time holidays

Most parents say fines will not stop them for taking their children on holiday during term-time, with most saying it's acceptable to skip class to get away.



The finding is part of Parentkind's latest national survey, Britain's largest annual parent poll.

Other key findings include a quarter of parents considering home-educating their children and a fifth of secondary parents saying their child doesn't feel safe at school.

[Read the key findings online here.](#)

NEWS: BUILDINGS

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'Build up' school scheme shelved (but £180k spent)

JACK DYSON

@JACKYDYS

EXCLUSIVE

A prototype "building-up" scheme that could have paved the way for cash-strapped inner-city schools to be rebuilt in exchange for new homes on their sites has been shelved.

LocatED, the Department for Education's property company, has spent more than £180,000 drawing up plans to redevelop St James Hatcham C of E Primary in south London through the creation of 100 homes.

But the project – the only one of its kind the company was working on – has been put on hold in part because of planning requirements.

It comes after the new government vowed to shake up the "antiquated planning system" whose restrictions have delayed "too many projects" for years.

Matt Byatt, the president of the Institution of Structural Surveyors, said the case highlighted a "disconnect between what the developer wanted to do and what the planning process allows".

"[Red tape] is an issue in so far as getting developments built.

"We need to be clear as a nation over what we want – a system where it's easier for developers to build or one where [council] planners have the authority to push for what they think is appropriate."

Housing on the upper floors

St James Hatcham would have been replaced with a new building. Its sports hall was earmarked for space across the ground floor, with classrooms on the level above.

Housing was to be spread across the block's upper floors.

Papers obtained through Freedom of Information show LocatED was commissioned to work on St James Hatcham in February 2021.

In all, £183,274.80 was spent on the project before it was "placed on hiatus in late 2022". The documents say the government-backed company "has not had any other commissions for advice" on such "building-up" schemes.



Will Attlee, its associate director, said last year the scheme would "rebuild that school on the existing site ... [and is] fully funded by the development of around 100 new homes. This is clearly something that works in city centres, but not everywhere."

Community infrastructure levy

The development was put on hold after appraisals suggested that the scheme was not viable at the time.

One of the reasons for this was Lewisham Council's community infrastructure levy contribution, through which it charged up to £100 for every square metre of new living space.

Much of the levy backs improvements to travel, education, medical and sporting facilities in the area, while some was collected on behalf of London Mayor Sadiq Khan to fund Crossrail.

The decision to pause the project was also made in light of market conditions, including construction costs and falling house prices, and the level of affordable housing.

Planning policy stated half of the homes built would have had to have been affordable.

A spokesperson for the Diocese of Southwark, which oversees St James Hatcham, stressed "all parties" still believed it was "a viable and exciting scheme". It hoped "to revisit

this possibility when market conditions improve".

Lewisham council added its "developer contributions allow us to invest in key community facilities".

Shortly after Labour's election win, Chancellor Rachel Reeves said the "antiquated planning system" left too many projects "tied up in years and years of red tape before shovels ever get into the ground".

She announced the launch of a consultation, which closed last month, on planning policy reforms to create "a new growth-focused approach" and mandatory housing targets.

LocatED's future

LocatED was established eight years ago to produce sites for new free schools. But falling rolls have diminished demand.

Analysis of government data suggests 36 have opened in the past 12 months, fewer than at any other point in the past five years.

A LocatED spokesperson said the organisation's work had "significantly changed" as "new challenges for the education estate have emerged".

"As we have done previously, LocatED stands prepared to meet any additional property challenges that may arise for the DfE and the education sector."



Matt Byatt

NEWS: OFF-ROLLING

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'Worst-performing year 11s needed off roll', leader told staff

LUCAS CUMISKEY

@LUCAS_CUMISKEY

A senior leader of a school that featured in the Educating Greater Manchester TV series asked staff for an update on "removing some of our worst-performing year 11s" before the census "so they don't count on results".

Drew Povey, and his then deputies Jennifer Benigno and Ross Povey, are accused of off-rolling three pupils to boost performance data and amending attendance data.

He and Benigno deny wrongdoing. Ross Povey is not attending and is not represented.

Drew Povey, the former executive head of Harrop Fold School in Worsley claimed Salford City Council pressured frightened colleagues into giving damning statements about him, a Teacher Regulation Agency (TRA) sitting heard this week.

However, the panel heard that Benigno had discussed removing some of the school's "worst-performing year 11s" from the roll before the January 2018 census.

Email sent to senior leaders

Barrister Andrew Cullen, who appeared for the TRA, said Benigno sent the email to Gary Chambers, the school's director of attitudes and learning, Ross Povey and another staff member, Julie York, in November 2017.

"The subject is 'Year 11 needed off roll', and it says 'just conscious that PLASC [the January census] is approaching and wondered where we were up to with removing some of our worst-performing year 11s so they don't count on results. List below,'" he said.

The GCSE results of pupils who are not recorded in the January census do not count for the school's performance that year.

Benigno said teachers had not been able to predict grades for 14 pupils, marked as "x" on the school's system because they either joined in year 11 or were being educated elsewhere.

She said some of the pupils were on managed moves and "at least a couple" had spent two years at the Canterbury Centre where the school placed pupils with mental health needs.

"If they didn't need to count because they were supposed to be in another centre, on their roll, then, if they were going to do badly, I wouldn't



Drew Povey

have wanted them to necessarily feature on the results," she said.

But she did not want them taken off the roll if it were illegal or incorrect practice.

Ofsted has defined off-rolling as removing a pupil from the school roll, without using a permanent exclusion, when this is primarily in the best interests of the school, not the pupil.

Drew Povey said he wasn't aware of the email. Asked if he was surprised by the content, he said: "I'd have probably had a conversation to say it needs to be the right pupils."

"But I would have believed in Jen's integrity to make sure we were doing it the right way. [She] would never go down that track, it's not the way she's built... I didn't understand [off-rolling] was a thing you could do – I didn't understand it was a practice."

The panel heard two pupils were attending alternative provision, but were recorded as being home-educated. The third was "missing in education".

Povey admitted the wrong code was used for two, but it was a clerical error.

The panel also heard how office staff "altered attendance data for quite a lot of children" in May 2018.

Vendetta 'like one against Gareth Southgate'

Povey said the schools was in special measures when he joined in 2006 and had been branded "the worst in the country".

He announced his resignation in

a letter published on social media in September 2018, accusing Salford of pursuing a "personal vendetta" against him.

He said council staff had an axe to grind because he publicised the school's financial woes and did not join an academy trust.

He compared his situation to the "doom loop" experienced by Gareth Southgate. The former England football manager was "somebody I have met and worked with, [an] incredible leader".

"When he left his England role, it was disgraceful the comments made about him," said Povey, who now runs leadership workshops for people in sport, the police and business.

But he also suggested the council pressured former colleagues into making allegations about him.

Phil Ince, a senior staff member, last week told the hearing that a breakdown in pupil behaviour from 2015 onwards saw the school become "like a zoo".

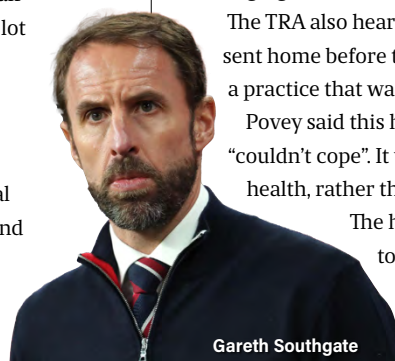
Povey said he was "appalled" by Ince's choice of words and that they were "wide of the mark".

His "mantra" was to be inclusive and to take on challenging children.

The TRA also heard pupils were regularly sent home before the end of the school day, a practice that was not logged properly.

Povey said this happened when a child "couldn't cope". It was about their mental health, rather than behaviour.

The hearing is due to end today. A decision will be published later.



Gareth Southgate

NEWS

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Three former teachers join education select committee

Three former teachers voted on to the education select committee have promised to bring “lived experience and insight into how things actually work”.

Mark Sowards, Sureena Brackenridge and Amanda Martin have been confirmed as three of Labour’s five nominations to sit on the group, joining new chair Halen Hayes. Members from other parties are yet to be confirmed.

With almost 60 years of teaching experience between them, the trio will be charged with examining the Department for Education’s policies.

Brackenridge believes her 25 years in Wolverhampton classrooms has made her familiar with “the challenges that the whole sector is facing”.

“One thing parliament needs is that lived, professional experience, and insight into how things actually work,” she said. “This isn’t about the Westminster bubble, this is about real policies that affect real people.”

Brackenridge taught science before she became a deputy head of a West Midlands secondary.

She said the education system was “failing to meet the needs of the most vulnerable”, as she

listed the attainment gap between the “poorest and best-off” and the SEND crisis among the sector’s biggest issues.

Meanwhile, Sowards was head of maths at a recently opened Leeds free school before moving into politics full-time earlier this year. He said he was “fortunate” if he got one applicant when he advertised for a maths teacher.

Worsening behaviour and workload were among the biggest factors hitting teacher retention, he said.

“Having seen what was happening inside our schools, how strained the resources were and the enormous burden placed on teachers, I wanted to try and help solve that. I can feed that very real lived experience [into the select committee].”

Martin was a primary teacher for 24 years. She was president of the National Education Union and worked for the National Association of Head Teachers.

She previously told Schools Week child poverty has had a “massive impact” on schools.

Hayes has said SEND reform, child poverty and the school curriculum would be on her agenda.

Select committee members are nominated by their own parties following internal elections.

LEGO play professor among science council appointees



A prominent physicist, a psychologist and the world’s first “LEGO professor of play” are among 12 experts appointed to the Department for Education’s new science advisory council.

Schools Week revealed earlier this year that the department was recruiting scientists with expertise in artificial intelligence, sustainable school buildings and ed tech to advise ministers and “shape the future of education”.

The council is tasked with providing “advice and challenge” on issues such as SEND, mental health support and education technology.

Professor Athene Donald, a prominent physicist, will chair the council, with psychologist Professor Mark Mon-Williams as its deputy.

Other members include UCL’s Professor Rose Luckin, and Professor Paul Ramchandani, who is the world’s first LEGO professor of play in education, learning and development at the University of Cambridge.

The university’s Play in Education, Development & Learning (PEDAL) department, part of the faculty of education, was set up with a grant from the LEGO Foundation, the charitable arm of the toy company.

The DfE said its new team of experts would provide “the latest scientific advice across a range of specialisms to support the department’s work”. Council members will meet for the first time on October 31

See the [full panel here](#).

Law change to speed up new nurseries in schools

The government plans to change the law to allow schools to open new nurseries more quickly, waiving a requirement that some settings contribute 10 per cent of set-up costs.

Guidance for schools bidding for up to £150,000 grants to convert empty primary school classrooms into nurseries was published on Thursday.

The government wants 300 of its pledged 3,334 new nurseries to open in 2025-26.

Proposed new rules will streamline the process. For instance, academies will not have to apply to government for a “significant change”. But schools may still need to consult on their plans.

The government said those getting grants

must open nurseries by 2027, or could have the cash clawed back.

The grants can cover conversion of buildings and renovations, plus refurbishments and refits of existing space into nursery provision, including works required to meet any SEND requirements. They can also cover upgrades to services such as heating and plumbing.

The cash cannot be used for day-to-day running costs. New nurseries must also be “directly linked” to a state primary that already has a reception class or other early years provision.

The government is also waiving an expectation that voluntary-aided schools pay 10 per cent of capital costs.

Employment rights bill: Schools face zero-hour contract changes

LUCAS CUMISKEY

@LUCAS_CUMISKEY

Staff employed by schools on zero-hours contracts – such as exam invigilators and some supply teachers – may need to be given fixed-term contracts and entitled to pension schemes under new employment legislation.

The government unveiled its employment rights bill last week, setting out 28 reforms to “deliver the biggest upgrade to rights at work for a generation”.

One of the key proposals is to axe “exploitative” zero-hours contracts. Workers on such contracts will have the right to move to a defined hours contract if they work regular hours over a 12-week period.

But those who want to remain on a zero-hours contract will be able to.

90k education staff on zero-hour contracts

Sara Tanton, the deputy director of policy at the ASCL leaders' union, said the process would “pull out all the different models of working that we've got in the education sector that we haven't been as aware of”.

There were 892,055 workers on zero-hours contracts in England from April to June, according to the Office for National Statistics. Just over 90,000 of these were in education, many working as supply teachers and ancillary workers, such as lunchtime supervisors, exam invigilators and administrators.

Craig Vincent, a partner at Stone King law firm, said “many would agree” that zero-hours contracts in education “are far from exploitative”.

“In fact, they act as a tool to provide work for people on a flexible basis that benefits both parties.”

He said changes could mean those staff instead “gain the right to reasonable notice of shifts, payment for cancelled, moved and curtailed shifts, as well as the right to a guaranteed-hours contract if they work regular hours over a defined period”.

This could mean placing invigilators on short-term, fixed contracts, for instance. While this would only “require some additional administration”, it could mean those staff also have to be entered into pension schemes, which



“could add costs”.

Niall Bradley, the chair of the National Supply Teachers Network, said the legislation could make employment “more secure for supply teachers in long-term placements, if they're on a temporary contract, rather an ad hoc contract.”

Mike Short, Unison's head of education, said “good” employers had nothing to fear. “Temporary or seasonal workers, for example those who invigilate in exams or mark pupils' completed papers, can still be employed in this way, as can anyone else who likes the flexibility that zero-hours contracts bring.”

Vincent added it was “unlikely to create large financial issues across the sector”.

Most of the reforms are unlikely to kick in before 2026 as a “limited number of targeted consultations” are due this year.

Flexible working 'default'

The bill also sets out plans to make flexible working the default “where practical”.

School employees already have the right to request flexible working from their first day in the job, but bosses can snub this if there's a good business reason.

Grounds to refuse a flexible working request include additional costs; inability to reorganise work among existing staff; inability to recruit additional staff; or detrimental impact on performance.

Alistair Wood, the chief executive of Edapt, an organisation that provides legal support for teachers, said schools would now have to state their reasons for refusing requests.

“But as flexible working becomes increasingly

common in other sectors, greater pressure will be put on schools to react as recruitment and retention may become even harder.”

The government has said the bill would also give workers “greater protection” against unfair dismissal from day one. Currently, employees need to have worked for their boss for at least two years to qualify for this.

However, the government's proposed compromise is to introduce a nine-month probation.

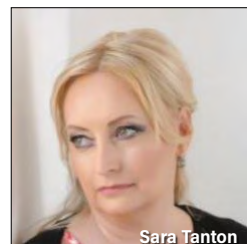
The bill will also make paternity and parental leave available from day one and “strengthens the protections for pregnant women and new mothers returning to work”.

Emma Sheppard, a founder of MTPT Project, a charity of parent teachers, said the changes would “boost occupational mobility for women”.

More powers for unions?

The Trades Union Congress said the bill would also bolster union access to workplaces and usher in “fairer balloting rules”.

Wood said this included proposals to “reduce the thresholds needed to be met from ballots to be able to take action”. Ballots could also take place electronically, rather than by post, which “may well increase the likelihood of industrial action in the future”.



Sara Tanton

OPINION

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CRAIG VINCENT

Partner (Non-Legal) and
head of employment and
HR consultancy, Stone King

Legal: How will the Employment Rights Bill affect schools?

There's a long way to go before the government's proposals reach the statute books, but schools can begin to plan for their effect, explains Craig Vincent

The Employment Rights Bill was laid before parliament last Thursday, in line with the Labour government's commitment to introduce such legislation within 100 days of taking power. This bill will have a significant impact on all employers, including schools.

The first thing to note is that these impacts won't be felt immediately. Most of the reforms will take effect no earlier than 2026. The bill will need to progress through parliament, and this process will include a limited number of targeted consultations to be published in 2025.

Here's what we know about its content and likely implications.

Unfair dismissal

Reforms to unfair dismissal are perhaps the measure causing most concern for employers. However, these will not come into effect until autumn 2026 at the earliest.

After that, unfair dismissal will be a day-one right. Currently, employees need two years' service to submit a claim of ordinary unfair dismissal, but this qualifying period will be removed.

The government will consult on a

new statutory probation period. As such, employers will have time to review their policies and working practices, and develop recruitment strategies to prepare for the changes.

Support staff

In addition to changes that will apply to all employers, one notable update will apply only to schools.

The government will re-establish the School Support Staff Negotiating Body (SSSNB) to provide a negotiating body exclusively for school support staff, which will replace the National Joint Council.

The SSSNB will be responsible for matters related to terms and conditions, remuneration, training and progression of support staff. We understand this will apply to support staff at state-maintained schools and academies.

The definition of 'support staff' is broadly defined, and the bill provides for secondary legislation which is likely to set out categories of staff who are excluded from it.

The key question many are asking in relation to the inclusion of academies here is whether the government intended to use the word "at" in the context of the bill.

Currently, the bill's definition states that the member of support staff should be employed by the proprietor of an academy under a contract of employment providing for the person to work wholly "at" one or more academies.



“ Schools have time to plan

It is unclear whether the government intended to exclude central staff in academies from the SSSNB's remit, as working "at an academy" can be interpreted in many different ways. Stone King is working with various sector bodies in relation to this and we will know more when the secondary legislation is produced.

Zero hours

The other bill provision which has grabbed the attention of schools is in relation to zero-hours contracts, which have come under public scrutiny because of concerns that they can be exploitative in some cases.

In an education context, many would agree that in most circumstances they are far from exploitative. In fact, they act as a tool to provide work for people on a flexible basis that benefits both parties.

The proposed changes could mean a different approach, in that those engaged on zero or low-hours contracts will gain the right to reasonable notice of shifts, payment for cancelled, moved and curtailed shifts, as well as the right to a

guaranteed-hours contract if they work regular hours over a defined period.

In school terms, this could mean placing invigilators, for example, on short-term, fixed contracts related to the specific tasks of invigilation in an exam period. This would require some additional administration. It could also confirm the requirement to enter people into pension schemes, which could add costs.

On balance, this is unlikely to create large financial issues across the sector, but it will certainly change the approach schools take when engaging low-hours workers.

Overall, the bill will certainly bring changes, but schools have time to plan and to ensure policies, procedures, contracts and people strategies are all correct and amended for the expected implementation date.

Some of the measures are also designed to encourage further use of flexible working options. Proposed measures are so far relatively low-impact, but there is a clear direction of travel. This is something the education sector is trying to develop, and therefore it could be beneficial.

NEWS: COUNCILS

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Councils ditch gifts for long-serving teachers

SCHOOLS WEEK REPORTER

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EXCLUSIVE

Vouchers and commemorative glassware to recognise long-serving school staff are among a wide-range of education services axed by councils in their bids to save money.

Hampshire and Derbyshire have both cut awards recognising teachers' "exceptional commitment" for 25 and 40 years' service.

Instead, long-serving staff get a certificate – which, in one case, the school has to print.

BBC analysis of 187 upper-tier authorities in the UK found they are making £3 billion in savings this financial year, but still face shortfalls of nearly £6 billion by 2026-27.

Many were drawing down on more than £1 billion in reserves, while 19 have called on the government for financial support to survive.

A school leader in Hampshire, who has worked in the region's schools for 25 years, said: "I feel bitter, it feels like a real knockback. I save parents' letters – I'm passionate about it.

"I can see both sides. Money is tight, but there is a major recruitment and retention crisis. You would have thought they would do anything in their power to try and placate staff that have really given them everything."

Hampshire used to present vouchers worth up to £200 and host a formal event to mark staff with 25, 40 and 50 years' service. They also got commemorative glassware.

However last year's event in October was the last one.

A local newspaper reported in December 2022 that Hampshire had spent almost £200,000 on



rewards vouchers for staff in the previous three years.

The council said at the time the awards were "one way we seek to retain talented and experienced employees, which also keeps recruitment costs lower". They covered all council staff.

Documents show Hampshire is predicting an annual budget shortfall of £175 million for 2025-26, one of the biggest in the country.

But its cabinet this week agreed to defer a decision to save £114,000 by cutting school crossing patrol officers.

A spokesperson said the council continued to recognise long-serving staff with a "commemorative certificate. For school staff, individual schools can choose to hold a special recognition event if they wish.

"Recognising and valuing our long-serving staff and volunteers, including those in schools, is important to us.

"However, like many local authorities nationally,

our budgets are under huge pressure now and into the future."

Derbyshire also ditched a similar scheme in January. Instead, council staff get a certificate "that managers can complete and download and provide to employees".

The council said schools could continue to provide vouchers, if they bought them themselves.

Schools Week last year revealed councils were proposing hikes to school catering fees, cuts to educational psychology costs and replacing crossing patrol workers with volunteers.

Louise Gittins, chair of the Local Government Association, said the "risk of financial failure across local government could become systemic.

"Councils already face a funding black hole of more than £2 billion next year. Having already delivered £24.5 billion in cuts and efficiencies, any further cuts on top of this would be disastrous."

She called for immediate financial support, long-term funding reform and a focus on preventive spending.

EXCLUSIVE

SAMANTHA BOOTH | @SAMANTHAJBBOOTH

More requests from schools for early intervention ignored

An attendance support charity is calling for extra funding to prioritise early help services after a study suggested access to preventive support is getting worse.

School-Home Support's freedom of information request to about 30 councils found a 53 per cent increase in referrals for early help from schools between 2019-20 and 2023-24.

These services aim to identify and address issues before they escalate and can include help with sleep support and parenting skills.

But across 12 councils, 31 per cent of

referrals were returned to schools without action. While a small sample size, it suggests a rise on previous analysis where a quarter were returned without action.

One unnamed council said 75 per cent of referrals were returned for reasons that included "incomplete assessments" and "thresholds not being met".

Previous *Schools Week* analysis showed the spending gap between early and late intervention services by councils in England widened to more than £7.7 billion last year – up from £3.9 billion in cash terms in 2015-16.

Spend on early help rose by just £2 million last year, while expenditure on late intervention ballooned by £1.1 billion.

Jaine Stannard, the charity's chief executive, said its findings "show a system stretched to breaking point unable to act on information flagged by schools" and risked "children falling through the cracks".

The charity said there was an "urgent need" for the autumn budget to "prioritise funding" for early help. It has also written to the new education select committee calling for an inquiry.

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Feature

JESSICA HILL | @JESSJANEHILL

School absence epidemic gives Labour NEET problem

Kids dropping out of the school system are now turning into NEETs, and there's not enough lower-level provision in place to help them turn their lives around, writes Jessica Hill

Mickey Symes wanted to be a plumber. But after missing out on a grade 4 in his maths and English GCSEs the previous year, he feared the subjects would forever hold him back.

And on finding out his chosen level-two college course was oversubscribed, the 18 year old from Colchester, Essex, instead joined a growing wave of young NEETs (not in employment, education or training).

His story is one playing out nationally.

The proportion of 16 and 17-year-old NEETs rose slightly to 5 per cent in 2023. The rate is as bad as it was in 2013, when the law changed to require all young people to continue education, employment or training until 18.

However, soaring rates of school absenteeism, exclusions and home education could see NEET numbers escalate further, say leaders.

With demand for the low-level provision that targets NEETs already overstretched, any further

rise could scupper the government's plans for a "youth guarantee", offering all 18 to 21 year olds opportunities for training, an apprenticeship or help finding work.

Schools Week investigates...

The forgotten skills

While the last government was busy rolling out T-levels and drawing up plans for a new Advanced British Standard, lower-level qualifications fell off its radar.

But, at the same time, demand for them spiralled.

Olly Newton, former head of the Department for Education's NEET policy team and now executive director of the Edge Foundation, says the increased focus on higher skills "shouldn't have come at the expense of helping people who haven't got on that first rung of the ladder". New College Swindon was almost caught short this year after getting 56 per cent more applicants

(200 more students) than it expected for its courses at level one and below.

Its vice principal of commercial, skills and partnerships Matt Butcher puts this down to more young people "slipping below the GCSE grades they were expecting", and more being missing from the school system.

The latest post-16 maths pass rate is 17.4 per cent, down from 21.2 per cent in 2019, while English is 20.9 per cent, down from 30.3 per cent.

Research by Newcastle City Council, published in June, found "disillusioned" young people told researchers that failure to pass those subjects was a reason not to enter education and training programmes.

In maths the gulf is particularly pronounced – with just 17.3 per cent getting a pass post-16, compared to nearly 26 per cent for girls.

Accommodating the influx at New Swindon College "could've proved impossible with much higher demand", says Butcher. This poses

Feature: NEETs



Mickey Symes

problems for next year, when he expects level one and below course demand to be twice what it was two years ago.

Newcastle City Council found a “lack of level-one post-16 study programmes” was “a national issue” as the programmes had “not been an attractive financial option for training providers”.

Luminate Education Group, which runs schools and colleges in West Yorkshire, says projections indicate a shortage of over 2,000 places for courses at level two and below in Leeds. The group's Leeds City College is operating waiting lists.

Luminate chief executive Colin Booth says the college is now “very clearly full to capacity in all of our buildings”, with a “further rise” in young NEETs expected.

Leeds City College's 14-16 provision, which supports NEET reduction strategies, is also “incredibly oversubscribed, with well over 1,000 enquiries and applications for 120 places each year”.

Booth claims that if those learners were not in college, “many would be in alternative provision funded at three times the cost”.

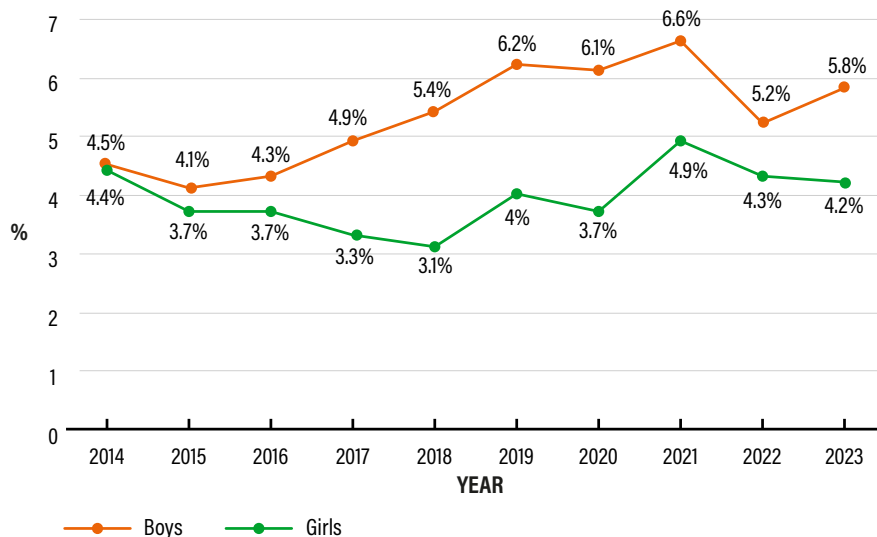
Local authority alternative provision placements rose 108 per cent between 2017-18 and 2023-24, from 23,086 to 48,133, and placement costs have also increased.

In Stoke-on-Trent, where 16.5 per cent of 16 to 17 year olds are NEETs, the cost of alternative provision for excluded pupils shot up from £2.3 million in 2022-23 to £3.1 million in 2023-24.

Brexit blow

Before Brexit, the European Social Fund delivered via the EU had a “strong focus” on helping NEETs into work. But the UK Shared Prosperity Fund that

16-17 NEET rates as % of population



Source: DfE

SCHOOLS WEEK

‘They’re afraid of the interview and aren’t turning up’

partially replaces it instead funds the Multiply scheme, designed to boost numeracy skills, with the rest devolved locally for a broad range of purposes. The fund's future remit is currently uncertain.

In Kent, a council report blamed the European Social Fund demise in the UK for a reduction in NEET provision for 16-19 year olds.

On average, 80 pupils were permanently excluded from Kent secondaries every month in 2023-24, more than treble the council's target. There were 5,228 children missing from education in June, up from 3,600 two years earlier.

Meanwhile, between three and five of the county's 12 districts have no NEET provision available.

The council says the squeeze on provision along with a “regrading of GCSE boundaries” caused the spike in NEETs.

In Liverpool City Region, mayor Steve Rotherham pledged four years ago that every young person who was NEET for more than six months would be offered a job, apprenticeship or training

programme – similar to Labour's youth guarantee. He's now offering £3,000 wage incentives to employers that recruit young people, and expanding career mentoring services. But NEET rates are still rising.

All the region's six council areas experienced a rise in 16 to 17-year-old NEETs in the year to 2023, with local authorities “indicating a continual rise”, the combined authority said.

But in Liverpool city, where over half (50.8 per cent) of 16 to 24 year olds are economically inactive, the council says it is “at a disadvantage” in bringing down NEET rates because it has “very little control over many” local schools.

Schools' blindspot

Meanwhile, schools say they are hamstrung in their ability to understand how many pupils go on to become NEETs. Destination measures produced by the government only examine the two terms after a pupil leaves school.

The Department for Education's Longitudinal Education Outcomes (LEO) dataset contains

Feature: NEETs



information about the activity and earnings of young people up to age 30, but is only accessible by researchers.

Newton believes the government should use the LEO database to provide school leaders with "more complex" longer-term data on pupil outcomes.

This could be linked to new school reports being developed by Ofsted and could "give schools useful contextual information", he says, adding they might have "really strong academic results but find out that many former pupils drop out after the first year of university, perhaps because they didn't get careers advice".

Labour has pledged to make two weeks of work experience mandatory – as it used to be until 2013 when the coalition government made it optional – and provide 1,000 new careers advisers in schools.

A project by the Careers & Enterprise Company (CEC) providing careers advice to 14 to 17 year olds who receive free school meals found that having a 'trusted adult' for career mentoring was "the key to success" in preventing them becoming NEET.

For Zack Johnson, 17, who found himself "riddled with anxiety" upon returning to school post-Covid and later became homeschooled, that 'trusted adult' was his careers coach, Anna. They had three hour-long sessions each year to discuss career goals.

He was inspired to apply to a music production course after Anna introduced him to a local jazz



'A warm, dry building gets them on the shop floor'

musician, and now has his sights on being a singer songwriter.

Of the 1,000 pupils who participated in the CEC project, 94 per cent successfully transferred to college or training upon leaving school (compared to 88 per cent of disadvantaged young people nationwide). Only 1 per cent had quit six months later.

CEC's associate director for grants and development Max Rowe says their initial assumption was that pupils with high school absence rates would be "more likely to drop out" of the programme. But that wasn't the case.

In East Sussex, 91 per cent of the 105 persistent school absentees who were supported went on to sustained year 12 education or employment, compared to 76 per cent of other local disadvantaged persistent absentees.

Matt Oakes, assistant principal at Ormiston Bolingbroke Academy, says a university trip organised by the programme in Liverpool led one of his pupils to decide university was "definitely the path for him, having never even considered it before".

However, the scheme isn't cheap at just over

£2,000 per pupil.

Funding for career guidance in state secondary schools was removed in 2011. Although many would love to be able to provide it, a report by Careers England in 2019 found that only one in 10 schools had enough money to deliver guidance.

NEET solutions

Some schools are putting in place their own measures to stop youngsters from becoming NEET.

Additional support put in place for pupils in Turner Schools' alternative provision meant at the end of the last school year, all of them had a destination to move on to for the first time.

The eight-school multi-academy trust in Kent organised weekly life skills and careers lessons, one-to-one support and work experience to all its year 11s in alternative provision.

It also introduced college interview support after finding that although many of those pupils present as "very outgoing", they have "deep-seated anxieties", says chief executive Seamus Murphy. For those lacking parental support there were "real issues with being afraid of the interview and

Feature: NEETs

simply not turning up”.

Last summer Murphy’s staff accompanied many pupils to their interviews, providing a “trusted face” and “the confidence to attend”.

EdStart Schools, an independent provider of alternative provision schools in Salford, Wigan and Wirral, puts its current “zero NEET” rate down to all its learners being supported by a ‘key worker champion’.

The schools continue engaging with young people beyond Year 11 through summer activities and check-ins in September to keep them on track with their post-16 plans.

“Ultimately, we want to develop brilliant 16 year olds who are ready for the next step in their journey”, says director of education Kevin Buchanan.

Meanwhile, New Swindon College is developing programmes with organisations with “expertise in reaching out to disengaged young people”, such as Prince’s Trust, rather than “shoehorning NEETs into existing provision and tweaking the label”.

Engineered Learning, which provides fabrication, welding and vehicle maintenance workshops for NEETs placed there by Derby Council, is also taking a different approach.

As well as providing vocational skills and mentoring, it tries to connect NEETs with local employers offering apprenticeships.

Its chief executive Dan Read wants to franchise his model to other areas.

Some of his NEETs haven’t attended school since year seven, which Read sees as “madness”.

Often, he finds “the carrot” of “the security of a warm, dry building and a hot dinner” is enough to get reluctant NEETs “onto the shop floor”.

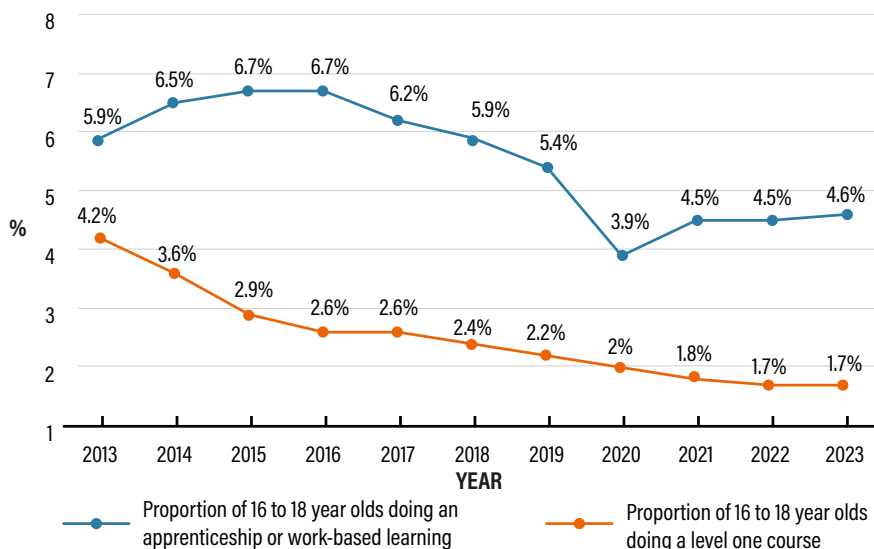
Tracking pupils not at school

But schools can only make a difference to pupils in their remit. Permanent exclusions have risen not only in schools (from a rate of 0.06 to 0.11 per cent between 2013-14 and 2022-23) but in the alternative provision intended to give them a second chance (from 0.10 to 0.34 per cent in that time).

There has also been a 23 per cent rise in children missing education, up to 30,400 in 2023.

But they’re not the only young people spending time at home – the numbers being electively

% of 16 to 18 year olds doing an apprenticeship, work-based learning or level one courses



Source: DfE

SCHOOLS WEEK

home educated were up 14 per cent to 92,000 that year. The share of local authority alternative provision placements providing one-to-one tuition was up from 3.9 per cent in 2018 to 11 per cent in 2024.

Newcastle City Council found a third of those educated at home later became NEET, with “many” of those “out of mainstream education for some time” needing “additional support to re-enter education, training or employment”.

Persistent absentees are also 3.9 times more likely to become NEETs aged 16 to 18, research by the Vulnerability & Policing Futures Research Centre found.

The number of key stage 4 persistently absent pupils more than doubled between 2017-18 and 2022-23 (from 172,368 to 367,720). Numbers ‘severely’ absent (missing 50 per cent or more lessons) more than tripled (up to 51,791).

Children’s Commissioner Dame Rachel de Souza says it could be a “worrying predictor of post-16 destinations” and wants “far more help” for young NEETs, “including support from trusted adults in schools or colleges”.

Liverpool City Region says the rise in persistent absentees in year 11 is

“presenting challenges with accessing the appropriate support and provision for them when they reach 16”.

It also linked past school persistent absenteeism to an increase in 19-24 year olds needing “additional help” getting into work because of “their complex and multiple barriers”.

Butcher says his college is “struggling to get access” to young people not in school. “They come through very late, as and when the local authority or other agencies become aware of them,” he explains.

In the last 18 months his college has ramped up its communication with the police, who have “young people who they want to be in college for their own wellbeing and safety”.

He says colleges are engaging more with schools than they’ve ever done previously, giving them “early lines of sight” on young people’s school attendance and “potentially significant mental health challenges”.

“It’s a work in progress, depending on the resources and willingness of schools to make that engagement”.



Olly Newton

Curriculum
ConversationDO YOU HAVE A STORY?
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COUNSELL

Director, Opening Worlds

What a national curriculum
can and cannot do

Looking back over 35 years of the national curriculum, here's what the Francis review can do to achieve where previous reform attempts have failed

I do wish England's National Curriculum had never been called a curriculum. Since its inception in 1990, the NC has only ever been a high-level framework. It's down at the chalkface where curriculum-making happens, where beauty is woven and damage is done.

While some lay troubles at the door of the current NC, others see deeper causes. But when we take the long view of 35 years of successive NCs, we see patterns we can never unsee.

Part of the problem is that no NC can work alone. Even if it's enforced (doing so is still a relative novelty since Ofsted's 'about turn' of 2019) problems remain that neither exemplary wording nor optimal content can prevent. This is because of the nature of high-level frameworks themselves.

Concision and consequences

The first issue is their necessary concision. Take the term 'physical features' in the current Key Stage 1 geography. Its intention is obvious, one would have thought: namely to have children enthralled by valley, mountain, desert and coast.

No one – I promise you, no one – ever intended six year olds to recite definitions of 'physical feature', yet sometimes I have observed exactly

that.

Bizarre unintended consequences proceed both from high-level summaries such as 'physical features' and even from admirable goals, such as 'convincing and compelling language' in English.

This is more of a problem in humanities, arts and English than in science or maths, for in these subjects abstract ideas can only be taught through rich, anarchic particulars. If schools try to use rubric terms in the same way across subjects, distortion occurs.

Limits of linearity

The second is their necessary linearity. Subject curricula need enactment as warp and weft. Teaching written or musical composition involves elements which, while they can be listed, discussed and taught separately, are ultimately inseparable.

A curriculum's efficacy leans on such elements – style, content, form, technique – dancing together.

False flight-paths

Third is the unavoidable tension between inputs and outputs. Any NC must describe minimum inputs, but inputs aren't enticing on their own. So it must also set gold standards of performance.

The trouble with describing strong final performance is that its very expression incentivises reverse engineering into broad steps or stages.

We might wish pupils to write in

“ The review can avoid
predictable disasters

ways that are elegant or interesting, generous or peaceable, but the moment teachers slice performance goals into interim objectives, they create false progression journeys.

Time and again, summative assessments (level descriptions or GCSE mark-schemes) have been mistakenly used as curricula.

No NC can prevent this. Prevention will require transformation of professional development. It requires, in senior leaders especially, a proper grasp of subject distinctiveness, the workings of curricula and the nature of knowledge itself.

Best bets

But a curriculum and assessment review can achieve valuable shifts and, with firm eyes on 35 years of such reviews, avoid predictable disasters.

Here are my four best bets for doing so.

Cease verb-driven attainment goals

Seductive hierarchies of generic, skill-based descriptors ('describe', 'compare', 'analyse', 'evaluate') must go – once and for all. Curriculum and assessment rubrics can't stop teachers doing this, but they could avoid encouraging it.

The past 35 years have taught us that far from fostering valuable skills, such 'command verbs' promote formulaic procedure.

Instead, just describe inputs, or,

in those non-hierarchical subjects where content elements are interchangeable, describe an array of typical or indicative inputs – the specific repertoire that will change the student over time.

Set an ambitious entitlement around breadth

I mean this both in terms of overall range of subjects and, within subjects, securing coherence through cumulative thoroughness, not tokenism.

Resist common headings across subjects

Over 35 years, we've had 'Key elements', 'KSUs' (knowledge, skills, understanding), 'Concepts and processes'. Don't. Just don't.

Such apparent tidiness breeds laughable false equivalence on the ground, fostering meaningless management conversation about curriculum.

Avoid duplication across primary and secondary

Keep inputs precise, different, complementary. What primary schools achieve with a coherent, rigorous curriculum is astonishing.

A curriculum is a set of promises to future teachers. Specify that primary ambition and, finally, the NC might achieve what it never has in 35 years: confidence in what Year 7 bring with them.

Opinion

DO YOU HAVE A STORY?
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SALLY TOMLINSONHonorary research fellow,
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The SEND system is not broken. It's doing its job

The history of our SEND system shows our priority should not be to fix it but to create a whole new way of doing things, explains Sally Tomlinson

It makes good headlines, given the reported £2.3 billion debt of all local councils regarding SEND funds, and studies of parental and school dissatisfaction, but the SEND and alternative provision system is not broken.

In fact, it is doing exactly the job it was intended to do – in the late 19th century. That job was to remove from the still-developing elementary schooling any children and young people regarded as disruptive, 'defective' or disabled so that mainstream schools could get on with teaching 'normal' children.

At the time, children were taught in Standards 1-6. Inspectors came each year to test them on the prescribed curriculum. A 'Standard Zero' class was suggested for the 'dull', disabled and disruptive but never took off.

Then the 1899 Elementary Education (Defective and Epileptic Children) Act was passed to divide the normal from the 'not normal' into separate classes, units and schools. The chancellor of the exchequer at the time expressed anxiety that provision would be too expensive as local authorities would find 'too many defective children'.

Parents, regarded as part of the problem, needed to be encouraged or coerced into the removal of their children from mainstream schools. Ideologies shifted between a benevolent humanism that these children needed special attention, to the punitive need for the social control of potentially delinquent lower-class children.

Medical (mainly) men had the task of identifying the children through a variety of labels. There were six in 1899: idiot, imbecile, blind, deaf, epileptic and defective.

The developing science of psychology and IQ soon claimed a place in 'diagnosis' and assessments. By 1945, there were 11 categories.

In the 1970s, disability movements began to force recognition and re-evaluation of society's treatment of disabled people. Following a period of claims for endless descriptive categories, by 1983 children and young people simply had a special educational need. Disability was added in 1995, completing the SEND acronym we now know.

And here we are. Children are still taught in age and ability groups. Accountability is focused on exam results and 'raising standards'. Schools, stifled by a narrow curriculum and prescriptive behavioural expectations, can't cope with the variety of 'learners'. And all are expected to gain some kind of qualification and find employment.



“ Endless reviews have promised change

Only two substantive differences present. The first is a nominal expectation of 'inclusion' (with little support to achieve it). The second, that a system once designed to remove lower-social class children (and later, children from racial minorities too) now increasingly excludes children from middle-class families.

Today, nearly two million children and young people 'managed' or excluded from mainstream are regarded as in need of some form of special education or alternative provision.

Meanwhile, the Department for Education allows some 15 conditions of 'need'. Parents, carers and – for those who can access them – lawyers fight over the expanding claims for an Education, Health and Care Plan, (EHCP) – a necessary means of gaining either a special school place or mainstream support.

But specific policy iterations aside, the issues that dogged the development of this sub-system from the outset are largely the same issues facing policymakers today: ever-increasing costs, parental pressures, lack of capacity and

training, and controversies about the accuracy, number and distribution of diagnoses.

Endless reviews have promised change. The latest, the last government's 'SEND and AP improvement plan' remains mostly undelivered (underwhelming as it was) and a new government is offering warm words about finally 'fixing' the 'broken SEND system'.

But the SEND system is not broken. Under-funded? Yes. Under-resourced? In every sense, yes. But no amount of funding and resource is going to fix a system that's doing exactly what it's designed to do, or ever keep pace with changing and increasing demand.

Worse: tinkering with incentives and targets can only, at best, redirect its exclusionary consequences onto the families it was always meant to exclude, driving inequality.

Our knowledge and understanding have increased dramatically since the 1800s. Our best practices too. It's time we designed a new system with these at their heart.

Special needs and sin-bins by Sally Tomlinson will be published in 2025

Opinion

DO YOU HAVE A STORY?
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MICHAEL GOSLING

Chief executive,
Trinity Multi Academy Trust

How fair banding makes us more inclusive – not less

While some decry 'selection by stealth', fair banding assessments have in fact earned us an award for our admissions process, explains Michael Gosling

Fair banding assessments like the ones we use have come in for their fair share of criticism.

This week, however, Trinity became the first academy trust to be awarded the **Fair School Admissions Gold Award** by social mobility champion The Sutton Trust.

We predominantly work in areas of high deprivation and we believe strongly that a school's cohort should reflect its local community. Fair banding assessments support us to deliver that, serving the needs of the most vulnerable.

Our assessments are created and marked externally by GL Assessment, which also allocates pupils into bands. We communicate these results to local authority admissions teams who allocate pupils accordingly.

Trinity schools span five local authorities and have often been the first in an area to use fair banding assessments. In these cases we have invested in training local authority staff in the approach. Invariably, the upshot is that they begin to explore rolling the practice out borough-wide.

Nevertheless, some look at our practice and cry 'selection by stealth',

believing this to be a mechanism to produce higher-attaining Year 7 cohorts.

My response is twofold: I explain the nuances of fair banding (because there are different versions) and I produce the data, showing the impact of a policy that has been in place for several years now.

The need to act

Its moral imperative is evident in the way the policy came about in the first place.

Essentially, the success of our founding school since its 2010 opening (including three 'Outstanding' Ofsted reports and a host of Department for Education designations) resulted in more expensive housing being built near the school.

The 'circle of admissions' was contracting. Over time, admissions were increasingly determined by which families could afford to buy the new houses.

While this policy may not eradicate that completely, it does mitigate against it to an extent and gives local children a more equitable chance of gaining entry into their local school.

Like for like

First, it ensures that the cohort of pupils we admit matches exactly the profile of the pupils who apply to our schools.

Some models of 'fair banding' impose equally-sized attainment



“ This is clearly working for the communities we serve

bands. This can artificially over-represent high prior attainers and under-represent low prior attainers, meaning those who are proportionately most likely to be disadvantaged end up having to travel further to other schools.

Instead, our model matches the size of our attainment bands to the overall attainment of the applying cohort. We also complement this with our oversubscription criteria, which prioritises distance from the school, thereby guaranteeing local children benefit from our practice.

Fair access

Additionally, we spend a lot of time ensuring that there are no misconceptions about the fair banding assessment.

A regular criticism of the practice is that parents who can afford it can gain unfair advantage for their children by investing in tutoring, like they might with the 11+.

We ensure parents know their child cannot 'pass or fail' our assessment, and that there are no benefits in attempting to be allocated to a higher-attaining band.

Another factor in accessibility, some fair banding assessments have been criticised for being held at weekends and in somewhat distant testing centres, again disavours

the most disadvantaged families.

We offer to administer the assessment in all local primary schools, an offer that is widely and gratefully accepted.

Proof of the pudding

The effect has been profound. Sign-up has been significant and relations with local primaries further cemented. Best of all, the data trends across our schools show that both 'average distance to school' and 'furthest distance from the school' have decreased.

Furthermore, the percentage of pupils living nearer the schools has increased while the percentages of those living further afield have decreased.

Meanwhile, the makeup of the cohort, regarding prior attainment and the percentage of pupils with SEND, has remained broadly similar, while the percentages of disadvantaged pupils and looked-after children have increased.

No admissions policy is perfect, but this is clearly working for the communities we serve. Cohorts remain representative of the local area, perhaps even a little more so than before.

In short, it is equitable, inclusive and easy to follow.

Opinion

DO YOU HAVE A STORY?
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HALLGARTENPrimary teacher, Tower Hamlets
and education consultantThree niggling concerns about
the curriculum review's terms

Flaws in the review's terms of reference mean an (other) opportunity to deal with the perennial issue of curriculum overload could go begging, writes Joe Hallgarten

Let the curriculum games begin! Another review is underway, and edu-gladiators and organisations are sharpening their pencils and elbows. The curriculum is overloaded, everyone agrees, but none want their particular passion removed. Some, in fact, want theirs added.

In 1999, a senior civil servant shared with me some submissions from that year's review. The Campaign for Real Ale and the Anarchist Federation demanded that real ale and anarchy be included in the National Curriculum. Are we not entertained?

Now that I am back in class, the thought of yet more curriculum change is kind of exhausting. There are clear opportunity costs.

Every minute spent tweaking curriculum content is a minute lost to the less politicised but usually more profound choices – especially around task design – that make the daily differences to children's learning.

However, as I battle to teach adverbials, or struggle to find time for developing pupils as active citizens, the chance to refresh,

reduce and repurpose our national curriculum is welcome.

The guardrails for the current review are now set. They rule out revolution and rightly prioritise social justice and equity. However, they also exhibit three serious flaws.

Primary goals

First, the review will 'work backwards through young people's educational journey' starting with Key Stage 5.

This seems to suggest that the primary curriculum is simply a 'flight path' to what needs to be achieved at and by secondary schools, rather than have any intrinsic, real-time value to enable a thriving childhood.

The accompanying evidence paper, which includes only data from secondary schools, subtly reaffirms this post-11 bias.

The whole curriculum

Second, the review fails to differentiate between the whole curriculum and the national curriculum. The 2011 review specifically noted this distinction, arguing that 'the National Curriculum should not absorb the overwhelming majority of teaching time in schools'.

Looking back, this feels laughable. For academies as well as maintained schools, and for nearly 40 years, the national curriculum has left almost

“ Government needs to tread
more lightly on schools' lives

no space for any locally-determined content, aims or outcomes. The OECD has noted as much.

As I have argued elsewhere, there is a compelling case for government to guarantee schools that 20 per cent of their curriculum time will be reserved for 'non-National Curriculum learning', and to ensure that accountability systems protect, inspect and monitor this space.

If the review is serious about its principle to 'support the innovation and professionalism of teachers', it has to face up to this fundamental failure. Government should see itself as a curriculum space-creator as well as determiner. It needs to tread more lightly on schools' lives.

Defining so-called skills

The third flaw is that the review wording refers to 'skills' on numerous occasions but offers no clear definition of the word, further obfuscating this issue with occasional use of the terms 'attributes' or 'life skills'. Worryingly, none of its 54 consultation questions create space to discuss this explicitly.

How shall we distinguish, then, between skills as the application of knowledge (academic and technical know-how) and skills as dispositions (habits of mind and character)?

Whether and how to include the latter in any national curriculum is a live debate. There are genuine differences about whether creating a national curriculum that is both knowledge-rich and dispositions-rich (within, across and beyond subjects) is either desirable or realistic. Yet the review looks likely to miss the opportunity to have that debate sensibly.

Developing such dispositions is precisely where guaranteed school (not national) curriculum time might allow for genuine development.

Rather than nail down specific dispositions, the review could create space for rigorous experimentation, which could be incentivised by beefing up the presently low-leverage 'personal development' element of the Ofsted framework.

These three flaws should not prevent anyone from engaging with the review in good faith. (See Tim Leunig's excellent 'how to' in FE Week to help you have your say.)

All reviews, like all curricula, are imperfect, but I am still optimistic that this one will move our national curriculum to the better place all our children deserve. In the meantime, may the odds be ever in your favour.

Solutions

DO YOU HAVE A STORY?
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PAUL DIX

Behaviour specialist and author of *When the Parents Change, Everything Changes*

How to get parents on board with your behaviour policy

Aligning policy and parental expectations is vital in ensuring a behaviour policy is well supported at home and ultimately successful, explains Paul Dix

Parents have their own view of behaviour in your school well before they get sight of your policy.

The history of your school runs deeper than the latest name change or a new set of shiny-suited leaders. It is etched deep within the community. It rings through the local taxi company, the chats over frothy coffee and every antisocial media source.

Parents' view of behaviour in your school also depends on their own experience. They may have attended your school and have very fixed attitudes towards it. Their experience may be affecting their desire to get involved at all, especially if it didn't go well the first time.

Chunk it up

Not many people will have read the behaviour policy in full. I include teachers in that. The first few pages are generally guff. Worthy guff, but everyone skips past that to get to the 'What do I do when...?' bit.

Most parents won't read the behaviour policy at all until their child falls foul of it. It would help

if you chunked it up, and gave it to them gradually in tasty nibbles: start of the day, positive noticing, three rules, one new routine, and consequences.

Give them the time to understand each element and to see how it works. One idea at a time, drip-fed over the first term is manageable. A 32-page policy written in eduspeak is not.

Each strand of the policy has a ripple effect on the home. Let parents and carers know how to support and be specific:

- "Can you notice three positive decisions your child makes today?"
- "We are doing meet-and-greet. Please practise the handshake at home tonight."
- "We are focusing on 'Ready' next week. Can you give your child three examples of 'Ready' this weekend please?"

If parents know what actions to take to support teachers, they will. If they feel they are not involved they will be surprised when you ask for their help further down the line.

Make it make sense

If your behaviour policy is aggressively controlling, goes against common sense and is designed to scare off children with additional needs, there is no honest way to sell this to parents.

Likewise, if you tell me that I



“ If they know what actions to take to support, they will

must buy branded socks, email me every time my child goes for a wee and dedicate resources to keeping children in isolation boxes, then you will turn supporters into adversaries very quickly.

The behaviour policy must make sense, otherwise the school, parents and community are pulled apart. Inclusive behaviour policies mean that children with additional needs and their parents feel safe.

Your parent body and your community are also diverse and have their own additional needs. By dismissing the needs of children, you dismiss the community and distance yourself from more parents.

Work with, not against

The very best way to get the support of parents is to consult with them, especially if your school has a wobbly history.

Give them every opportunity to contribute and then confect a few opportunities to get them in and talking. Events that are seemingly unconnected with their child

(eg. bingo or cookery classes) can build currency and generate great discussions.

Once you have them talking, listen to them – hard! This can't be a consultation that goes through the motions. Grow your policy with parents from its foundations and they will not only understand your decisions but actively support them.

The same goes for changes to your behaviour policy. Keep parents informed regularly, let them know the effect the changes are having and thank them for their support and help.

Let them feel important and part of the team around their child. You can't please every parent, but you can involve them all – and keep them involved even if the consultation didn't go their way.

Send positive notes, make positive phone calls, call round for a Hot Chocolate Friday at home.

Your school's reputation for behaviour is built one relationship at a time. The graft is long and hard, but the prize is proper teamwork. It is at that point that everything changes.

THE CONVERSATION LISTENING IN ON THE DIGITAL STAFFROOM

Shekeila Scarlett

Chair of governors,
Stoke Newington
School and
Sixth Form

CLAUDE AND EFFECT

In the week that Labour MP Josh MacAlister presented his private members' bill to parliament on tougher regulations for young people and smartphones, this blog by Miriam Rahali, Beeban Kidron and Sonia Livingstone couldn't be more timely.



MacAlister wants to see schools transformed into phone-free zones, and rather than revisit well-rehearsed controversies over the idea, this blog presents evidence from the authors' new report, *'Smartphone policies in schools – What does the evidence say?'*.

The trio assess the effectiveness of smartphone bans, the range of schools' approaches and their various effects.

What I found most fascinating was the point made in reference to policies of schools in relation to their current Ofsted gradings. In my opinion, the difference is really a matter of language used and actions taken. It's annotated as schools that were rated 'Outstanding' were likely to 'impose' strict phone bans as opposed to schools 'needing improvement', 'suggesting' that phones shouldn't be used.

I had never really considered how the manifestation of rules and the language used in them, despite trying to achieve the same outcome, can have a different effects. In the grand scheme of things, lots more factors play into how a policy is received, but as a governor I will certainly be much more aware of the lessons to be learned here.

Perhaps MacAlister can learn something here too.

TRUST ME, I'M A HEAD

And finally this week, I found this blog from 'Old Primary Head' Brian Walton gave a refreshing perspective. I was unfamiliar with his blog until this week, but indeed this appears to be his style.

I'll be honest: when I first saw the title, *'Lessons learned in school leadership: Joining a multi-academy trust'*, I was almost certain the blog would depict an experience that was all honey and roses. I'm happy to report I was wrong.

Walton's account of the experiences and lessons he learned from joining a trust did a great job of dispelling my misconceptions. He speaks candidly about topics such as communication, picking the right size of trust, and ensuring the trust works for a school's needs rather than making the needs of the MAT work for the school.

Most importantly, Walton makes a big deal of autonomy in decision-making processes.

Reading of the relief that comes from getting the choice right and no longer having to decide or act on every minor detail (letting the trust do its job of supporting the school) made me think back to some of the World Mental Health Day events I attended last week.

A common point that came up there was that sometimes spreading the load can halve the stress. As Walton quite rightly says, longevity in leadership is centred on spreading the challenges as evenly as possible.

I, for one, will definitely take note of that.

Lessons Learned in School leadership: Joining a Multi Academy Trust

In September of this year, we joined a Multi Academy Trust. It didn't happen overnight. In fact, it was a journey the school took that spanned nearly four years. From initial conversations, which we knew would go nowhere - exploring our position and what we thought about MATs and our role within one. Over those years we had various meetings, visits and conversations with four or five different MATs.

**Click the links to access
the blogs and podcasts**



THE TEENS' GAMBIT

As adults, we tend to juggle many balls day in, day out, and we try to find aids to support with 'easing the load'. Sometimes it's very easy to look down on younger people and think 'what do you have to worry about' or 'what's really on your plate'?



I find it interesting, because we forget how things were as teenagers. And the reality is we were just as busy, but our struggles were different: juggling friendships, personal lives and educational demands.

I think Mark Miller has hit the nail on the head with his latest blog for Bradford Research School, under the title *'Playing chess without a board'*. We ask students to hold various things in mind but, as Miller reminds us, our memories aren't built for overload.

So what do we do to support them? Miller discusses some strategies such as checklists and worked examples which could help alleviate the mental strain. If anything, I'll be taking note and using some of these myself.

The Knowledge

What we've learned about schools and their communities this week



What does employee engagement tell us about retention?

John Jerrim, Professor of education and social statistics, IOE, UCL's Faculty of Education and Society

Several factors are thought to be driving poor retention, including concerns over pay, workload and accountability. A paper published today proposes another factor – one schools have greater control over.

Over the past two years, The Engagement Platform (TEP) has worked with a group of around 100 schools to better understand the impact of employee engagement. The central premise is that how staff think and feel about their role in the workplace drives their behaviours.

For instance, if an employee feels their workload is manageable, that there are effective mechanisms that allow them to manage pupil behaviour and that they have strong, positive relationships with their colleagues, they will flourish in their jobs. If not, they will be more likely to leave their role, and possibly the sector.

While previous research has provided some evidence to support these hypothesised engagement-behaviour links, much of this has come from the United States. Equivalent data and insights for England have been hard to come by.

A new paper published today, *[The link between school leadership, staff job satisfaction and retention](#)* takes a first step towards resolving this issue. It uses data TEP has gathered from several thousand members of school staff over the course of the past academic year to explore predictors of job satisfaction and retention.

Our particular interest has been whether markers of staff engagement taken towards the start of the academic year are able to predict satisfaction and retention eight months later.

We have found markers of emotional engagement to be particularly important. These largely focus on interpersonal relationships with colleagues. This includes whether they meaningfully collaborate with others in school, how supported by their line manager they feel, and their feelings towards the school leadership team (SLT).

Some of the results are quite striking. For instance, in November 2023 staff were asked about their views on their SLT (e.g. whether



'Staff disengaged with leaders were twice as likely to leave'

they communicate effectively) using TEP's 0-10 reporting scale. Then, in June 2024, they were asked questions related to their job satisfaction.

We found that staff reporting high levels of engagement with SLT in November were much more likely to be satisfied in their jobs in June. This was over and above a range of other factors, including their views on pay, workload and how satisfied they were in their job.

Importantly, we also found evidence that staff's emotional engagement with SLT is related to movement of boots on the ground. Staff who were disengaged with SLT were twice as likely to leave their job over the following eight months than staff with the highest levels of engagement.

In other words, there is now "hard" evidence of the employee engagement-behaviour link we thought likely to emerge when TEP was developed.

In a further paper, which we will be publishing soon, we have also explored how teachers feel about the relationship with their colleagues and their line manager. We then explored how these indicators of their emotional engagement are linked to future improvement (or decline) in job satisfaction.

Our findings show that when teachers become more emotionally engaged with their colleagues over the course of an academic year their

commitment to continue working for the school meaningfully improves.

For instance, if a member of staff rates their relationship with their colleagues as 8 out of 10 rather than 5, their commitment to working in their current school increases by around one point (from a 6 to a 7) on TEP's 0-10 response scale.

During this academic year, we are looking to develop the evidence base around school engagement further, including expanding it to pupils.

Our hypothesis is that we are likely to see similar cognitive and emotional engagement links to the actions pupils take, as we have observed for employees.

For instance, pupils who see the value in what they are learning, believe they can influence their outcomes and have positive relationships with other members of the school community will be more likely to attend school, focus during lessons and work hard towards their goals.

In the meantime, leadership teams have strong evidence – if they needed it – to back up investing in relationship-building with their staff.

ImpactEd Group are offering subsidised participation in employee data collection through TEP. Contact hello@impactedgroup.uk

Week in

Westminster

The week that was in the corridors of power

MONDAY

It's been 100 days since Labour took office, and to celebrate we were treated to a webinar with education secretary Bridget Phillipson and skills minister Jacqui Smith.

Smith liked to remind us of her illustrious parliamentary career, but also how she's done a bit of "media work" in recent years.

We know she's probably referring to the LBC political podcast with Iain Dale, but we are hoping she actually means her short-lived 2020 stint on *Strictly Come Dancing* (it's joyous and worth a watch).

Anyway, given all this experience, she was given the responsibility of interviewing Phillipson in the webinar but said she would be "more gentle than a Jeremy Paxman or something like that".

One of the questions was around Ofsted and how scrapping one-word judgments hasn't "eased any pressure at all". "Can you reassure us that there is a strategy and no more knee-jerk reactions ahead?"

Phillipson said she was pleased Labour could "move so rapidly to end the one-word judgments" as she "wasn't sure that we'd be able to do it quite so quickly".

Interesting, we'd love to know why.

We couldn't help but notice that Phillipson repeated her most loved phrase that she's got the "best job in Cabinet". Is it the equivalent of her predecessor Gillian Keegan's "I'm from Knowsley"?!

WEDNESDAY

Things aren't looking great for those hoping the looming end of the National Tutoring Programme would spur more schools to use it.

Our Freedom of Information request this week found about 21 per cent of schools did not complete the year-end statement tutoring form. Those that don't fill it in have all their ring-fenced funding clawed back.

We were surprised it was only marginally worse than the year before, when 20 per cent failed to fill it in.

The DfE said it is trying to get the figures up by offering guidance, and emailing and calling schools.

Today, the DfE unveiled its answer to the Microsoft Word paperclip.

Its virtual assistant will be on hand to help trust chiefs and auditors when submitting financial statements for 2023-24.

It was developed "using the most common questions raised by trusts and external auditors" and will "give an immediate answer", speeding "up the time to respond to queries".

Let's hope it's more helpful than Clippy...

Sunderland's Phillipson met with Manchester mayor Andy Burnham to "discuss Labour's work to spread opportunity in every region".

But she "spared Andy a long discussion about where the 'real north' actually starts".

THURSDAY

If we didn't know that Phillipson played hockey before, we do now, after a *Daily Telegraph* story last week revealed the irony in her playing a match on a private school's AstroTurf hours before suggesting the institutions didn't "need" the pitches.

It's something LBC presenter Nick Ferrari didn't let slide today.

"I love playing hockey, I play hockey for a club, but I'm not responsible for where our opponents arrange their away fixtures," said the education secretary. Eeek!

She did reveal they won the game and she scored a goal. An own goal perhaps?



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