

APPENDIX

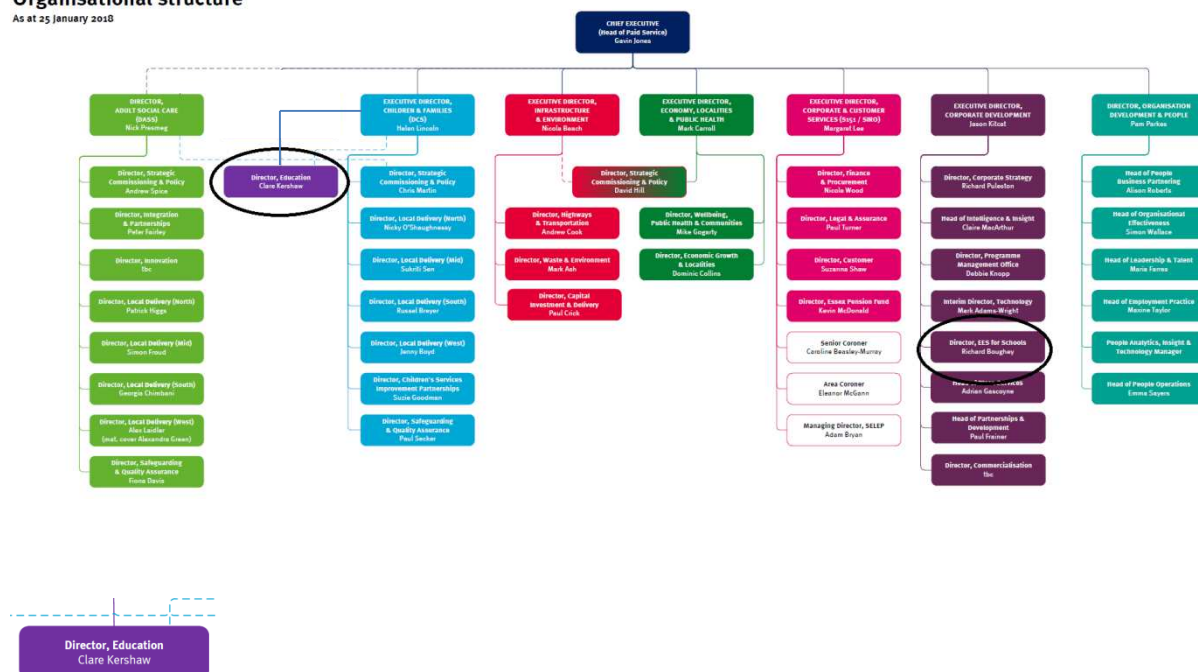
The duties of Education and the sold services of EES for Schools

All EES for Schools services are already subject to choice by schools based on the 1988 Education Reform Act which introduced Local Management of Schools (LMS). Essex phased this in from 1991 and therefore they have been autonomous for c.30 years. The Act allowed all schools to be taken out of the direct financial control of local authorities and that that control was handed to the head teacher and governors. The ownership of EES therefore has no impact for any school be they academy, free school or maintained in terms of choice. All existing EES for Schools contracts allow a school to cancel their subscriptions in year with notice and all are already free to buy (or not) from the range of pay as you go options (for example training and consultancy). There are no services provided by EES for Schools that have been pre-bought by ECC on behalf of schools.

This diagram below shows the two directorates concerned and shows how they are part of different structures in ECC.

Organisational structure

As at 25 January 2018



Below is a table of the local authority education duties carried out by **Education**. None of these are proposed to be included in the sale.

Local authority education duties

- School place planning duties;
- Education otherwise than at school;
- Welfare/Inclusion;
- Special Educational Needs;
- School transport duties;
- Admissions duties;
- Curriculum and assessment;
 - The local authority, and governing

Education

✓
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Notes

bodies have a duty to exercise their functions with a view to securing, and a head teacher has a duty to ensure, that the curriculum provided is:

- | | | |
|--|---|--|
| ▪ broad and balanced; | ✓ | |
| ▪ comprises the National Curriculum, including implementing key stage test arrangements (SATs); | ✓ | |
| ▪ includes provision for religious education and for pupils in secondary school, sex education; and | ✓ | |
| ▪ that they have regard to statutory guidance issued by the Secretary of State. | ✓ | |
| ○ In relation to key stage 1 assessment, the local authority must: | | |
| ▪ make provision for moderating teacher assessments in respect of 25% of relevant schools; | ✓ | EES for Schools provides a traded service for academies wishing to have their provision moderated. |
| ▪ collect teacher assessment information from relevant schools and quality assure it, and submit it to the DfE; and | ✓ | |
| ▪ ensure school have training and advice in all aspects of key stage 1 assessment and electronic systems to submit data. | ✓ | |
| ○ In relation to key stage 2 assessment, local authorities must visit 10% of schools administering tests for monitoring purposes. | ✓ | |
| ○ From summer 2012, local authorities must monitor at least 10% of relevant schools to ensure Yr 1 phonics screening check is being administered correctly. They must visit at least 10% of relevant schools before, during and after the check and submit information to the DfE. | ✓ | |
| • Religious Education; | ✓ | |
| • School Meals; | ✓ | |
| • School Finance; | | |
| ○ The local authority has a duty to: | ✓ | |
| ▪ Determine school and PRU budget shares in accordance with the school finance regulations; | ✓ | |
| ▪ Establish a schools forum for the | ✓ | |

area;		
▪ Maintain a scheme for financing schools; and	✓	
▪ Provide accounting information to the DfE under the Consistent Financial Reporting Regulations.	✓	
• School Governors;		
○ Appoint parent governor representatives to local authority committees dealing with education;	✓	
○ Appoint local authority governors to all maintained school governing bodies;	✓	Before 2017/18 this was bought by Education from EES for Schools but is now done by teams within Essex County Council.
○ Governors of maintained schools are provided, free of charge, with such information as they consider appropriate in connection with the discharge of their functions as a governor; and	✓	Before 2017/18 this was bought by Education from EES for Schools but is now done by teams within Essex County Council.
○ Set up temporary governing bodies for new maintained schools.	✓	
• School sites and buildings;	✓	
• Inspection/intervention;	✓	
• Teachers and Staff		
○ The local authority is the employer of all staff in community, voluntary-controlled and special schools. In foundation, voluntary-aided and foundation special schools, the governing body is the employer.	✓	
○ Under the school staffing regulations, the governing body and head teacher in all schools are responsible for the day-to-day management of staff and duties are therefore largely delegated to schools, though the local authority will have supervisory or a residual role (the local authority is responsible for funding reasonable monies linked to terminations in all maintained schools).	✓	
○ The local authority retains the following duties in relation to staff:	✓	
▪ To act as the Appropriate Body in the statutory induction process for maintained schools, jointly responsible with the head teacher for the supervision and training of Newly Qualified Teachers and deciding whether	✓	Before 2017/18 this was managed on behalf of Education by EES for Schools but is now done by teams within Essex County Council.

- they have passed their induction;
 - To establish a performance management policy for teachers; and ✓
 - Duties as employer for pension purposes of all teachers in maintained schools relating to service and contribution remittance. ✓
- The Prevent duty;
 - This duty arises from the Counter Terrorism and Security Act 2015 and relates to a range of organisations including schools and LAs. They must take steps to prevent people from being drawn into terrorism; and ✓
 - Local authorities must work with local partners to protect public, prevent crime and promote strong integrated communities. Some local authorities do this through Community Safety Partnerships. ✓
- LADO;
 - The LADO has responsibility under Working Together to Safeguard Children 2013 to manage allegations against individuals who work with children. ✓
- Academy conversions; ✓
- Early Education and Childcare; ✓
- Determine the dates of school holidays; ✓
- Participate in the Contact Point database; ✓
- Provide independent careers advice for pupils aged 14-16 in pupil referral units; ✓
- Secure access to positive activities, to ensure young people have access to sufficient educational leisure-time activities which are for the improvement of their well-being and personal and social development. ✓

Director, EES for Schools
Richard Boughey

Below is a table detailing the **EES for Schools** services included in the sale. All are traded with no elements that are statutory duties so these will continue to be purchased (as now) at the discretion of schools.

Services sold by EES for Schools

Target Tracker	Software EES provides to allow primary schools to assess the educational progress of children.
Education Finance Support	A team who provide in school financial support and audit services.
Support for Governors	Advice and guidance for subscribing governing bodies.
Clerking Agency	Advice and guidance for subscribing governing bodies.
Schools HR	A team who provide in school HR support and compliance services.
Professional development	Training for all school staff and in school educational support.
Educational Visits	Advice and guidance for subscribing schools on residential and other out of school visits.

All EES for Schools services are accountable to the service provider (EES) under contracts rather than under the democratic accountability of the authority under retained powers. EES does not work with schools in terms of SEND, school place planning, school admissions, home-to-school transport, or education funding which are the elements of the retained powers. Any school, academy or maintained, has chosen to work with EES not because it is the local authority but because of the freedoms they already enjoy as part of LMS. The ownership of EES does not change this.

Since the formation of EES in 2013, its customer base and national market share has grown to the extent that it now has 4,500 customers nationally and internationally. However use of EES services is not universal even in Essex. For example 97 out of 450 primary schools in Essex (22%) don't buy Target Tracker. A range of systems are being used by these schools and all schools make their choice based on their preferences. Some schools (for example those in the Reach Multi Academy Trust made up of 55 schools largely in Essex) have commercially chosen other providers.

All EES services including financial, human resources, training and other professional advice and support services currently purchased by Essex maintained (and all other EES for Schools customers) have made their choice because the services meet their needs. The association of EES with ECC is not a factor in the quality of the service and all will continue to be able to choose the service from EES or a competitor that is most responsive to their requirements no matter what a supplier's ownership structure is.

Despite being a national business, EES is also committed to continuing to not only be based in Essex, but specifically in Chelmsford, ensuring that it remains a "local" service to Essex schools. Investments made by the new owner are essential for the continued success and growth of EES which will be a very strong positive for all schools in Essex.