

Forward Plan reference number: FP/869/11/20

Report title: Determination of School Term Dates for Community and Voluntary Controlled School 2022-2023	
Report to: Councillor Ray Gooding, Cabinet Member for Education and Skills	
Report author: Clare Kershaw, Director, Education	
Date: 10 February 2021	For: Decision
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County Divisions affected: All Essex	

1. Purpose of report

- 1.1. To consider the responses to the consultation about the proposed school terms dates calendar for 2022-2023 and to determine the final calendar.

2. Recommendations

- 2.1. That the Cabinet Member determines the school term and holiday dates for Essex community and voluntary controlled schools for the 2022-2023 academic year as per the calendar attached as Annex A.

3. Background and proposal

- 3.1. The County Council is required by law, under the Education Act 2002, to determine the school year calendar for community and voluntary controlled schools. Academies, free schools, voluntary aided schools and foundation schools can set their own term dates but many of them adopt the Essex County Council calendar. The calendar therefore affects the whole of Essex.
- 3.2. Essex is one of a group of eastern region authorities who historically have worked together to achieve a uniform set of dates. The calendar recommended to be adopted is broadly consistent with these neighbouring authorities. There will be minor differences between authorities, but broadly school holidays will be at the same time.
- 3.3. The School Year Advisory Group comprising representatives of all the professional associations for teachers and school leaders in Essex, the Church of England and Roman Catholic Dioceses and the Associations of Secondary, Primary and Special School Headteachers have been consulted and in turn schools have been consulted about the proposed calendar.

- 3.4. The consultation was carried out between 30 November 2020 and 8 January 2021.
- 3.5. There was a limited response to the consultation which is not surprising or unusual as the proposed calendar is largely similar to the pattern of those adopted in previous years.
- 3.6. Of the responses received to the proposed draft term dates, there were some alternative suggestions, which included moving the last day of term in December to be either earlier (Friday 16 December 2022) or later (Wednesday 21 December 2022) to avoid a two day week. There were also suggestions of starting Spring Term on Wednesday 4 January 2023 for the same reason. There were also suggestions to consider moving the first day of the academic year to be later than Thursday 1 September 2022.
- 3.7. The proposals in paragraph 3.6 have been considered but it is, however, not recommended to implement them because this would mean the Essex calendar varying in these periods from that of the neighbouring authorities of Hertfordshire and Southend. Given the significant cross border movement of pupils between Essex and these areas, this could cause significant difficulties for families and teaching staff with work, holiday and childcare arrangements. The disadvantages of inconsistency with the calendars of these neighbouring authorities are considered to outweigh any perceived advantages of the proposals set out in paragraph 3.6.
- 3.10. Accordingly, the calendar that was shared as part of the consultation is the one which is being recommended for determination by the Cabinet Member.
- 3.11. The proposed calendar preserves the overall number of school days in total at 195, enabling for the provision of 190 teaching days when pupils are present.
- 3.12. It remains within the discretion of individual governing bodies to use five days across the school year as non-pupil days for staff development and training purposes.

4. Policy Context

- 4.1. The arrangements align with the *Essex Organisation Strategy* which has a number of aims, one of which is to enhance educational attainment and skills. Setting the term dates to ensure a calendar that provides for 190 teaching days contributes towards these aims.

5. Financial Implications

- 5.1. The proposed calendar follows the normal school year pattern and meets the legal requirement for a minimum of 190 days on which pupils are present. This provides an indication of the transport provision required for the

academic year. In addition, schools are able to allocate 5 non-pupil days or disaggregated twilight sessions. The number of school days in this decision has been reflected in the Council's medium-term resource strategy.

6. Legal Implications

- 6.1. The County Council will fulfil its statutory duty by determining this calendar for community and voluntary controlled schools which contains 190 days as required.
- 6.2 The Deregulation Act 2015 included a provision which would, if brought into force by the Secretary of State, allow schools to set their own term dates. This provision has not yet been brought into force and the Council understands that there are no plans to bring it into force in the near future. Accordingly, the Council continues to need to set term dates.

7. Staffing and other resource implications

- 7.1. There are no staffing or other resource implications as a result of this decision.

8. Equality and Diversity implications

- 8.1. In making this decision ECC must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act 2010, i.e. have due regard to the need to: A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. B. Advance equality of opportunity between people who share a protected characteristic and those who do not. C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting
- 8.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3. The PSED is a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149, is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 8.4. The attached schedule of term dates is consistent with the legal requirement to set a school year calendar ensuring pupils can be in attendance for 190 days.
- 8.5. The equality impact assessment attached illustrates that the dates do not propose any unlawful discrimination on the basis of the protected

characteristics and are not expected to have a disproportionately adverse impact on any group with protected characteristics.

9. List of appendices

- 9.1. Annex A - Term dates schedule for community and voluntary controlled schools 2022-2023.
- 9.2. Equality impact assessment

10. List of Background Papers

- 10.1 None

Role	Date
I agree the recommendations in this report for the reasons set out in the report.	04 March 2021
Councillor Ray Gooding, Cabinet Member for Education and Skills	

Role	Date
Executive Director for Finance and Technology (S151 Officer)	
Approved by Andrew Page, Head of Finance	15 February 2021
Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	25 February 2021
Paul Turner	
Director, Education	26 February 2021
Clare Kershaw	