

<b>MAYOR AND CABINET</b>			
<b>Title</b>	Review of Recruitment and Retention of School Staff: CYP Select Committee	<b>Item No</b>	
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<b>Class</b>	Part 1	<b>Date</b>	27 <sup>th</sup> June 2018

## **1. Purpose of paper**

- 1.1 As part of its work programme the CYP Select Committee undertook an in-depth review into issues relating to the recruitment and retention of school staff.
- 1.2 This paper summarises the recommendations from the review and provides an initial response from the Children and Young People Directorate for the Mayor and Cabinet to note and endorse next step.

## **2. Context and background**

- 2.1 This report responds to the findings of an in-depth review on issues relating to the recruitment and retention of school staff that the Children and Young People Select Committee undertook between June 2017 and December 2017. This very welcome and timely in-depth review summarised evidence gathered from a range of sources and made a number of recommendations to ensure that children attending Lewisham's schools are well supported to achieve their full potential as they move through their education. The Mayor and Cabinet received this report on 14 February 2018 and requested a response from the Executive Director for Children and Young People.
- 2.2 It is self-evident that schools are as good as the teachers who work in them, and it is in the interest of Lewisham's children and families that our schools continue to attract able teachers, and that they are supported and motivated to provide the very best quality education. To that end, the review looked at 3 key aspects affecting schools and their recruitment and retention issues. These included; the national context of the recruitment and retention of school staff; the financial context faced by schools; and the local context in Lewisham.
- 2.3 Nationally the recruitment and retention of teachers is a key issue. Birth rates have been rising since 2002, leading to increased pressure for places in primary school from 2010. Between 2015 and 2024, pupil numbers in state-funded secondary schools have been projected to increase by 20%. There is a teacher shortage and schools are finding it hard to attract quality candidates. The problem is felt more acutely in secondary schools, with some subjects especially hard to recruit to.
- 2.4 Over the past few years, schools' funding settlements have been frozen in Lewisham, meaning that schools have faced a real terms loss due to inflationary pressure. Inflation is expected to amount to 8% over the next three years with the

additional funding of 0.5% in the next two years, means schools in Lewisham are likely to see a real terms reduction of over 7% over this period. In addition, the pupil projections show that pupil numbers are volatile in Lewisham, as across the rest of London. This has reversed the solid upward trend in the last few years, and schools will need to cope with the funding uncertainty that this produces.

- 2.5 As is the case nationally, Lewisham's schools are responsible for their own recruitment and retention and can buy relevant services from Lewisham council, such as Schools' HR or NQT training. There are also four Teaching School Alliances in Lewisham, which together make the Lewisham Teaching School Alliance Partnership (LTSAP). Government policy is that Teaching School Alliances should, in a school-led system, be responsible for providing all continuing professional development (CPD) for teaching and non-teaching staff. Lewisham's schools can choose how they recruit trainee teachers. Schools can procure services from the Teaching School Alliances to recruit trainees to employment-based routes to achieving qualified teacher status (QTS).
- 2.6. Because responsibility for recruitment and retention lies with schools and not with the council, only the small amount of data required for the national annual School Workforce Data Census is centrally gathered by the LA. Little is known therefore about teacher numbers, vacancies and wastage rates within the borough. There is also a lack of data on how many of its newly qualified teachers (NQTs) Lewisham retains after they have passed their induction period as the local authority is not required to report this information to the National College for Teaching and Leadership. Nor is there a requirement for Lewisham schools to register their NQTs with Lewisham council as the 'Appropriate Body' (AB). Schools can use other 'appropriate bodies'. (The AB has responsibility for the registration, monitoring and assessment of NQTs).
- 2.7. Lewisham is working hard with schools and partners such as LTSAP and Lewisham Learning to ensure that as a borough our schools are effective and well run institutions which are able to recruit and retain high quality teaching and non-teaching staff to ensure good outcomes for children. The recommendations from this review seek to support this endeavour.

### **3. Recommendation**

- 3.1 The Mayor and Cabinet is recommended to note the committee's recommendations, the proposed responses and the proposed action that will be taken by officers as a result.

### **4. Recommendations and responses**

#### **4.1 Recommendation 1**

*That, where appropriate, teaching assistants are actively encouraged to qualify as teachers and given appropriate mentoring to facilitate this.*

- 4.1.1 Many schools have already supported teaching assistants to qualify as teachers as 'growing your own' is a recognised strategy by senior leaders and governing bodies. This is an approach that we should welcome and encourage. Providing appropriate support and training for teaching assistants is the responsibility of each school. Non-teaching staff are entitled to an annual performance appraisal at which their learning and development should be discussed. Schools regularly include teaching assistants in their whole school training plan and often support individuals to progress in their learning by identifying additional training/ support they need to progress and succeed.. Mentoring, may be important for some TAs but for others different help may be required. There will be some financial and equality implications which will need to be considered on an individual basis by each school.
- 4.1.2 **Proposed action:** *Officers will remind headteachers of the value in actively encouraging teaching assistants to qualify as teachers and remind them of the need to make available appropriate advice and support to enable such individuals to select the best possible pathway and access the help they may need to achieve this.*
- 4.2 **Recommendation 2**  
*That financial incentives to encourage teachers to join struggling schools be considered.*
- 4.2.1 Financial incentives – while not the only consideration – can be an important element in attracting good staff. The School Teachers' Pay and Conditions<sup>1</sup> Document 2017 already covers the ability for schools to do this under section 27 recruitment and retention incentives, but not all headteachers / Governing Bodies may be familiar with this. Each Governing Body will need to be clear about the pros and cons of this approach and make decisions based on need and circumstance. There may be financial and equalities implications for schools if this approach is taken which will need to be considered by each Governing Body. Any incentives agreed would need to form part of the school's pay policy.
- 4.2.2 **Proposed action:** *Officers will remind governing bodies and headteachers to carefully consider the mechanisms identified within the School Teachers' Pay and Conditions document 2017 (or any future documentation) which can support schools who are struggling to recruit and retain quality staff.*
- 4.3 **Recommendation 3**  
*That schools support the development of social networks (both online and 'in person') for their teachers, where ideas, concerns and solutions can be shared. An informal mentoring scheme could be a useful element of such networks.*
- 4.3.1 Most schools have a variety of support available to all staff (teachers and non-teachers). This may include social networks (which need to be properly regulated) as well as staff forums and informal support networks/ mentors. Schools use a range of mechanisms to share ideas and solutions including through a range of networks and professional development opportunities. Some schools also have Health and Safety

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<sup>1</sup> See section 27 of

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/636389/School\\_teachers\\_pay\\_and\\_conditions\\_document\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/636389/School_teachers_pay_and_conditions_document_2017.pdf)

Committees which can provide a helpful forum for staff to share concerns which are impacting on health and safety in the workplace – including workload.

4.3.2 **Proposed action:** *Officers will ask Lewisham Learning to identify good practice in schools ensuring that teaching and non-teaching staff have the support they need through social media and other channels and ensure that all schools are active participants in Lewisham Learning, sharing ideas and best practice with other schools in Lewisham and beyond.*

#### 4.4 **Recommendation 4**

*That schools consider increasing Continuous Professional Development from the usual five days per year to seven or more.*

4.4.1 It is important that schools consider whether additional CPD could improve performance and impact on recruitment and retention. Maintained schools do however need to abide by the Teacher terms and conditions which are set within the School Teachers' Pay and Conditions Document 2017 and cannot be amended. This sets the number of inset days staff can be expected to work as 5. These days are in addition to the 190 days of education which maintained schools are required to provide for children as a minimum. Again this is a statutory requirement on maintained schools. Academies have much greater flexibility.

4.4.2 **Proposed action:** *That Lewisham Learning look for models of good practice in organisation of CPD in ways that fits with teachers' terms and conditions and other statutory requirements.*

#### 4.5 **Recommendation 5**

*(A) That schools supply the following data to the Council on an annual basis:*

- teacher numbers per school
- any vacancies lasting longer than 3 months
- turnover rates
- NQT numbers
- a summary of reasons given by teachers for leaving [see (C) below].

*The Council will share this information with the Schools Forum.*

*(B) That schools keep a record of NQT pathways (recording whether they stay in the borough and for how long).*

*(C) That schools conduct online anonymised entry and exit interviews and provide the information collected to the council on an annual basis, in addition to using it to inform their recruitment and retention policies.*

4.5.1 The LA is required to collect some data every November as part of the annual School Workforce Data Census. Teacher numbers per school are already collected as part of this data capture. However, the other data listed in A) and B) above is not collected as part of this census. Collecting data on this scale would be both time consuming for schools and the LA. There would also be potentially significant financial implications of undertaking this activity for both schools and the LA which would need to be considered.

4.5.2 **Proposed action:** *Officers will work with Lewisham Learning and with LTSAP to consider the data regarding staff retention and recruitment which could be useful to collect and analyse across the borough, and agree which body would be best placed to lead this activity and how this could be resourced.*

#### 4.6 **Recommendation 6**

*That the Council works with schools to enlist Lewisham's Teach First Alumni as advocates for the borough's schools, as good places to work, as part of a formal advocate programme.*

4.6.1 LTSAP (Lewisham Teaching School Alliance Partnership) is the partnership which is responsible for supporting schools to find and recruit NQTs (newly qualified teachers). There are 4 Teaching School Alliances in Lewisham and these are the organisations which are responsible for the provision of continuous professional development for schools. This partnership already undertakes an annual 'Teach in Lewisham' event which is co-ordinated across the 4 Teaching Schools in addition to supporting individuals through the training and support offered to NQTs.

4.6.2 **Proposed action:** *Officers will work with LTSAP to develop a mechanism to ensure that all NQTs who train and then secure employment in Lewisham (including Teach First Alumni) are encouraged to become advocates for the borough's schools, and actively use these advocates where appropriate and possible to support the recruitment of trainee teachers and NQTs to the borough.*

#### 4.7 **Recommendation 7**

*That the Council, in partnership with schools and unions, creates a fair workload charter and promotes the concept across all Lewisham schools.*

4.7.1 We recognise and applaud the hard work and dedication of our school leaders and their teaching and non-teaching staff. It is obviously in the interests of everyone involved in our schools that they are as far as possible places of work in which all staff are able to lead healthy and productive productive working lives. That will benefit the adults who work there, but also contribute to a learning environment in which our children are most likely to thrive. That is why the new Mayor has signalled his strong support for the idea of our schools developing a Fair Workload Charter.

4.7.2 This kind of initiative appears to have been welcomed in other authorities and the Council will work with partners, including teachers, to consider the best approach for our schools. The creation and agreement of a 'Charter' may of course take time and effort to develop, and it will be of benefit only in proportion to the extent that school governing bodies choose to adopt it. The LA could not require this. Any local initiative would also have to take account of the legislative background: the School Teachers' Pay and Conditions Document 2017 includes a great deal of information which must be followed by all schools including work/ life balance, working hours and planning and preparation time, among other things.

4.7.3 The LA Schools' HR team is funded entirely from schools purchasing of the Service Level Agreement packages which are provided to them. As this would be the team who would need to lead the development of a Fair Workload Charter, this would need to be agreed with schools in the first instance. It would be important to ensure

that schools leaders and governors explore this concept and are fully on board before committing resources to the process.

4.7.4 **Proposed action:** *Officers will organise a task and finish group with Headteachers and Chairs of Governors, working with trades unions to explore the process of developing and agreeing a Fair Workload Charter to support the recruitment and retention of teachers in Lewisham.*

#### 4.8 **Recommendation 8**

*That schools are allowed to advertise vacancies on the Council website free of charge if they are experiencing acute staffing problems.*

4.8.1 All schools currently have a very good deal on advertising costs, paying only £265 per year for unlimited advertising across the Council website and other publications as part of a deal arranged by the Schools' HR team. Without this deal it would cost schools £710 per advert for the same cover. Schools with acute staffing problems and high numbers of posts to advertise do not have to pay any additional money to cover the costs of additional adverts, paying only the flat fee.

4.8.2 **Proposed action:** *It is proposed not to change the current policy as it represents good value for money for schools.*

#### 4.9 **Recommendation 9**

*That schools co-ordinate recruitment across more than one school in subject areas where there is a shortage of teachers.*

4.9.1 A number of schools have discussed this strategy already and schools do refer good candidates onto other schools where they have more than one good candidate, but there are potential contractual issues relating to more formal arrangements such as 'joint appointments'. Whilst schools could jointly advertise for similar positions, this could generate an increase in interest to the roles available, but does risk a 'bidding war' to recruit and retain the best candidates. Alternatively, one school could appoint a skilled member of staff to support other schools (this has been done within Lewisham Learning and the ATLAS teaching school as part of the Secondary Challenge work) but this can have contractual issues too and there are aspects of financial and reputational risk which individual schools would need to consider.

4.9.2 However, working together across a number of schools to recruit highly skilled staff can be highly successful – but this is most easily achieved when schools are in a formal hard federation as contractual issues are many fewer if staff are appointed to the federation. There are already 7 hard federations within the borough comprising a total of 16 schools along with the Haberdashers academy chain (which enjoys the same benefits) and 3 Infant and Junior schools which have realised that amalgamation into primary schools is a pragmatic and positive solution so more and more schools in Lewisham are realising the benefits of partnership working to address the issues of staff recruitment and retention.

4.9.3 **Proposed action:** *The local authority and Lewisham Learning will continue to promote collaborative models of working including hard federation and/ or*

*amalgamation and other collaborative solutions to ensure that governing bodies are well placed to recruit and retain staff.*

#### **4.10 Recommendation 10**

*That schools provide travel subsidy as an incentive to those teachers who move out of borough to remain in employment in Lewisham.*

4.10.1 School Teachers' Pay and Conditions Document 2017 already covers the ability for schools to do this under section 27 recruitment and retention incentives, but not all headteachers / Governing Bodies may be familiar with this. If schools use this provision they will need to consider the financial and equalities implications of any such decision. Any incentives agreed would need to form part of the school's pay policy.

4.10.2 **Proposed action:** *Officers will remind governing bodies and headteachers to carefully consider the mechanisms identified within the School Teachers' Pay and Conditions Document 2017 (or any future documentation) which can support schools who are struggling to recruit and retain quality staff.*

#### **4.11 Recommendation 11**

A) *That the Council explores the ways that new intermediate housing supply can best support key workers, including teachers. This will include schemes where the Council partners with a commercial sector organisation. Consideration should be given, for example, to ring-fencing London Living Rent housing for teachers, tied to a contract requiring employment in a Lewisham School for a fixed period or for the whole length of a tenancy.*

B) *When granting planning permission for large scale private housing developments, the Council should consider the feasibility of requiring a percentage of the homes available for rent to be let at the 'London Living Rent' level and ring fenced for key workers, including teachers, who do not qualify for social housing and are not currently in a position to enter into home ownership.*

4.11.1 Lewisham like the rest of London is facing a housing crisis. 70% of the nation's homeless households are in temporary accommodation in London. In Lewisham the number of social/affordable rented homes that become available for families to rent each year is around 1,200 while Lewisham has over 10,000 households in need registered for housing and 2,000 homeless households in temporary accommodation. The supply of affordable rented homes has reduced by almost 50% over the last 10 years while the number of homeless households has increased by 90%. There is therefore a chronic shortage of good quality affordable housing. In this context it is almost impossible to ring fence any housing that becomes available to specific groups of key workers. Nevertheless there are schemes available to help teachers and other key workers access intermediate housing properties. These schemes already have criteria attached such as lower income levels and residential and/or employment periods of time in the borough. A short history of keyworker housing and the current options available are set out below.

- 4.11.2 The growing evidence that housing problems were a major factor in the recruitment crisis in key worker services particularly both education and the health service became a recognised problem by Government in 2001 when the then Government launched a £250m starter home initiative (SHI), which helped house 9,000 key workers over a three year programme. This scheme was dedicated to affordable home ownership. Uptake was slow and the help available often failed to keep pace with rapidly rising property prices. This scheme was confined to nurses, teachers and police officers and was criticised for being too narrowly focused.
- 4.11.3 In March 2004, the government devoted more resources to the problem and replaced the SHI with a £690m programme called Key Worker Living (KWL). Under the new scheme, eligibility for assistance was broadened to include social workers, fire-fighters, and prison and probation service staff. The type of housing assistance offered was also expanded to include 'intermediate' rented housing - priced at levels above those of traditional social housing, but still below market rates.
- 4.11.4 Interest-free "equity loans" were also available under the KWL scheme and were increased from just £10,000 under the SHI to £50,000, and up to £100,000 for some London teachers. Although no interest was charged, such loans would eventually have to be repaid when the key workers came to selling the property. Repayment was/is based on the amount that was initially borrowed. For example if the loan represented a third of the value of the home when it was bought, a third of the value of the home would have to be repaid when the home was/is sold.
- 4.11.5 Both these schemes came to an end and have been replaced with the following:

**Help-To-Buy:**

This is the government scheme designed to encourage first time buyers and home movers to buy. This scheme is for newly built properties only, and allows the purchaser to buy with just a 5% deposit, whilst giving them a further 20% equity loan so they only require a 75% mortgage. The mortgage rate is therefore cheaper as it is lower risk to the lender, and the equity loan is charged at 0% for 5 years. In the 6th year, interest starts at 1.75%, and then increases annually by RPI+1%. The total effect for a purchasers is more affordable borrowing in the short term and the ability to purchase a property with a small deposit.

**New buy:**

Once again this scheme is exclusively for the purchase of newly built properties, where the purchaser only has to put in 5% deposit, and borrow on an exclusive NewBuy 95% mortgage. The benefit for the borrower is obviously only requiring a small deposit, but they also borrow on the mortgage at a cheaper rate, because the loan is government backed up to 20%, so the lender is effectively lending 95% but with the security equal to a 75% mortgage. Should the borrower default, the lender would recoup any shortfall from sale of the repossessed property from the government.

**(Mortgage Guarantee scheme released Oct 2013):**

This was rolled out fully in January 2014, is the same as the New buy scheme, but allows the purchase of any home under £600k, not just new properties.

**Shared Ownership:**



This is the purchase of a share of a property owned by a social landlord. The buyer can purchase from 25% up to 100% of a share, on which the mortgage is paid along with rent on the remaining share. Under these housing association schemes, key workers typically pay a subsidised rent to the housing association for half of the home and a mortgage on the other half.

**Right to Buy:**

For teachers and any other keyworkers who live in Council housing the opportunity exists to purchase the property with up to £100k discount.

Details about the various schemes that are available to help keyworkers with purchasing a property can be found on the HomeBuyService.co.uk . The household income is set at £60k p.a.

- 4.11.6 Lewisham’s allocation policy, notes that those in a household earning less than £50,000 will be eligible to apply for a place on our housing register but as explained earlier the demand for housing is such that the waiting time for a rented property is likely to be very many years. As such an intermediate housing product is probably most suitable to cater for the needs of teachers and other key workers. The Mayor of London’s position notes that for intermediate homes to be considered affordable, rents should cost no more than 40% of earnings. The following table looks at what that means for Lewisham residents:

Tenure	Monthly cost	Estimated Gross Income Required
Social Rent	£ 373	£15,077
Living Rent	£ 969	£34,000
<b>Median Household Income in Lewisham</b>		<b>£35,900</b>
Shared Ownership (50%)	£1,296	£56,861
Median Market Rent	£1,348	£57,052
Outright Ownership (Resale)	£1,642	£73,765
Outright Ownership (New Build)	£1,894	£86,352

- 4.11.7 London Living Rent (LLR) is an affordable product that we believe works for Lewisham. We have recently worked with colleagues in planning to secure 20% of the next phase of Lewisham Gateway to be LLR. The GLA’s recommended income threshold level for LLR as well as intermediate sale products is £60k per household so would be in line with teachers’ and other key workers’ earnings. However, unlike intermediate sale, LLR is offered to the market at local rental levels. An example of a blended rate for the wards around Lewisham Central would offer rents at the following levels:

Unit Type	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	6 Bed
Benchmark London Living Rent (pcm)	£879	£977	£1,074	£1,172	£1,270	£1,367

- 4.11.8 Our proposal for Besson Street will see around 80 units offered at LLR within the next 2 years and we're confident that a supply of units will be forthcoming over the coming years across the borough.
- 4.11.9 We are beginning to secure London Living Rent housing but have not been ringfencing as part of the planning process. There could be significant legal and equalities implications of doing this. We have however, sought to give preference to Lewisham residents for an initial period before they are marketed more widely across London.

4.11.10

**Proposed action:** *The Council's Housing Team will explore with its housing delivery partners the ways that new intermediate housing supply that best support key workers, including teachers is marketed and opportunities are brought to the attention of teachers and other keyworkers as they become available. This will include the Besson Street scheme and other similar innovative schemes where the Council partners with a commercial sector organisation for affordable and London Living rented as well as low cost home ownership properties.*

#### 4.12 **Recommendation 12**

*That the practice of allowing teachers in secondary schools without a sixth form to teach part time in neighbouring schools which do, is encouraged.*

4.12.1 The issues relating to this recommendation are very similar to the response provided for recommendation 9 as the ability for teachers to work in different schools does have some contractual and equalities issues.

4.12.2 **Proposed action:** *Officers will remind schools with sixth forms to consider partnering with nearby 11 to 16 schools, especially for shortage or niche subjects where sharing staff is feasible and does not cut across employment rules and policies.*

#### 4.13 **Recommendation 13**

*That systematic additional support is put in place for NQTs in their third year post qualification when "wobbles" can occur.*

4.13.1 Teaching School Alliances (TSA) are responsible for the continuing professional development programme for all school staff. We are fortunate in Lewisham to have LTSAP which is the partnership between all 4 TSAs in the borough. Individual schools are responsible for the support and professional development of all their staff and must have an appropriate performance management policy in place for all staff. If staff such as NQTs in their third year require additional help and support, this should be identified by their school and provided as appropriate and in line with existing policies and procedures. There may be financial implications for individual schools who may need to provide additional support which will need to be taken into account by schools.

4.13.2 In general schools should have arrangements to support all teachers, not just those in their third year of teaching, who experience difficulties and require additional help and support.

- 4.13.3 **Proposed action:** *Officers will request that LTSAP creates a strategic map of all courses and support offers which are available through the partnership to teaching staff who need additional support as well as to those staff who want to advance and further their careers and communicate this throughout Lewisham.*
- 4.14 **Recommendation 14**  
*That additional responsibility allowances are given to non-teaching staff who agree to take on duties beyond their core function, such as enrichment activities.*
- 4.14.1 This practice would contradict the Single Status Agreement which the Council and schools have signed up to. The agreement advocates 'clean pay' with job descriptions that are properly evaluated. There would be significant legal, financial and equalities implications if this recommendation were implemented.
- 4.14.2 **Proposed action:** *It is not proposed to take this proposal further given the terms and conditions of non teaching staff.*
- 4.15 **Recommendation 15**  
*That the provision of bespoke courses for teachers who are struggling or who are ready for promotion is explored.*
- 4.15.1 Teaching School Alliances (TSA) are responsible for the continuing professional development programme for all school staff. Many courses are already provided by the partnership including bespoke courses for struggling teachers as well as leadership development courses. However, not all schools may be aware of these opportunities. There may be financial and equalities implications for individual schools which identify staff who need further training which will need to be considered.
- 4.15.2 Where teachers have been identified as struggling, there are clearly set out contractual obligations which schools must follow which include providing a clearly defined bespoke package of support, which may include access to additional training, for teachers in need.
- 4.13.2 The need to provide additional professional development for teaching staff is very similar to the previous recommendation 13 which related to the specific needs of NQTs in their third year of teaching.
- 4.13.3 **Proposed action:** *Officers will request that LTSAP creates a strategic map of all courses which are available through the partnership to teaching staff who need additional support as well as to those staff who want to advance and further their careers and communicate this throughout Lewisham.*
- 4.16 **Recommendation 16**  
*That schools clearly define their complaints procedures and provide parents with a copy when their children start school. This should state that parents should refrain from posting the details of any individual complaint online.*
- 4.16.1 Government guidance was provided to all schools in January 2016 regarding school complaints policies and procedures (see:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/489056/Best\\_Practice\\_Advice\\_for\\_School\\_Complaints\\_2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf) )

The LA's advice is always, where appropriate and relevant, to follow DfE guidance. This document provides comprehensive advice to schools regarding their complaints procedures including recommending that their complaints procedure should be easily accessible and published.

4.16.2 This guidance also provides a sample policy for how to deal with unreasonable complaints. This includes the following guidance:

*“A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-*

- maliciously;*
- aggressively;*
- using threats, intimidation or violence;*
- using abusive, offensive or discriminatory language;*
- knowing it to be false;*
- using falsified information;*
- publishing unacceptable information in a variety of media such as in social media websites and newspapers “*

4.16.3 The LA has undertaken a lot of work recently to highlight the importance of school complaints policies and procedures including providing training to governors and school leaders as well as addressing this matter regularly at termly Designated Safeguarding Leads Meetings and in e-newsletter items. The emphasis has been on the importance of ensuring the policies are accessible to their parent community and the process for raising a concern is made transparent and simple for those who wish to do so.

4.16.4 Guidance about the content of a robust procedure has been provided through a checklist and there has also been signposting to other existing exemplars of good practice upon which schools could model their own. We have also been working separately on guidance to support schools specifically on parent/carer use of social media so that is clearly communicated to all parents the potential safeguarding and legal ramifications of inappropriate posts about school children and/or staff on an online platform. This guidance is being released to schools this term.

4.16.5 ***Proposed action:*** *Officers will remind schools that they must use the DfE guidance ‘Best Practice Advice for School Complaints Procedures 2016’ (or any further updates of this guidance) when writing their own complaints procedures and ensure that their own school policy is easily accessible and publicised to all parents as soon as their child starts school and, as part of that, parents are informed of the school’s policy on use of social media.*

4.17 **Recommendation 17**

*That the Church of England and Catholic dioceses consider making all teaching positions available to non-faith teachers.*

- 4.17.1 The Church of England and Catholic dioceses are fully aware of the recruitment and retention challenges within their schools in Lewisham and are responsible for their own policies and procedures.
- 4.17.2 **Proposed action:** *The Executive Director for CYP will raise the issue of recruitment and retention with the CofE and Catholic Dioceses at her regular meeting with them.*
- 4.18 **Recommendation 18**  
*That those schools that control their own admissions policy consider giving priority to the children of staff members.*
- 4.18.1 Between 2014 and 2016 five schools within Lewisham have consulted on and amended their admissions policy to give priority to children of staff members. This includes the governors of The Leathersellers' Federation of school (Prendergast School, Prendergast Ladywell School and Prendergast Vale School), St Stephen's CE Primary School and Tidemill Academy.
- 4.18.2 Lewisham, as the admissions authority for all community mainstream schools, administer the admissions arrangements for those schools. Voluntary Aided Schools, Foundation Schools, Free Schools and Academies are responsible for consulting and determining their own admissions policy. Any amendments to an existing admissions policy must be consulted on and determined following a statutory timetable. The School Admissions Code sets out the statutory basis for maintained school admissions arrangements (see: <https://www.gov.uk/government/publications/school-admissions-code--2> )
- 4.18.3 Admissions policies for the admission year 2019/20 have now been determined. Consultation for the 2020/21 admissions year may not start until October 2018. The provision to give priority to 'children of staff' within an admissions policy must be agreed by the Governing Body or, in the case of Lewisham's admissions policy, by the Mayor and Cabinet. There may be equalities and legal implications (as per the School Admissions Code) which will need to be considered by any admissions authority who consider consulting on introducing a policy to give priority to 'children of staff'.
- 4.18.4 It should be noted that there are conditions attached to the definition of 'children of staff'. These are:
- a) Where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made and/or
  - b) The member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.
- 4.18.5 Lewisham Local Authority previously consulted on the introduction of 'children of staff' criterion for the 2015/16 policy. Following this Lewisham decided not to introduce priority for children of staff but did indicate that this should be reviewed with modelling carried out to determine its possible impact (see: <http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CIId=139&MID=2855>)

4.18.6 **Proposed action:** Officers will continue to explore the equalities and legal implications of introduction get priority for children of staff in school admissions and pursue the following actions:

(A) Lewisham School Place Planning and Admissions Forum will approach the five schools who have recently amended their admissions code to understand the impact of this change in policy in their schools.

(B) Officers will write to governing bodies of those mainstream schools in Lewisham that are responsible for their own admissions policy (admission authority schools) to request that they consider giving priority to the 'children of staff members' as defined in paragraph 1.39 of the School Admissions Code with effect from the 2020/21 admissions year, and that they therefore consult on this during the autumn of 2018.

(C) That Lewisham as the Admission Authority for community mainstream schools via the Place Planning and Admissions Forum, undertakes a soft consultation with headteachers to establish whether there is an appetite for introducing a priority for children of staff in its admissions arrangements before formally consulting on amendments to the arrangements during the autumn of 2018.

#### 4.19 **Recommendation 19**

(A) That the Council lobbies the government to make the application process for Pupil Premium automatic for eligible pupils, and not reliant on parental action.

(B) That schools consider ways in which they might 'sell the benefits' of the pupil premium to parents and incentivise parents to register their children for the pupil premium.

4.19.1 Currently parents have to apply to see if their child qualifies for free school meals. Parents cannot apply for the pupil premium – this is automatically given to schools for:

- Children who have qualified for free school meals at any point in the past six years. The school receives £1320 for each of these children.
- Children who are or have been looked after under local authority care for more than one day. These children are awarded a premium of £2300.
- Children from service families who receive a child pension from the Ministry of Defence. They are awarded £300

4.19.2 There would be positive financial implications for schools if they could ensure that all pupils who are entitled to Free School Meals apply and receive this.

#### 4.19.3 **Proposed action:**

(A) The Lead Member will lobby the government to make the application process for Free School Meals automatic for eligible pupils, and not reliant on parental action

(B) *Schools will be recommended to consider ways in which they might 'sell the benefits' and incentivise parents to apply for Free School Meals if appropriate and potentially eligible.*

#### 4.20 **Recommendation 20**

*That schools streamline marking, lesson planning and data management requirements to reduce teacher workload.*

4.20.1 As this recommendation related to the issues identified within the report concerning workload and the ability to share ideas/ share the 'load', with the associated potential legal, financial and equalities implications, this lines up with the previous recommendations about sharing of good practice between schools.

4.20.2 **Proposed action:** *Officers will remind governing bodies and headteachers that they must ensure that there are adequate and appropriate mechanisms within their school to ensure that teaching and non-teaching staff have the support they need and that their school is an active participant in Lewisham Learning sharing ideas and best practice with other schools in Lewisham and beyond.*

#### 4.21 **Recommendation 21**

(A) *That the Council assists schools in developing a "Lewisham Brand" that promotes and celebrates the public duty ethos to prospective and existing teachers and promotes local loyalty.*

(B) *That the Council considers banning advertisements for non-Lewisham schools in Council publications and council controlled advertising spaces.*

4.21.1 The Council is working in partnership with both LTSAP and Lewisham Learning to promote and celebrate the opportunities to work in Lewisham schools. Developing and promoting a 'Lewisham Brand' will continue to be an important part of our work this year. There are likely to be financial and resource implications which will need to be considered to undertake this work effectively.

4.21.2 The Council is currently reviewing advertising in council publications, including Lewisham Life magazine. While the review is taking place we have decided not to include any advertising from schools outside of Lewisham in our publications. When the review is complete we will introduce a new advertising policy.

4.21.3 **Proposed action:** *Officers will continue the work with LTSAP, Lewisham Learning and the council communications team to ensure the development of a 'Lewisham Brand' and will feed the results of the CYP Select Committee review into the work on the new advertising policy for Lewisham.*

## 5. **Financial implications**

5.1 There are no specific financial implications arising from this report.

## 6. Legal implications

- 6.1 The legislative provisions relating to the appointment and dismissal of school staff is contained in sections 35 and 36 of the Education Act 2002 and the School Staffing Regulations 2009 (as amended). Local authorities with responsibility for education employ the staff working at community schools. The governing body is the employer of staff working at voluntary aided and foundation schools. Notwithstanding the local authority being the employer in community schools it is the governing body who has responsibility for all staffing matters including the appointment and dismissal of all staff and accordingly the local authority must generally follow the instructions given to it by the governing body in respect of appointments and dismissals.
- 6.2 The officer actions set out in the report appear consistent with the limitations on the local authority's powers in relation to staffing matters within maintained schools. "

### Equalities Legislation

- 6.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.4 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 6.5 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 8.4 above.
- 6.6 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 6.7 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council



must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

6.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

6.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## **7. Equalities implications**

7.1 The council and schools have to balance the need to support staff recruitment and retention in shortage areas with the need to be fair to all staff and to promote equalities and all times. Of course the sufficiency and quality of education is an equalities issue for our wider population.

## **8. Crime and Disorder Implications**

8.1 There are no specific crime and disorder implications arising from this report.

## **9. Environmental Implications**

9.1 There are no specific environmental implications arising from this report.

## **Attachments**

**Appendix A** – Table of original recommendations and suggested proposed action.

If there are any queries arising from this report, please contact Sara Williams, Executive Director for Children and Young People on 0208 314 8527