

CHESHIRE EAST COUNCIL

Cabinet Member for Children and Family Services

Date of Meeting: 10 March 2011
Report of: Lorraine Butcher, Director of Children and Families
Subject/Title: School Term Standardisation
Portfolio Holder: Councillor Hilda Gaddum

1.0 Report Summary

- 1.1 This report is to consider a proposal that the Local Authority (LA) should consult with interested parties that with effect from 2012/13 it should align recommended term dates to schools with those set and applied by other Authorities in the Learn Together Partnership (LTP) from 2010/11, other than CWAC, Wirral and Cheshire East. CWAC are currently considering whether to undertake a similar consultation.

2.0 Recommendation(s)

- 2.1 That the Portfolio holder authorise a consultation with all relevant stakeholders around the possible adoption by the Council, in whole or part, of certain principles (see 10.5 below) followed by other Councils in the “Learn Together Partnership “ when setting school term dates, to commence as soon as practicable, and that a further report be prepared in the light of that consultation, with a view to publishing an agreed policy and actual term dates for 2012/13 for all Community and Controlled schools during May 2011 and that they be recommended to other Aided and Foundation schools and Academies in Cheshire East.

3.0 Reasons for Recommendation(s)

- 3.1 The emphasis in the consultation would be that the Council believes the proposed LTP approach is in the interests of children, parents and staff and should;
- provide for a more even pattern of teaching and learning throughout the year;
 - assist in improving patterns of attendance;
 - improve consistency with neighbouring LAs.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

5.1 N/A

6.0 Policy Implications

6.1 The Council has not previously had any clear and transparent policy in this area.

7.0 Financial Implications

7.1 Costs would be limited to officer time in managing the consultation process.

8.0 Legal Implications

8.1 Under the Education Act 2002, the Council has a statutory duty to set school term dates for all Community and Controlled schools and for maintained nurseries.

8.2 Section 3A of the Local Government Act 1999, places a duty on a local authority to consult interested parties in respect of exercise of its statutory functions where this is appropriate. Given the impact of the changes suggested by this paper, it is appropriate to consult on the proposals. Any consultation must contain four elements, known as the Sedley Requirements and officers therefore need to ensure that the consultation meets the following standards:

- 1 The Consultation must be at a time when proposals are still at a formative stage
- 2 The proposer must give sufficient reasons for any proposal to permit intelligent consideration and response
- 3 That adequate time must be given for any consideration and response
- 4 That the result of the consultation must be conscientiously taken into account in finalising any proposals

9.0 Risk Management Implications

9.1 There is no commitment to any change in practice at this stage. It should be noted, however, that the process of consultation may lead to the expression of strongly held, and possibly divergent, views on the part of some school staff and parents.

10.0 Background and Options

10.1 The Authority statutorily sets term dates for all Community and Controlled schools within the Borough. Aided, Foundation and Academy schools' governing bodies set their own dates, but are encouraged to follow the Council pattern as far as possible. There is a further statutory requirement that schools are open for 190 days (380 sessions) per school year for the purpose of teaching pupils, and teachers must also be available for an additional 5 days, normally designated as INSET days. Both the LA and Aided and Foundation schools are required to consult before confirming

dates, which are normally set about 4 terms in advance. The consultation process for the LA has been to share proposed dates with Headteacher Associations and the Schools' workforce trade unions, and taking account of any comments, then to publish the agreed dates.

- 10.2 In practice the term pattern in Cheshire East has followed the same broad pattern as that applied over many years by the County Council, and without any clearly established principles other than to "follow" Easter so as to ensure the Bank holidays were included within a two week holiday, and to allow Primary schools the option of having an additional week holiday at Whitsun. This year 35 out of 123 primary schools have exercised that option. The only other given was that the first day of the academic year was designated as one of the five INSET days, with the remainder to be decided by schools themselves. A significant number choose to run some or all of the remaining INSET days as "twilight" sessions.
- 10.3 One consequence of the pattern outlined above is there can be marked variations in the length of terms and half terms, in particular as a consequence of the shifting Easter. Attendance may also be adversely affected by short weeks. It is also apparent from a number of contacts from parents and school staff when this year's pattern became known that there was frustration and annoyance that Cheshire East term dates were no longer aligned with Warrington and Trafford. This had happened because, unbeknown to Cheshire East, they had applied the new standardised school year.
- 10.4 In the light of this information the LA has previously signalled to Heads, Governors, the Diocesan bodies and Trade Unions its intention to review the established term pattern. In so doing it is understood that alignment with all nine neighbouring LAs is unlikely, and that the increase in number of Foundation, and possibly Academy schools may undermine efforts to agree a standard pattern in practice, assuming it is agreed that this is desirable. Further, that attempts nationally and regionally, over many years, to agree a standard school year, have brought only limited change. Also, there are no obvious sanctions for the LA where Community and Controlled schools choose not to comply with the published pattern. However, it is significant that the DCS in each of the LTP Authorities have endorsed some key principles which assist in bringing some transparency and consistency to this issue.
- 10.5 The principles of the LTP standardised year are as follows:
- all terms to start on a Monday (or a Tuesday if so necessitated by a Bank holiday);
 - October half term to always be the last full week in October;
 - A break as now around Christmas and the New Year;
 - February half term will always be the third full week in February;
 - The Easter Break will be renamed the Spring break and will always be the first two full weeks in April;

- Easter will always be observed via the bank holidays for Good Friday and Easter Monday;
- The Whitsun half term break will be one week across all phases;
- Where a school is open for part of a week to pupils, this will be for a minimum of three school days (to encourage attendance)
The five “INSET” are all to be designated by the individual school governing body, but there will be no more than two days set consecutively for this purpose.

- 10.6 With regard to the last point above, the most recent LTP working group suggested that Directors of Children’s Services (DCS) within the LTP may wish to consider offering advice and guidance to Headteachers and governors with a view to discouraging the use of twilight sessions, or at least ensuring there was transparency and clear accountability around their designation.
- 10.7 It is difficult to gauge with any certainty the reaction within Cheshire East were the LTP pattern to be adopted. The most likely areas of concern would be the removal of the two week option for primary schools at Whitsun, and the fixing of a Spring break that would not always encompass the Easter Bank holidays. In the latter case, it is not anticipated the Diocesan Authorities would object as generally they prefer their schools to be in session during Holy Week. Both Chester Diocese (Church of England) and Shrewsbury Diocese (Roman Catholic) will be consulted with regard to this proposal. The two week Primary half term is followed by just over a third of schools. Generally it is not popular with High schools, and some parents, but is strongly supported by most that currently take up the option. If proceeding with the LTP pattern the Council could retain the two week Whitsun option.
- 10.8 Confirmation of the proposed dates for 2012/13 LTP LAs is anticipated following the next DCS group meeting in early March. CWAC are understood to be actively considering undertaking a similar consultation. Both they and CE would need to initiate consultation from after February half term 2011 if there is to be any change from current patterns for 2012.
- 10.9 There is no prescribed process or timescale for consultation. It would seem sensible to ensure that views are sought from the following stakeholders:
- Headteacher and Governor associations;
 - School workforce Trade Unions;
 - Diocesan Bodies;
 - Parents/ Carers.

The mechanisms for establishing these views are well established save for those of parents/carers. Schools will be asked to seek the views of their parents and, at the same time, views could be invited direct via the Council internet site and to distribute a letter from the Director of Children and Families during May 2011. Six weeks should be sufficient to gather opinion, and then to report back with findings and a recommendation with a view to publishing the approved term dates by the week beginning 9 May.

11.0 Next Steps

- 11.1 To seek the Portfolio Holder's authorisation for the proposed consultation.
- 11.2 To prepare a consultation document based on the principles and rationale detailed in this paper, to be issued as soon as practicable, including via the Council website and direct to schools.
- 11.3 To liaise with CWAC with a view to seeking a similar approach to consultation with ourselves.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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