

CABINET MEMBER FOR LIFELONG LEARNING AND CULTURE

**Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH**

Date: Tuesday, 4th October, 2011

Time: 10.00 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Minutes of the previous meeting held on 6th September, 2011 (herewith) (Pages 1 - 3)
4. Local Authority Governor Appointments (papers to be provided separately)
5. The National Archives Self-Assessment Performance Measurement Programme - Overall Score (report herewith) (Pages 4 - 7)
6. Yorkshire Libraries and Information - Music and Drama Services (Bernard Murphy, Manager - Library and Information Services, to report)
7. Portable Battery Recycling (relevant minute and briefing note herewith) (Pages 8 - 9)

(Referred from the Recycling Group held on 20th September, 2011 for information)
8. Proposed Changes to the Teacher Disciplinary and Induction Regulations following the Abolition of the General Teaching Council for England (report herewith) (Pages 10 - 28)

Extra Item:-

9. Priority School Building Programme - Submission to Department for Education (report herewith) (Pages 29 - 33)

CABINET MEMBER FOR LIFELONG LEARNING AND CULTURE
Tuesday, 6th September, 2011

Present:- Councillor Rushforth (in the Chair); Councillors Andrews and Dalton.

An apology for absence was received from Councillor Sangster.

F13. MINUTES OF THE PREVIOUS MEETING HELD ON 19TH JULY, 2011

Consideration was given to the minutes of the previous meeting of the Cabinet Member for Lifelong Learning and Culture held on 19th July, 2011.

Resolved:- That the minutes of the meeting of the Cabinet Member held on 19th July, 2011 be signed as a true record.

F14. PROCEDURE FOR THE APPOINTMENT, RE-APPOINTMENT AND REMOVAL OF LOCAL AUTHORITY GOVERNORS

Consideration was given to a report presented by Paul Carney, Co-ordinator of Governor Services, which aimed to provide an update on the potential implications of the current Education Bill on the appointment of Local Authority (LA) Governors and recommend a revised procedure for the appointment, re-appointment and removal of Local Authority Governors.

The revised procedures sought to maintain and improve the quality of Local Authority Governors in Rotherham schools and would ensure that persons with the required attributes, skills and experience were proposed to fill appropriate Governor vacancies.

Further information was provided on the Education Bill which proposed the adoption of a more flexible model of school governance by Governing Bodies. The revised procedure, therefore, sought to maintain and improve the quality of Local Authority Governors and ensure that persons with the required attributes, skills and experience were proposed to fill vacancies.

Discussion ensued on the types of Governors and the appointment procedures, the minimum requirement for Local Authority maintained schools, marketing of Governor vacancies, the skills and experience being sought and the close working with the School Governors One Stop Shop. It was suggested that awareness raising also take place with Parish Councils.

Resolved:- (1) That the revised procedure for the appointment, re-appointment and removal of Local Authority Governors be approved.

(2) That the Co-ordinator of Governor Services ensures that all Governing Bodies are made aware of the revised procedures and that the marketing of Local Authority Governor vacancies continue.

F15. POTENTIAL EXPANSION OF THORNHILL PRIMARY SCHOOL

Consideration was given to a report presented by David Hill, Manager, School Organisation Planning and Development, which set details of increasing pupil

numbers in the Rotherham West area of the borough.

There rise in pupil numbers was increasing pressure on school places and it would appear necessary to increase the number of school places in the area. There was particular pressure on places at Thornhill Primary School and the number of pupils in the catchment area exceeded the places available in the school. This report, therefore, sought permission to enter a pre-statutory consultation phase for the expansion of Thornhill Primary School.

It was proposed that consultation take place on the expansion of numbers on roll at Thornhill Primary School from September, 2012. The school would be expanded in order to accommodate 45 children per year group (45 x 7 = 315 places) rather than its current capacity of 30 x 7 = 210 places. The school would have a published admission number (PAN) of 45.

Discussion ensued on the pressure to accommodate pupils, particularly those born in the catchment area and pupils who had successfully gained places on appeal and the need to expand the school from September, 2012 in every year group.

It was proposed that as part of the consultation process further reports be submitted to the Cabinet Member in November, 2011 and January, 2012 ready for implementation in September, 2012.

Resolved:- That pre-statutory consultation be approved on the proposal to expand Thornhill Primary School and that a further report be submitted to the Cabinet Member with details of the outcome of that consultation.

(2) That the Cabinet Member on behalf of herself and her Advisers thanked David Hill for all his support and hard work and wished him well in his retirement.

F16. STRATEGIC COMMISSIONING PRIORITIES FOR CHILDREN AND YOUNG PEOPLE'S SERVICES

Consideration was given to a report presented by Chrissy Wright, Strategic Commissioning Manager, which set out the strategic commissioning priorities and work programme for Children and Young People's Services. The priorities have been developed in consultation with the Senior Management of Children and Young People's Services and were focused on improving quality services, providing Value for Money and achieving efficiencies.

There had been substantial progress on the commissioning priorities particularly in relation to the external placements programme. The capacity to achieve the priorities was challenged by the imminent commissioning activities required for the Budget Matrix.

The work programme developed from the priorities included key areas of commissioning activity through Connexions, contact support, Children's Centres, External Placements and achievement of efficiencies through decommissioning or re-commissioning.

Further information was provided on each element of the action plan and clarification sought on various issues. An overview on the elements relative to

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Lifelong Learning would be provided in due course.

Resolved:- (1) That the progress made in strategic commissioning for Children and Young People's Services be noted.

(2) That further progress reports incorporating a brief overview of the relative elements be submitted to the Cabinet Member for Lifelong Learning and Culture in due course.

F17. EXCLUSION OF THE PRESS AND PUBLIC

Resolved, that under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act (as amended March, 2006 - information relating to consultations about labour relations matters).

F18. MINUTES OF A MEETING OF THE EDUCATION CONSULTATIVE COMMITTEE HELD ON 16TH JUNE, 2011

Consideration was given to the minutes of a meeting of the Education Consultative Committee held on 16th June, 2011.

Resolved:- That the contents of the minutes of the meeting of the Education Consultative Committee, held on 16th June, 2011, be noted.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Lifelong Learning and Culture
2.	Date:	4 October 2011
3.	Title:	The National Archives self-assessment performance measurement programme – overall score. All wards.
4.	Directorate:	Environment and Development Services

5. Summary

The Archives & Local Studies Service completed the self-assessment for local authorities last year and has received a 3*** (out of 4) rating.

6. Recommendations

Cabinet member agrees to officers working towards the improvements as detailed in this report.

7. Proposals and Details

This programme was designed to provide a measure of overall service quality in the absence of any formal performance indicators for archive services in the Audit Commission's performance indicator set for local government and was designed to supplement the formal, on-site, inspections that TNA undertakes periodically. It will now, however, be superseded by an accreditation scheme, due to be developed during 2011/12 by The National Archives.

The self-assessment programme was based on a comprehensive questionnaire that examined five areas of work: Governance and Staffing; Documentation of Collections; Access Services; Preservation and Conservation; and Buildings, Security and Environment.

Scores for Rotherham Archives and Local Studies are shown below with a comparison drawn against the returns from 2009 and 2007 (shown in brackets). Average scores have also been shown for the region, comparable services, and for England and Wales and for benchmarking purposes a comparison has been drawn against our neighbouring authorities except Sheffield (which is recognised as a larger Archive Service).

	Score for your service	Average score in Yorkshire region	Average score of comparable services	Average score in the UK	Barnsley Archives and Local Studies	Doncaster Archives and Local Studies
Section 1: governance and staffing	67.5% (70%, 74.5%)	60.5% (60.5%, 62.5%)	59.5% (53.5%, 58.5%)	66% (62%, 64%)	54.5% (43.5%, 53%)	27.5% (36.5%, 55.5%)
Section 2: documentation of collections	60% (59.5%, 57%)	57% (56%, 57%)	59% (51.5%, 46.5%)	64% (59%, 57%)	62.5% (50.5%, 48%)	48% (50.5%, 58%)
Section 3: access services	60% (58.5%, 60%)	56.5% (53.5%, 51.5%)	61.5% (50.5%, 46%)	62.5% (57%, 52.5%)	54% (47.5%, 49%)	44% (48%, 39.5%)
Section 4: preservation and conservation	75.5% (72.5%, 63.5%)	68% (67%, 61%)	61% (57.5%, 53.5%)	69% (65%, 62%)	64% (62.5%, 46%)	65.5% (62%, 61%)
Section 5: buildings, security and	64.5% (62.5%, 60.58%)	62% (59.5%, 56.5%)	65.5% (61%, 56%)	68.5% (64.5%, 60.5%)	55% (56.5%, 54%)	59% (53%, 53%)

environment						
Overall score	63.5% (63%, 62.5%)	60% (58%, 56.5%)	62% (54.5%, 51.5%)	65.5% (61, 58%)	56.5% (2**) (51%, 50.5%)	48% (1*) (49%, 51%)

Each authority received a percentage score on each of the five areas, and an overall percentage score. The scores on the five areas of activity were then performance banded, with approximately the top ten per cent of services securing four stars; approximately the bottom ten per cent scoring one star; and the remaining 80% being divided equally into two-star and three-star categories.

Analysis of the 2010 results has shown that Rotherham is one of five 3*** or 4**** services in the region, the others being three major, long-established County Record Offices, Sheffield Archives (a larger Archive Service) and Hull City Archives. Three services scored lower than 3*** with one no return.

It will generally be possible to maintain the Service's current performance with some small improvements whilst taking into account the current financial situation and the Service's relocation from the Central Library and Arts Centre to Bailey House in 2012. These challenges may adversely impact upon impact upon section 1 (governance), which focuses upon budgets and staffing levels, section 2 (documentation of collections) and section 5 (buildings, security and environment).

There are, however, some small improvements that can still be made during 2011/13, which will include:

- the revision of some key policies and procedures (acquisitions, access, preservation and volunteers);
- the development of a retroconversion strategy (retrospective cataloguing of existing typescript catalogues into searchable electronic format available online);
- public consultation about the searchroom's opening hours following the move into Bailey House;
- development of a stronger, more targeted education and outreach programme following the service's merger with the Museums, Galleries and Heritage Service and
- improvement of the service's webpages.

Some of the areas for improvement are dependant upon securing additional funding as detailed below..

8. Finance

Additional external funding will need to be sought to address areas of under performance highlighted in section 2 (documentation of collections) of the assessment. A funding bid is currently being prepared to catalogue the regimental archive through The National Archives' cataloguing grants programme.

9. Risks and Uncertainties

A poor performance or risk of deterioration in the assessment would effectively mean that the service will no longer be recognised as meeting national standards. This would damage the reputation of the Service and Council and could open up the possibility that donors/lenders will request that their deposited materials are returned to them.

The financial implications could also be particularly severe. Organisations such as the Heritage Lottery Fund would have a legitimate reason to demand the return of any grants awarded, including the £196,100 awarded by the HLF in 2005 for the Rolling out the Archives project. The Service would also be debarred from bidding for further grants from a number of funding bodies.

10. Policy and Performance Agenda Implications

Continuing to achieve a good score in the assessment is fundamental to the work that the Service does to deliver the corporate and directorate priorities and outcomes and in particular:

- ensuring quality education for all and
- helping to create safe and healthy communities, as well as,
- more people come to the Town Centre for work, shopping and for things to do and see;
- support and promote a range of activities to attract people to the town centre;
- continue to increase participation in and satisfaction with cultural activities;
- people enjoy parks, green spaces, sports, leisure and cultural activities and
- talking and listening to all our customers and treating everyone fairly and with respect.

11. Background Papers and Consultation

Further details about TNA's self assessment performance measurement programme, alongside the results from 2007, 2008 and 2010 can be found at

<http://www.nationalarchives.gov.uk/information-management/our-services/self-assessment-results.htm>

This report has been approved by Paul Woodcock, Director of Planning and Regeneration

Contact Name : Lisa Broadest, Manager, Heritage Services, ext. 3612,
lisa.broadest@rotherham.gov.uk

Minute No. 23 of the meeting of the Recycling Group held on 20th September, 2011:-

PORTABLE BATTERY RECYCLING

Hugh Long, Project and Customer Interface Officer, reported that Rotherham currently had portable batter recycling facilities at the 4 Household Waste Recycling Centres.

Batteryback was a portable battery compliance scheme that already collected and recycled portable batteries from over 15,000 supermarket retailers. The company was currently offering free portable battery recycling for Council offices and schools. They had offered to visit primary schools and run classes on battery recycling and provide recycling collection containers free of charge.

The Group was in full support of the scheme.

Agreed:- (1) That the report be referred to the Cabinet Member for Lifelong Learning and Culture for consideration.

(2) That all schools be encouraged to participate in the scheme.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL
ENVIRONMENT AND DEVELOPMENT SERVICES**

Briefing note Portable battery recycling in Rotherham.

ISSUE

- Portable battery recycling in Rotherham Council and Schools.

CURRENT SITUATION

The current situation can be summarised as follows:

- Rotherham has portable battery recycling facilities at the four household waste recycling centres at :

Car Hill – Greasborough
Lidget Lane – Bramley
Warren Vale – Rawmarsh
Magilla – Common Lane, North Anston

- Batteryback are currently offering free portable battery recycling for Council offices and for schools.
- Batteryback is a portable battery compliance scheme that already collects and recycles portable batteries from over 15,000 supermarkets retailers.
- They have offered to visit primary schools and run classes on battery recycling free of charge as well as providing recycling collection containers free of charge.
- This will help educate children about the importance of diverting portable batteries from landfill in line with the national curriculum.
- Their free education scheme consists of the following elements.
- An on-line lesson plan.
- A home battery recycling box for every pupil bringing batteries into school.
- Battery packs containing 5lt battery cans and educational literature
- School visits including interactive talks with the pupils

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Lifelong Learning and Culture
2.	Date:	4 th October, 2011
3.	Title:	Department of Education Consultation: Proposed changes to the teacher and disciplinary and induction regulations
4.	Directorate:	Children and Young People's Services

5. Summary

The Education Bill makes provision to abolish the General Teaching Council for England (GTCE) and give responsibility to the Secretary of State to operate a streamlined regulation system.

The Department of Education are currently consulting on the new arrangements. Paul Fitzpatrick: Human Resources Manager, and Liz Buxton: Lead Adviser School Effectiveness Service have prepared a draft response to the consultation (attached). The deadline to submit the response is October 12th 2011.

In line with RMBC protocol, officers request that the draft response is considered by Cabinet Member before it is submitted to the Department for Education.

6. Recommendations

Cabinet Member is asked to:

- Consider the draft response to the consultation
- Provide further input
- Endorse the response for submission

7. **Proposals and Details**

The new regulations, outlined in the Education Bill, will put in place arrangements for the regulation of the teaching profession which covers teachers in local authority maintained schools, non-maintained special schools, academies, free schools and independent schools, sixth form colleges, youth custody settings and children's homes.

The draft response sets out Rotherham's concerns and feedback to the proposals set out by the Department of Education.

8. **Finance**

n/a

9. **Risks and Uncertainties**

The risks and concerns associated with implementing the proposed changes are highlighted in the draft response.

10. **Policy and Performance Agenda Implications**

If the proposed changes are implemented by Government there will be implications for disciplinary and capability procedures in schools.

11. **Equality and Diversity**

There are no equality and diversity issues; the proposed changes will apply to all teachers.

12. **Background Papers and Consultation**

Draft response attached

Contact Name: Liz Buxton
Telephone: 07748 143374
E-mail: liz.buxton@rotherham.gov.uk

Paul Fitzpatrick: Human Resources Manager
Telephone: 23786
Email: paul.fitzpatrick@rotherham.gov.uk

Proposed changes to the teacher disciplinary and induction regulations following the abolition of the General Teaching Council for England

Consultation Response Form

The closing date is: 12 October 2011

Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online response facility available on the Department for Education website (www.education.gov.uk/consultations).

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name Paul Fitzpatrick Human Resources Manager
Organisation (if applicable) Rotherham Metropolitan Borough Council
Address: Paul.fitzpatrick@rotherham.gov.uk

If your enquiry is related to the policy content of the consultation you can contact the PCU helpline on:

Telephone: 0370 000 2288

e-mail: TeacherRegulation.CONULTATION@education.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 0370 000 2288

e-mail: consultation.unit@education.gsi.gov.uk

Please tick one category below that best describes you as a respondent.

<input type="checkbox"/> Head Teacher	<input type="checkbox"/> Teacher	<input type="checkbox"/> Governor/Chair of Governors
<input type="checkbox"/> Parent Carer	<input type="checkbox"/> Union/Professional Association	X Local Authority
<input type="checkbox"/> Other		

Please Specify:

Completed by Paul Fitzpatrick: Human Resources Manager, and Liz Buxton:
Lead Adviser School Effectiveness Service on behalf of and in consultation
with Elected Members of Rotherham Metropolitan Borough Council

Proposed clarification of who is covered by the new regulatory arrangements by reference to "teaching work"

The current regulatory system applies to all those who are registered with the GTCE. In the new system there will be no requirement to register and the scope of the regulatory arrangements has been widened to include the independent sector and free schools, where Qualified Teacher Status (QTS) may not be required, and to include 6th form colleges, where some teaching staff may have Qualified Teacher Learning and Skills (QTLS) status. As a consequence, it is not possible to rely on either registration or qualifications as the basis for defining who is covered by the new regulatory system. The Education Bill defines who is in scope by reference to the nature of the work that an individual undertakes - "teaching work" - and the setting where they are employed and says that regulations will provide a definition of "teaching work".

Q1) Does the definition of "teaching work" achieve the desired effect and help to identify who is covered by the new regulatory system?

Yes

No

Not Sure

Comments: Whilst we broadly agree with the definition of 'teaching work' and agree that a definition is necessary to clarify the scope of the regulations, we feel that this may need to be extended to better capture the roles of those staff employed on School Teachers Pay and Conditions who do not actually teach on a daily timetabled basis. The new regulatory system needs to capture QTS staff at *all* levels within the leadership of the school as well as classroom practitioners, particular as there are no up-to-date leadership standards against which the performance of senior leaders in schools can usefully be judged other than the Headteacher Standards last updated in 2004. This would ensure that everyone fully understands that the regulations include all those who lead and manage those who teach as well as those with a regular formal teaching commitment of their own.

We would question why the phrase "*other than for the purposes of induction*" has been included in the definition as this appears to imply that an NQT is subject to the S133 'supervision' regulations which they are not.

The investigation of misconduct cases

Revised regulations will set out the procedures for making a decision as to whether to apply a prohibition order regarding cases referred to the Secretary of State. It is proposed that for the most part the procedures involved will remain the same as now except that it will be the Teaching Agency acting on behalf of the Secretary of State, rather than the GTCE, who will undertake the day to day administration of the regulatory processes.

Q2) Do you have any comments on the proposals for investigating misconduct referrals?

Comments:

We believe these proposals may lead to a lack of consistency about what is reported and what is not. It is our view, in relation to misconduct that, as a minimum, any dismissal or resignation prior to potential dismissal, in relation to a safeguarding related issue should be required to be reported.

Equally, in relation to the issue of incompetent staff, we believe that if there is a determination to raise educational standards across the country then we need to ensure that incompetent teachers are not given the opportunity to move around the system, both to avoid procedures and to continue to work within the profession.

Teachers' Standards

Under the current arrangements GTCE Committees may take into account any failure by a registered teacher to comply with the Code of Conduct and the Professional Standards for Teachers in any disciplinary proceedings. An independent review of the standards is currently considering what changes might be needed to the standards. The review also provides the opportunity to bring teachers' standards together in one place, and to consider what elements of the current GTCE Code of Conduct are suitable to incorporate within the new standards in a simplified framework. Once these revised standards are in place (probably September 2012), it will no longer be appropriate to refer to the GTCE's Code of Conduct so revised regulations will reflect this by stating instead that any decision as to whether to prohibit may take into account any failure by a teacher to comply with the Personal and Professional Conduct Standards in Part Two of the teachers' standards issued by the Secretary of State. Until the revised standards are in place, the Teaching Agency and the Secretary of State will continue to take account of the current Professional Standards for Teachers and the GTCE's Code of Conduct in any disciplinary proceedings.

Q3) Do you have any comments about the use of professional standards within the disciplinary process?

Comments: We consider it absolutely essential in the interests of the integrity of the teaching profession and in the interest of fairness and transparency, that a common set of professional standards is used within the disciplinary process. This should be the same set of professional standards used to judge the performance of all who teach in schools. However, much of the leadership and management work of senior leadership staff is not currently captured sufficiently in the present of new professional standards and would consequently make it more difficult to judge a headteacher or other senior teacher leader not to be meeting the standards in relation to their specific roles and responsibilities.

Membership and procedure of professional conduct panels

In a similar way to the current GTCE arrangements, it is proposed that regulations should provide for professional conduct panel hearings that will consider whether a teacher is guilty of unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or whether they have been convicted (at any time) of a relevant offence.

Q4 a) Do you have comments on our proposals for the make-up of professional conduct hearings?

Comments: The proposals should include a member of the panel with relevant experience of senior leadership and management in a school.

Q4 b) Do you agree with our definitions of who should be considered as a teacher for the purposes of the panels?

Agree

Disagree

Not sure

Comments: See Q4a) The knowledge and experience of teachers with senior leadership experience is key to understanding the impact that some staff have on the well-being of the organisation and the degree to which a member of staff not meeting professional expectations can influence others and impede the progress of the school's improvement agenda.

The GTCE produces guidance about its disciplinary procedures and revised regulations will enable the Secretary of State to produce guidance also. In the interests of transparency regulations will require that any provision made by the Secretary of State as to the procedure of a professional conduct panel must be published.

Q5) Do you agree that any provision the Secretary of State may make for the procedure of a professional conduct hearing should be published?

X Agree

Disagree

Not sure

Comments: This is essential to ensure consistent understanding of the process, and fair and equitable implementation of the procedures.

As under the current arrangements, revised regulations will give teachers who are the subject of an allegation the right to appear at a panel and make oral representations and be represented by any person of their choice. The Secretary of State will be able to require anyone to attend, give evidence or to produce documents or other evidence at any panel. As now, witnesses may be required to give evidence under oath or affirmation.

Also as now, panels will normally be expected to take place in public but will deliberate in private when reaching their verdict at the end of the hearing process. Panels will have the discretion to exclude the public from any hearing or part of a hearing:

- where it appears in the interests of justice to do so;
- where the teacher who is the subject of the allegation requests that they do so and the hearing does not consider it to be contrary to the public interest; or
- where it appears in the public interest to do so.

As now, where a panel finds the facts of the allegations proven against a teacher, or that they have been convicted of a relevant offence, it must then consider whether this amounts to unacceptable professional conduct or conduct that brings the teaching profession into disrepute. Guidance will be available to panel members and teachers which will set out the criteria for making decisions about whether a teacher is guilty or not. We will be consulting separately on draft guidance shortly.

If the panel decide that a teacher is guilty of unacceptable professional conduct or conduct that brings the profession into disrepute, the panel will then make a recommendation to the Secretary of State as to whether a prohibition order would be appropriate. Such an order would have the effect of barring a teacher from teaching.

Q6) Do you have comments on these proposals for the proceedings of professional conduct hearings?

Comments:

No comments.

Prohibition Orders

A prohibition order has the effect of preventing a teacher from being employed as a teacher as set out in the consultation document. Once a prohibition order is made it must record the decision of the Secretary of State, the date on which the order is made, and the date on which the order takes effect. In addition, it must specify the period, which must not be less than two years from the date on which the order takes effect, before which no application may be made for a review of the order by the Secretary of State. When a prohibition order is made, the teacher's name, Teacher Reference Number, the school at which they were last employed and a brief description of why they have been prohibited (ie, "misconduct"), will be placed on the Prohibited List which will be available online to employers and to the public on written request.

Interim prohibition orders

The Education Bill provides the Secretary of State with the facility to make an interim prohibition order, at any time prior to his final decision as to whether a prohibition order should be made, in the most serious cases where it appears to the Secretary of State in the public interest to do so. This is a new power that wasn't available to the GTCE but which many other regulators have. The use of interim prohibition orders is likely to be very rare and will be used only where there is a clear public interest in doing so. The kinds of things that might be in the public interest are where the allegations and evidence against a teacher suggests that children's welfare and education or parents or other school staff may be seriously at risk if the person were allowed to continue to teach before a panel hearing can be scheduled and their case concluded.

Q7) Do you have any comments the procedures for making prohibition orders?

<input type="checkbox"/> Yes	X No	<input type="checkbox"/> Not Sure
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Comments: No comments.

Review of prohibition orders

As with the current GTCE procedure, where a prohibition order has been made following the recommendation of a professional conduct panel, the order will have the effect of barring the teacher from teaching for life. However, in some circumstances, the Secretary of State may decide to allow a teacher to apply to have the prohibition order reviewed after a minimum period of time. This time would be recommended by the professional conduct panel and will not be less than 2 years. The circumstances in which it is likely that the Secretary of State would not allow a prohibition order to be considered for review are where a teacher has been convicted and jailed for a serious criminal offence. Applications for a review must be made in writing and must specify the grounds upon which they are made. The Secretary of State may require any person to produce documents or other material evidence for the purposes of such an application and must decide whether the application should be allowed or referred to a professional conduct panel for a recommendation as to whether it should be allowed.

Q8) Do you agree that a minimum period of 2 years before which a teacher can apply to have their prohibition order reviewed is appropriate and proportionate?

X Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments: No comments

Q9) Do you have any other comments to make in relation to prohibition orders?

Comments:

No comments.

Persons prohibited from teaching in Wales, Scotland or Northern Ireland

Currently, any teacher who has been prohibited from teaching in Wales, Scotland or Northern Ireland on any grounds is normally automatically barred from teaching in England. Similarly, any teacher who is currently barred in England on any grounds will also be automatically barred in Wales, Scotland and Northern Ireland. Under the new proposals in the Regulations, this will be amended so that any teacher prohibited from teaching in Wales, Scotland or Northern Ireland on the grounds of unacceptable professional conduct or conviction of a relevant offence will also usually be automatically prohibited from teaching in England, unless there is a good reason not to. Equally, the Teaching Agency will also notify the General Teaching Councils in Wales, Scotland and Northern Ireland of any teacher who has been prohibited in England and they will normally automatically uphold any prohibition orders made in England. Any other sanction, such as reprimand or a suspension, applied by a General Teaching Council in Wales, Scotland or Northern Ireland on or after 1st April 2012 will not be upheld by the Secretary of State.

Q10) Do you agree that a teacher who is barred from teaching on the grounds of misconduct by a General Teaching Council in Wales, Scotland or Northern Ireland should also normally be automatically barred from teaching in England?

Agree

Disagree

Not sure

Comments:

Many teachers move between schools in areas of the wider UK and whilst in some aspects of educational practice it is entirely appropriate for different local practices and policies, this should not apply to such important areas as outcomes of misconduct. It is essential that a teacher who is barred from teaching on grounds of misconduct in Wales, Scotland and Northern Ireland is also automatically barred from teaching in England. It is not possible to conceive of a situation which would result in barring from the profession in England which would not mean that the same sanction should be applied elsewhere in the UK.

If this is not to automatic, then we would be concerned about the transparency of the process to come to this decision.

Provision of information by employers, contractors or agencies

As set out in the consultation document, where a relevant employer, contractor or agency has dismissed a teacher because the teacher has been guilty of serious misconduct, or might have done so had the teacher not resigned first, they will have a statutory duty to consider whether to refer the case to the Secretary of State for a decision as to whether to make a prohibition order. If the employer, contractor or agency does decide to refer the case to the Secretary of State they will have a statutory duty to provide the following information and documentation to support the referral. This information is essentially the same as the information required for the GTCE:

- the reason for the decision;
- all relevant evidence regarding such decision and the conduct which prompted it;
- all relevant evidence submitted by the teacher regarding such decision or conduct; and
- any other relevant information.

Q11) Do you have any comments to make on the information that we are proposing that all employers, contractors or agencies should send to the Secretary of State to support any referral on the grounds of misconduct ?

Comments:

We have no comments regarding the information requirements. However, we would seek to confirm that in maintained schools the authority for making a referral would rest with the Local Authority (rather than, for example, any individual Governor).

Changes to Teacher Induction Regulations

The regulations made under Clause 9 of the Education Bill will be almost identical to the current induction regulations made under Section 19 of the Higher Education Act 1998. Changes in wording will be restricted to those necessary to reflect the transfer of specific functions in respect of NQT induction, currently carried out by the GTCE, to the Secretary of State.

Q12) Do you have any additional comments to make in relation to any of the proposed changes that we are intending to make through the Disciplinary and Induction regulations?

Comments:

1. This Council recognises that the changes with regard to GTC also impact on the regulations for Induction of Newly Qualified Teachers and support the changes.

2. It is also important to note that the GTC currently provides employer access to confirm the status of teachers with regard to QTS, NQT Induction status, and whether/why an Induction extension has been imposed. Headteachers are often appointing teachers prior to their formal award of QTS and some times, even when the teacher has left Initial Teacher Training, QTS status can be unclear due to the time taken to issue formal certificates. It is essential that access to this database is maintained when the GTC ceases to exist be this within the remit of the DfE or the Teaching Agency

3. This council does not agree that the decision to report should be at the discretion of the employer. There should be a requirement to report all cases of serious misconduct to the Secretary of State in fairness to all those

subject to these measures. Without this requirement, some employers may be tempted not to report which will result in inequality across the country in an area where absolute consistency is necessary to safeguard pupils and the integrity of the profession.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

xYes No

All DfE public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Co-ordinator, tel: 01928 438060 / email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 12 October 2011

Send by post to: Lynne Stokes, Teacher Performance & Regulation Project, 6th Floor, 2 St Paul's Place, 125 Norfolk Street, Sheffield, S1 2FJ

Send by e-mail

to: TeacherRegulation.CONULTATION@education.gsi.gov.uk

ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET MEMBER

1.	Meeting:	Cabinet Member for Lifelong Learning and Culture
2.	Date:	4th October 2011
3.	Title:	Priority School Building Programme – Submission to Department for Education
4.	Directorate:	Children and Young People’s Services

5. Summary:

The Department for Education (DfE) announced on the 19th July a new school building programme called the Priority School Building Programme (PSBP). The programme is intended to address those schools whose buildings are in the worst condition.

It is anticipated the programme will cover the equivalent of building or rebuilding approximately 100 secondary schools. However the programme is not limited to secondary schools; it will also include primary and special schools and sixth form colleges.

Local Authorities are responsible for co-ordinating and submitting applications from all maintained schools and voluntary aided and controlled schools. Academies can either be included in the LA submission or apply on their own behalf.

The deadline for submission is the 14th October 2011. A decision on applications is expected in December 2011.

6. Recommendations:

- **That support is given for the inclusion of Swinton Community School, St. Pius X Catholic High, Oakwood Technology College, Wath Victoria Junior and Infant School in the submission to the DfE.**

7. Proposals and Details:

Local Authorities and schools who access the PSBP must accept that they will be part of a long term private finance arrangement (Approximately 27 years) where building maintenance and soft services (e.g. cleaning, pest control, caretaking, grounds maintenance) will be provided by a third party.

Edibility

Schools which are put forward to the scheme must pass a number of criteria;

- The schools should have received no major investment in the last 15 years.
- The programme is only suitable to schools which have to be substantially rebuilt. Extensions to current schools would not be eligible for this programme.
- There should be a sufficient long term pupil demand for the school.
- Schools must demonstrate that they are in a poor condition. The application form will calculate whether the cost of addressing the current condition of the school will exceed 30% of the notional rebuilding cost. For example if it would cost £10 million to rebuild a school it must have £3 million of priority condition work outstanding.

Determination of Schools for Consideration

It is clear that the secondary schools which are not part of the current Rotherham School's PFI contract and were awaiting investment from the Building Schools for the Future (BSF) programme have significant condition priorities. Those schools were;

BSF Phase 1 Aston Academy
 Oakwood Technology College
 Swinton Community School
 St. Pius Catholic High

BSF Phase 2 Dinnington Comprehensive
 Brinsworth Academy
 Rawmarsh Community School
 St. Bernard's Catholic High
 Wales Academy

In the primary school sector, the next school identified in the Primary Capital Programme is Wath Victoria Primary School.

Prioritisation of Schools

Using the knowledge gained through BSF, the Asset Management Plan (AMP) and the time and cost constraints of undertaking the condition surveys, it was decided that the following schools would be surveyed to determine whether they exceeded the 30% of notional build cost criteria;

- Swinton Community School
- St. Pius X Catholic High School
- Oakwood Technology College
- Dinnington Comprehensive
- Wath Victoria Junior and Infant School

Table 1 below indicates the results of the condition surveys of the schools together with an analysis to determine if they reached the required target. The condition surveys determine what element of the building requires work and then how much it would cost to carry out that work;

Table 1

School	Condition Survey	Notional Build Cost Figure
Swinton	£3,973,950	39.73%
St. Pius X	£2,121,633	30.30%
Oakwood	£4,544,050	43.27%
Dinnington	£1,964,413	14.44%
Wath Victoria	£712,168	41.89%

From Table 1 the schools that would be included within the Rotherham PSBP submission would be **Swinton, St. Pius, Oakwood and Wath Victoria**. As Dinnington did not reach the required milestone it was considered highly unlikely that it would be successful and therefore should not be included.

Application to the PSBP can only be made online by way of an excel spreadsheet. The excel spreadsheet generates a figure for the size of school and the amount of investment the school will receive. Table 2 compares this with the figures used in the Outline Business Case for BSF which was based on Building Bulletin 98 and for Wath Victoria, Building Bulletin 99;

Table 2

School	Building Bulletin – Size of School	BSF Build Cost or equivalent	PSBP – Size of School	PSBP – Build Cost
Aston	13,688m ²	£21.9m	11,883m ²	£16.2m
Oakwood	8,892m ²	£16.2m	7,665m ²	£10.5m
Swinton	9,313m ²	£18.1m	7,310m ²	£10m
St. Pius	6,207m ²	£10.01m	5,145m ²	£7m
Wath Victoria	1,600m ²	£5m	1,224m ²	£1.7m

From Table 2, there is a significant gap in both the areas of the schools and the funding when comparing the two building programmes equating to 6473m² in area and £26 million in build cost.

8. Finance:

If Rotherham were successful in its submission for all the schools it would mean an investment of approximately £45 million. As discussed above this is somewhat short of that expected through BSF. This would leave the Local Authority with 3 options;

- i. Fully bridge the funding gap through the CYPS capital programme and prudential borrowing;
- ii. Partially bridge the funding gap through the CYPS capital programme and prudential borrowing;
- iii. Provide no additional capital. Schools and the LA to accept that the size of the school will be significantly smaller than it is now and would have been through BSF and the primary capital programme.

CYPS and Finance will investigate the options mentioned above and present its findings once the application has been submitted.

9. Risks and Uncertainties:

If the LA decided to bridge the funding gap through the CYPS capital programme some of this funding will come from future year's allocations. The DfE have indicated (DfE website, Schools Capital, Schools Capital Allocations 2011/12) that allocations for 2012/13 to 2014/15 will remain in line with the allocation for 2011/2012. *'it is expected that the funding available for basic need and capital maintenance of schools will be roughly in line with the funding for 2011-12'.*

If the Local Authority intends to use its ability to prudentially borrow to bridge the funding gap, there is the liability of repaying the debt for approximately 27 years. The ability to do this will depend on future years revenue budgets (both school and council budgets) being able to support the repayments.

A successful bid may also mean that the Local Authority is the contracting party with the PFI consortium. This would mean that the Local Authority would be liable for any risks that occur during procurement.

If Rotherham were unsuccessful in its application to the DfE the schools would continue to be maintained by the Local Authority and any outstanding condition priority work will be prioritised and included within the capital programme over the coming years.

10. Policy and Performance Agenda Implications:

The capital programme is consistent with the Children and Young People's Services priority of Transforming Rotherham Learning.

Pupils will benefit from state of the art teaching and learning facilities enabling children and young people enjoy and achieve in suitable accommodation.

11. Background Papers and Consultation:

Background Papers include:

- Children & Young People's Plan
- Primary Strategy for Change, June 2008
- Transforming Rotherham Learning Plan
- Cabinet member report, 19th Jan 2011, Update on Building Schools for the Future and results of capital spending review

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