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**Meeting:** Schools Forum

**Date:** 7 March 2011

**Subject:** Harnessing Technology 2010-11 - Update

**Report of:** Deputy Chief Executive and Director of Children's Services

**Summary:**

- Harnessing Technology and Learning Platforms – details of the annual maintenance resource implications
- Communications to schools advising of the proposed broadband charges.

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**Contact Officer:** Neil Turner & Cathy Piotrowski, e-Learning Strategy Team, School Organisation & Planning

**Public/Exempt:** Public

**Wards Affected:** All

**Function of:** Council

**Reason for urgency**  
(if appropriate)

**RECOMMENDATIONS:**

- 1. To note details of proposed charges for the purchase of a learning platform – July 2011 onwards**
- 2. To note the details of charges for the Broadband package to schools**
- 3. To note the communications with schools regarding broadband package charges and distribution of HT funding for migration to G2 management information system**

**Background**

1. At the Schools Forum meeting held on November 1<sup>st</sup> 2010 plans for the mitigation of the loss of? Harnessing Technology grant was presented. As a result of discussion a request was made to report back to the Schools Forum when a clearer picture of costs for the broadband package and learning platforms had been made.

The allocation of 50% of the total first year migration, licence and support costs was transferred to G2 Lower, Special and Nursery school budgets in the week beginning 29<sup>th</sup> November. Schools will be asked to acknowledge receipt and informed that should a school elect to change their information management system from G2 to another within the current academic year (September 2010 – August 2011), they will be obliged to return the amount credited to their budgets.

## Learning Platforms

2. Our Regional broadband consortium is currently procuring a framework for Learning Platforms in the East of England. As stated in the last report to Schools Forum this is still subject to further negotiation. However we are confident that the cost will be in the region of £3.50 per registered pupil, irrespective of the actual number of accounts held on the platform (i.e. for pupils, staff, parents and governors). There are no resource implications other than training provided by the learning platform provider. All teaching and learning resources are hosted remotely and this service is incorporated within the per pupil charge.

## Broadband

3. The broadband network package offered to schools is detailed below:  
Uncontended (Not shared) bandwidth  
Access to E2bn services
  - Membership of e2bn
  - Filtering to current approved standards
  - Access to curriculum resources (including paid for services i.e. British Pathé)
  - Legal Backup
  - Access to the NEN and its resources
  - Strategic lead for future services i.e. SSO/SIF
  - Annual conference
  - Access to framework contracts (i.e. Learning Platform)Contribution to network core rental costs  
Anti virus for all computers in school  
Anycomms Plus (Secure Data Transfer)  
XPorter [Automatic extract of data from schools' management information systems to the LA]  
Admin eMail  
Secure network (VPN)  
Firewall  
Network Engineer (Corporate ICT)  
**NOTE: This is a 'cost of service' price for the package**  
Broadband Package Charging Schedule  
NB: these figures have been recalculated since the last report to Schools Forum on 1<sup>st</sup> November 2010 and take into account a fairer sharing of bandwidth provided to the school.

<b>Lower, Nursery &amp; Special Schools up to 100 pupil</b>	<b>£3,754.00</b>
<b>Lower &amp; Special Schools 100 to 150 pupils</b>	<b>£4,200.00</b>
<b>Lower &amp; Special Schools 150 to 250 pupils</b>	<b>£4,620.00</b>
<b>Lower Schools 250 + pupils</b>	<b>£4,830.00</b>
<b>Middle Schools up to 500 pupils</b>	<b>£8,190.00</b>
<b>Middle Schools 500 + pupils</b>	<b>£8,400.00</b>
<b>Upper Schools up to 1000 pupils</b>	<b>£12,075.00</b>
<b>Upper Schools 1000 + pupils</b>	<b>£13,440.00</b>

## Communications with schools

4. Communications with schools regarding the above potential charges took place at the following events:
- Head teacher briefing session held on September 2010 (60% schools represented). A summary of main points presented was subsequently emailed to all schools on 22<sup>nd</sup> September 2010. A summary of main points was also published in Central Essentials issue 56 on 24<sup>th</sup> September 2010.
  - IM Seminars for Headteachers and data managers on 17<sup>th</sup> and 24<sup>th</sup> November 2010 (92% schools represented)
  - ICT Coordinators sessions 23<sup>rd</sup> & 25<sup>th</sup> November 2010

Responding to requests from schools, a comparison paper (Appendix 1) has been published on the Schools Learning Portal explaining the likely costs of using a private contractor as opposed to the Local Authority service. This information was also published in Central Essentials Issue 66 on 10<sup>th</sup> December 2010.

<http://www.learning.centralbedfordshire.gov.uk>

**Appendix 1:** Paper published on schools learning portal

### Central Bedfordshire Broadband Fact Sheet

Schools have been informed that the cost of the schools broadband package payable from 1<sup>st</sup> April 2011 will increase significantly due to the removal of the Harnessing Technology subsidy.

This document provides schools with the facts and figures of the broadband package and the alternatives schools might consider.

The current broadband package includes the following:

#### **Uncontended** (Not shared) bandwidth

Nursery, Lower & Special Schools	4 – 10 Mb
Middle Schools	20 Mb
Upper Schools	100 Mb

#### Access to E2bn services

- Membership of e2bn
- Filtering to approved national standards (Becta)
- Access to curriculum resources (inc paid for services i.e. British Pathé, audio networks)
- Legal Backup via E2bn & the NEN
- Access to all the NEN resources and content
- Strategic lead for future services i.e. SSO/SIF
- Annual conference
- Access to framework contracts (i.e. Learning Platform)

#### Contribution to network core rental costs

Anti virus for **all** computers in school (inc teachers laptops)

AVCO (Secure Data Transfer)

XPorter [Automatic extract of data from MIS to LA]

Admin eMail

Secure network (VPN)  
 Firewall  
 Network Engineer (Corporate ICT)

Alternative provision from the private sector may be obtained, but it should be borne in mind that uncontended internet lines will cost significantly more and **will not include the services highlighted above**. These services will be an additional cost to the school.

For the foreseeable future the Local Authority is willing to continue to negotiate and maintain this service on behalf of Central Bedfordshire schools as the Local Authority believes that the current broadband package offers schools best value for money, and the most suitable specification in terms of school needs and meeting current safety requirements. Please use the table and notes below to compare likely costs between the CBC broadband package and potential third party suppliers which takes into account the cost comparisons and legal framework schools would need to consider should they wish to seek alternative suppliers.

Item	Third party supplier	CBC Package
Uncontended link 10Mb	£5,500 - £24,000 per year + installation costs <b>(Note 1)</b>	Included
Uncontended link 100 Mb	£12,000 - £35,000+ per year + installation costs <b>(Note 1)</b>	Included
E2bn & NEN content	£1,200 – £1,800 per year	Included
Access to Legal Services	<b>(See note 2)</b>	Included
Anti- Virus	£5 per machine per year (approx)	Included
AVCO	£100 per year	Included
xPorter	£100 per year	Included
Secure Network	A premium would be payable to telco company	Included
Content Filtering to national standards	£550 - £2,500 per year	Included
Firewall	<b>(See note 3)</b>	Included
Potential totals	Min £7,750 per year (based on a school with 50 computers)	
Economics	All third party suppliers will include an element of <b>profit</b> for the company	The LA broadband package is run on cost of the service i.e. <b>NOT FOR PROFIT</b>

Notes:

1. Installation costs would be subject to excess charges which would be unknown until the company came to install lines. **Essentially the further away from an exchange you are the more it will cost.**
2. Please see the statement issued by Michael Longden (NEN solicitor) regarding the responsibility of Head Teachers and Governors for e-Safety (below).

3. Every organization that is connected to the Internet needs a firewall to protect the internal network from attacks. There are a plethora of products on the market, ranging in price from free (for 1 computer) to a few hundred pounds to tens of thousands of pounds to protect multiple computers within an organisation.

Statement Issued by Michael Longden  
On behalf of Irwin Mitchell Solicitors (NEN)

### **Responsibility of Head teachers and Governors for E safety**

A point worth making in the context, which has now been explained to me, is that head teachers are governors and day to day responsibility for these issues and for spending the budget is almost invariably and properly delegated to the head teacher by fellow governors. This means that if there is a school E-safety lapse caused by inadequate school spending on demonstrably desirable or evidently necessary protections the head teacher is trebly to blame as having day to day responsibility for both school safety and the school budget and as a governor.

This is really a matter of high level "black letter law"

Under education law the legal requirement on governors of a local authority school to be responsible for child safety is at the Education Act 2002 Section 21(5),(7)and(8)(as amended by Section 38 Education and Inspection Act 2006) which says:

"(5) The governing body of a maintained school shall, in discharging their functions relating to the conduct of the school-

- (a) Promote the well-being of pupils at the school, and
- (b) In the case of a school in England, promote community cohesion.
- (7) In discharging those functions, the governing body of a maintained school in England shall also have regard to any views expressed by parents of registered pupils.
- (8) In this section "well-being"-
  - (a) In relation to a pupils at a school in England, means their well-being so far as relating to the matters mentioned in section 10(2) of the Children Act 2004..."

Section 10(2) of the Children Act defines well being as:

- (a) Physical and mental health and emotional well-being;
- (b) Protection from harm and neglect;
- (c) Education, training and recreation;
- (d) The contribution made by them to society;
- (e) Social and economic well-being.

It can, therefore, be seen that the governors have a statutory duty to promote the protection from harm and neglect of their pupils and have regard to the parents' views in doing so. This must include E-safety as a simple matter of construction.

The Office for Standards in Education, Children's Services and Skills has an obligation to safeguard and promote the rights and welfare of children under Section 117(2)(a) Education and Inspection Act 2006. The Chief Inspector is a member of the Office and under its auspices and must therefore pursue the welfare agenda. On this basis OFSTED has an inspection responsibility in respect of pupil welfare including E-safety.

Health and Safety at Work etc Act 1974 puts a personal responsibility for employee and pupil safety on the governing body. The HSE publishes a guide - Health and Safety Guidance for School Governors and Members of School Boards.

Under Section 4 of the Health and Safety at Work etc Act 1974 Governors are also given responsibility for the safety of pupils:

"4 General duties of persons concerned with premises to persons other than their employees

- (1) This section has effect for imposing on persons duties in relation to those who-
  - (a) are not their employees; but
  - (b) use non-domestic premises made available to them as a place of work or as a place where they may use plant or substances provided for their use there, and applies to premises so made available and other non-domestic premises used in connection with them.
- (2) It shall be the duty of each person who has, to any extent, control of premises to which this section applies or of the means of access thereto or egress therefrom or of any plant or substance in such premises to take such measures as it is reasonable for a person in his position to take to ensure, so far as is reasonably practicable, that the premises, all means of access thereto or egress therefrom available for use by persons using the premises, and any plant or substance in the premises or, as the case may be, provided for use there, is or are safe and without risks to health."

In this legislation "plant" means plant and machinery and therefore includes for example computers. On this footing governors are responsible for their school pupils' safety when the pupils use computers at their school.

The local authority has an overlapping responsibility for child safety. For a longstanding and detailed analysis of the role of what are now children's directorates in respect of health and safety for schools under the health and safety legislation and regulations which has statutory force and must be complied with see:

<http://www.teachernet.gov.uk/doc/4017/Responsibilites%20and%20Powers.doc>

Hopefully the new law on corporate manslaughter will never be relevant although it does apply.

Thus education law and health and safety law both make governors liable for pupil E-safety. Governors are accountable to the parents, the local authority, the health and safety executive and the school inspectors in meeting this obligation.