

Consultation on allowing schools early exit from software contracts

Education Software Solutions Limited (ESS) is the largest provider of school management information system (MIS) software in England and Wales. In the UK, most state schools are required to have an MIS in place to handle information on staff and students including for handling attendance and safeguarding.

In April 2022, the Competition and Markets Authority (CMA) opened an investigation into whether ESS' conduct was anti-competitive by effectively limiting schools' ability to choose an MIS software provider and excluding its competitors. The CMA was concerned about ESS providing that its customers – schools in England and Wales – must move to three-year contracts, from their previous one-year contracts, without giving them sufficient time to make alternative arrangements with other software providers. The CMA was concerned that these changes reduced schools' choice of MIS software provider and made it difficult for other providers to compete with ESS to win business.

ESS has offered to give legally binding assurances, known as commitments, which would enable certain schools – broadly those schools which had been given insufficient time to switch providers – to apply to an independent adjudicator for a new break clause to allow them to escape their current three-year contract with ESS and choose alternative providers.

If the CMA accepts commitments, that does not itself entail a finding that the business giving the commitments has breached competition law, and in this case the CMA notes that ESS maintains that its behaviour was not anti-competitive.

The CMA considers that the proposed commitments address its competition concerns by giving affected schools the choice to exit their current three-year contract and switch to another MIS supplier, facilitating competition.

It is now inviting comments from schools, and others likely to be affected by the commitments, including on the eligibility criteria to apply for the new break clause and on any matters that may affect the effective implementation of the proposed commitments – for example, on the application form to be used. If accepted by the CMA, the commitments would bring the investigation to an end.

Further details about how to respond to this consultation are set out in the notice of the proposed commitments issued by the CMA today. Comments on the proposed commitments should be received by no later than 5.00pm on 8 December 2022.

Further details about the CMA's investigation can be found on the [case page](#).

Notes for editors

1. For media enquiries, contact the CMA press office on 020 3738 6460 or press@cma.gov.uk.
2. All enquiries from the general public should be directed to the CMA's General Enquiries team on general.enquiries@cma.gov.uk or 020 3738 6000.
3. The CMA is the UK's primary competition and consumer authority.
4. The competition legislation relevant to the CMA's investigation is the Competition Act 1998 (the Act). The Chapter II prohibition in the Act prohibits any conduct on the part of one or more undertakings which amounts to the abuse of a dominant position in a market, and which may affect trade within the UK.
5. On 26 April 2022, the CMA launched an investigation into a suspected breach of competition law – a suspected abuse of dominance – in the supply of MIS software in the UK by ESS.
6. Where the CMA has begun an investigation under the Act, it may accept commitments for the purposes of addressing the competition concerns it has identified. If the CMA proposes to accept the commitments, the CMA will consult third parties who might be affected by these commitments and allow them an opportunity to give their views to the CMA. The CMA will consider any such views before deciding finally whether or not to accept the commitments.
7. Formal acceptance of commitments would result in the CMA ending its investigation and not proceeding to any decision on whether ESS has infringed the Act.
8. The CMA has also considered whether or not to grant interim measures, under section 35 of the Act, in relation to this case. Formally accepting commitments, bringing the concern to an end, would make it unnecessary to make any interim measures directions in this case.

[Report 14/2022: Fatal collision between a tram and a pedestrian at Cleveleys](#)

Press release

RAIB has today released its report on a fatal collision between a tram and a pedestrian at Cleveleys, Lancashire, 24 November 2021.



The pedestrian crossing at which the collision took place

[R142022_221117_Cleveleys](#)

PDF, 7.37 MB, 38 pages

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Summary

At 18:11 hrs on Wednesday 24 November 2021, a pedestrian who was crossing the Blackpool tramway near Anchorsholme Park, in Cleveleys, was struck by a tram. The pedestrian, who lived locally, was fatally injured as a result of the collision. The tram involved was travelling at 32 km/h (20 mph) on a southbound journey from Fleetwood Ferry towards Starr Gate.

It was dark at the time of the accident. The pedestrian was crossing at an uncontrolled crossing which passes over both tracks of the tramway and which is situated immediately south of a road junction controlled by traffic signals.

RAIB's investigation concluded that the tram driver was unaware of the presence of the pedestrian until it was too late to take action to prevent the collision. The pedestrian who was struck was seemingly unaware of the tram's speed and proximity to him in the seconds before the collision. The layout and lighting arrangements at the crossing were factors in the accident, along with the probable distraction of the tram driver as the tram approached the crossing. RAIB concluded that the pedestrian's possible beliefs about the tram's speed and how conspicuous he was to other road users may also have been factors.

Recommendations

RAIB has made three recommendations. The first is that Blackpool Transport

Services should review its process for identifying and assessing the risks arising from tramway activities. The second is that Blackpool Council should review its process for identifying and assessing the risks arising from tramway activities, adopting and embedding best light rail industry practice as it does so. The third is that Blackpool Council should review its assurance and audit process of Blackpool Transport Services.

RAIB also identified two learning points. The first reminds duty holders of the value of having clear and well understood processes for staff to report near misses. The second reminds tram operators of the importance of having arrangements in place to periodically check the alignment of tram headlights.

Notes to editors

1. The sole purpose of RAIB investigations is to prevent future accidents and incidents and improve railway safety. RAIB does not establish blame, liability or carry out prosecutions.
2. RAIB operates, as far as possible, in an open and transparent manner. While our investigations are completely independent of the railway industry, we do maintain close liaison with railway companies and if we discover matters that may affect the safety of the railway, we make sure that information about them is circulated to the right people as soon as possible, and certainly long before publication of our final report.
3. For media enquiries, please call 01932 440015.

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[Russia is knowingly trying to gain military advantage by creating desperation: UK statement at the Security Council](#)

Thank you President. And thank you to USG DiCarlo for your briefing.

I would like to start by offering our sympathies and condolences to the Polish people and the families of those injured and killed in yesterday's incident.

While we await the outcome of the investigation, we should be clear that this is a tragedy that indisputably stems from Russia's illegal and unjustified invasion, and its inhumane assault on civilians across Ukraine.

Yesterday, as President Zelenskyy set out to the G20 his 10 point plan for peace in Ukraine, Ukrainian civilians were facing the largest barrage of Russian missile and drone strikes since the first week of the war. We extend our condolences to the Ukrainian people and families of those injured in these attacks.

Russia's systematic attacks on Ukraine's critical national infrastructure have left millions without electricity, heating, water, medicine and food as temperatures start to drop below zero.

And more than that, we've heard today from the UN detailed reports of civilian deaths, sexual violence, and forced deportation of children. Russia is knowingly trying to gain military advantage by creating desperation. Attacks of this kind may violate International Humanitarian Law and are in any event, deeply inhumane.

President, on Monday the General Assembly adopted a resolution on an international mechanism for reparations for damage, loss and injury arising from Russia's internationally wrongful acts against Ukraine. This was an important first step towards justice for Ukraine.

President, we are in no doubt that Ukraine will prevail in the face of Russia's aggression. The liberation of Kherson shows the strength, courage and determination of the Ukrainian people to defend their right to sovereign equality and territorial integrity guaranteed under the UN Charter.

The UK will continue to stand by the Ukrainian people.

While the war is ongoing, we must continue also to manage its wider effects as best we can. That is why we strongly support the Black Sea Grain Initiative. It has been vital in helping alleviate the serious risks of food insecurity in the world, and we strongly support the UN in the efforts to renew it.

President, fundamentally, this war is the result of unilateral action on the part of the Russian Federation. The path forward is therefore simple: Russia needs to cease hostilities, withdraw from within Ukraine's internationally recognised borders, and commit to a path of dialogue.

Thank you.

[UKEF upgrades support for SMEs to boost global exporting ambitions](#)

Press release

New Bills and Notes Guarantee product offers SMEs a simpler process to access export finance



- Announced at [UKEF's annual Finance Forum](#), the new Bills and Notes Guarantee product is part of its wider package to support SMEs in securing exporting contracts.
- The Bills and Notes Guarantee enables overseas buyers of UK goods to benefit from extended payment terms.
- Andrew Bowie, Minister for Exports, highlights the vital role UKEF can play in supporting SMEs in the challenging global economy.

UK Export Finance has launched a new product to help support SMEs through challenging market conditions. Announced by Minister for Exports Andrew Bowie, at UKEF's annual Finance Forum, the new [Bills and Notes](#) product is now open to guarantee payments by overseas buyers. The product will be available to more financial institutions with a simpler, more streamlined process.

The announcement came almost a year to the day of the Government's launch of its export strategy and the concrete target of getting UK PLC to 1 trillion pounds of export sales.

Andrew Bowie, Minister for Exports, said:

To deliver growth, level up the country, and future proof our economy, we need to export more.

That's why UKEF helps businesses of all sizes to expand and start their exporting journeys. The support that UKEF provides is crucial for firms, especially for small businesses in particular while they grapple with the current economic headwinds. That's why our new

Bills and Notes Guarantee is so welcome. It's the latest in our support for SMEs and provides a faster and more streamlined process to get money in businesses accounts.

In the last year UKEF has provided record support for small and medium businesses across the UK and I am committed to building on this momentum.

Bills and Notes are a standard method of payment where money is due under bills of exchange or promissory notes. UKEF has now improved its offer to enable overseas buyers of UK goods to benefit from extended payment terms structured using these methods. Simply put it means small UK businesses can get paid more quickly and easily for their exports. This helps with crucial cash flow and liquidity.

As part of its wider package of support for SMEs, it is the latest announcement by UKEF in its mission to remove barriers to trade. Through partnerships with specialist lenders, UKEF can now support a greater range of UK exporters – including those with smaller transactions – by arranging tailored, deferred payment facilities for companies worldwide.

In 2021-22, 81% of companies supported by UKEF were SMEs, a new record for UKEF. This is underpinned by the 'gamechanging' [General Export Facility \(GEF\)](#) designed to give SME exporters more flexibility in accessing trade finance.

Moreover, UKEF provided £27 million of support to ensure UK SMEs got paid up front to fulfil export contracts, using its Standard Buyer Loan Guarantee scheme, while overseas buyers benefit from flexible repayment terms.

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[UK and partners launch new measures at COP27 Solutions Day to drive progress on transition to Zero Emission Vehicles](#)

Today at COP27 on Solutions Day, the UK COP26 Presidency will convene Ministers and senior representatives to accelerate the transition to Zero Emission Vehicles by:

- Launching the new Accelerating To Zero Coalition – a platform for leading initiatives to work together to deliver a Paris-aligned Zero Emission Vehicle (ZEV) transition globally.
- Announcing a total of 214 ZEV Declaration signatories, committing them to a global all-ZEV sales target by 2040, and 2035 in leading markets, including new signatories France and Spain.
- Launching a support package for emerging markets and developing economy (EMDE) countries, backed through a Global Commitment by donor countries including the UK, US, Germany and Japan.

At COP26 the UK and partners launched a “Zero Emission Vehicles Declaration” to accelerate the transition to all new cars and vans being zero emission by 2035 at the latest in leading markets, and 2040 globally, in line with Paris Agreement climate goals. The Declaration now has over 210 signatories (up from 130 at COP26) – from national and sub-national governments, to manufacturers, businesses and fleet owners. New signatories include France, Spain, Abou Ghaly Motors, and Vikram Solar.

The impact of the ZEV Declaration is already being realised. BloombergNEF’s newly published ZEV Factbook shows that 2022 is set to be a record year for ZEV sales, with electric vehicles comprising 13.2% of all new vehicles sold in the first half of 2022. This will speed up the move away from fossil fuels, with the expected adoption of electric vehicles and fuel cell vehicles avoiding almost 1.7 million barrels of oil use per day in 2022, about 3.8% of total demand.

As a further sign of momentum for the growing ZEV transition, today the Accelerating to Zero Coalition (A2Z) will be launched, which will host the ZEV declaration from COP27 onwards. The A2Z Coalition is a partnership between the UK, the UN High Level Action Champions team, the Climate Group, the International Council on Clean Transportation and the Drive Electric Campaign, who will work together to promote a faster global ZEV transition and help signatories implement those commitments by providing bespoke workshops, assistance and access to a international community of best practice.

Alok Sharma, COP26 President, said:

“The ZEV declaration signed at COP26 was a major milestone bringing together leading actors to accelerate the transition to 100 percent new car sales being zero emission by 2040, and 2035 in leading markets.”

“There are still huge opportunities in emerging markets and developing economies which is why I’m pleased to formally launch the Accelerating To Zero Coalition today. This coalition provides the platform for countries to go further and faster and to ensure that no country is left behind.”

Together with partner countries and organisations, the UK COP26 Presidency

will today launch a new support package for EMDE countries – part of international efforts to ensure a truly global transition to ZEVs. This support package includes:

- A Global Commitment – signed by the US, Germany, Japan, the Netherlands, South Korea, Sweden and the UK – outlining collective ambition to mobilise more assistance and align existing funds to support ZEV transitions in EMDE countries this decade.
- A ZEV Country Partnership with India – signed with the UK and US – to provide tailored and impactful support that helps India deliver their ambitious ZEV commitments.
- A scalable ZEV Rapid Response Facility (ZEV-RRF) to address the short-term, urgent technical assistance needs of EMDE governments, helping unlock larger scale projects and funding for their ZEV transitions.
- A US-led ZEV Emerging Markets Initiative – in partnership with the UK Government and World Business Council for Sustainable Development – to foster dialogues between EMDE governments and major international companies to help scale up investment for countries' transitions.

The first tranche of the World Bank's Global Facility to Decarbonise Transport projects will also launch at COP27, facilitated by UK funding announced at COP26. This includes projects to support electrification of transport in countries, such as India and Ghana, as well as wider regions through its new Regional Financing Facility to Decarbonise Transport in Sub-Saharan Africa.

Also on Solutions Day, the UK-USA-co-chaired Zero Emission Vehicles Transition Council (ZEVTC) will launch its new yearly Action Plan, setting out its priorities for 2023. This includes infrastructure, the role of fleets in the ZEV transition, fair consumer access and supporting a more equitable transition as priority areas of discussion and collaboration between members in the coming year.

ENDS

Notes to editors:

Additional quotes from supporting countries and stakeholders:

Catherine Stewart, Ambassador for Climate Change, Canada said:

“It's clear that rapid transition to more zero emission vehicles is crucial to keeping the Paris Agreement goal of 1.5°C within reach, while helping Canada and the world achieve a better, cleaner future. The work being done as part of Accelerating the Global Transition to Zero Emission Vehicles helps

bring together countries, sub-national governments, businesses and investors. This is an important step in taking meaningful climate action.”

Vivien Heijnen, Environment Minister, Netherlands, said:

“We should accelerate to zero, and we can. Clear targets, incentives and affordability and ease for users are key. It’s very inspiring to work with these frontrunners. Down the line, we’ll all benefit.”

Yana Garcia, California Secretary for Environmental Protection said:

“Greenhouse gas emissions and air pollution are harming our health, and destroying our planet and our atmosphere. We must transition to zero emission vehicles as quickly as possible. California is well on our way to ditching the tailpipe, and we’re proud to harness the strength of A2Z’s dynamic coalition of partners, as we do so. We can only go far together, and the coordinated effort led by A2Z is key in enabling us to do just that.”

Nicolas Peltier, Global Director for Transport, World Bank, said:

“There is an urgent need to lower emissions from transport, and the ZEVTC has made great progress in creating momentum behind the importance of increased EV adoption. New World Bank research finds a strong economic case for e-mobility adoption in many developing countries and suggests achievable entry points such as electric buses and electric two- and three-wheeled vehicles. We have known for quite some time that transitioning to e-mobility was important, but now, with this research, we know it will be feasible in many countries. We are optimistic that through cooperation with partners, we can expand the financing available for e-mobility initiatives and use our Global Facility to Decarbonize Transport (GFDT) to pilot new approaches for making zero-emission transport a reality in developing countries.”

Mr Andreas Carlson, Minister for Infrastructure and Housing, Sweden

“An accelerated electrification of transport is key to achieve the Swedish climate goals and the objective of the Paris Agreement. Participation in the A2Z coalition and the ZEV Government Leaders emphasise the Swedish government’s commitment to climate action and international cooperation. The Swedish industry is onboard with the technical solutions and the shared engagement, let’s pioneer the possible.”

Helen Clarkson, CEO, Climate Group said:

“We need all stakeholders to work together to achieve the ZEV transition at pace and scale. The global ZEV Declaration demonstrates the growing consensus that we need to phase out ICE vehicles by 2035 in leading countries and no later than 2040 globally. We’re looking forward to working with our partners in the A2Z coalition to keep this community of leaders growing and building the connections that will allow us to achieve this goal together.”

Sheila Watson, Deputy Director, FIA Foundation said:

“The FIA Foundation is proud to be a ‘Spoke’ partner of the ZEV Rapid

Response Facility. The global transition to zero-emission road vehicles is essential to achieve our global climate goals, but it is also vital that no country is left behind. We will bring many years of experience working with EMDEs through the [Global Fuel Economy Initiative](#) to the Facility to ensure every country gets the support it requires to make the mobility transformation needed to protect our planet”

Monica Araya, Distinguished Fellow, ClimateWorks said:

“A2Z brings together the world’s first coalition to advance zero-emission vehicles in all segments. At Drive Electric, we celebrate and support this coalition of developed and developing countries, governments and manufacturers, cities and other non-state actors that aim to go faster for the benefit of health, climate, and the economy.”

Drew Kodjak, Executive Director, ICCT said:

“ICCT research has repeatedly shown that to achieve the Paris Climate Accord goal of staying well below 2°C, the largest and leading vehicle markets need to hit 100% electrification of passenger car sales by 2035. The launch of the Accelerating to Zero Coalition creates a forum where the most ambitious governments, automakers, fleet owners, and other stakeholders can give and receive support for their efforts to achieve 100% ZEV car and van fleets. We are happy to support the Coalition and build on the momentum created since COP26 through the ZEV Declaration.”