

# CMA to investigate ESS's move to three-year contracts for schools

Press release

The CMA is investigating whether education software company ESS is abusing a dominant position to push schools into accepting a new 3-year contract.



The investigation will assess concerns around a contract change made by Education Software Solutions Ltd Group (ESS) – the largest provider of school management information systems in the UK. The company is requiring its customers to move from one-year contracts to 3-year contracts and the CMA is considering whether schools were given sufficient time to consider their options, such as moving to an alternative provider instead of renewing with ESS for the full 3 years. The CMA is concerned that this change makes it more difficult for alternative providers to compete with ESS to win business.

In the UK, most state schools are required to have a management information system in place. These systems are used to handle student information, such as attendance and safeguarding. Some schools have told the CMA that the process for selecting an MIS is often lengthy and can involve complex procurement steps.

The CMA will be considering all relevant issues, including the concerns raised by schools and whether it should be imposing interim measures while its investigation is ongoing.

Ann Pope, Senior Director of Antitrust at the CMA, said:

We have heard concerns regarding ESS's contract changes. Thousands of schools rely on management information systems and their choice of supplier should not be restricted. The duration of the ESS contract has been significantly extended and schools should be able to pick the best provider for their needs.

While ESS has made some changes to its original position, such as

the introduction of a possible 6-month break clause, some schools tell us this is still not enough time. A formal investigation will allow us to consider this matter properly.

As part of its investigation, the CMA will also consider the pricing of some ESS product packages – specifically, it will look at how ESS’s management information system product is being sold alongside its financial management software. This could encourage customers to buy both products and deter customers moving away from ESS.

The CMA is concerned that, by adopting such a pricing strategy, market players that only offer one of these services may be unable to compete, potentially leading to an uncompetitive market in future.

More information is available on the [Investigation into the conduct of ESS case page](#).

1. No conclusion should be made that the law has been broken. The CMA has made no decision that ESS’s contracts need to change.
2. ESS is the largest provider of school management information systems in the UK. Its systems are currently used in England, Wales, and Northern Ireland.
3. The competition legislation relevant to the CMA’s investigation is the Competition Act 1998. The Chapter II prohibition in the Competition Act 1998 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.
4. The CMA may launch an investigation under the Competition Act 1998 if it has reasonable grounds to believe that there has been an infringement of competition law. If the CMA decides that there has been a breach of competition law then it can impose a fine up to 10% of ESS’s worldwide turnover, as well as issue legally binding directions to bring the breach to an end.
5. All enquiries from journalists should be directed to the CMA press office by email on [press@cma.gov.uk](mailto:press@cma.gov.uk) or by phone on 020 3738 6460.
6. All enquiries from the general public should be directed to the CMA’s General Enquiries team on [general.enquiries@cma.gov.uk](mailto:general.enquiries@cma.gov.uk) or 020 3738 6000.

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# Track worker struck by a train near Chalfont & Latimer station

News story

Track worker struck by a train near Chalfont & Latimer station, Buckinghamshire, 15 April 2022.



The location where the accident took place (image courtesy of the British Transport Police)

At around 09:31 hrs on Friday 15 April 2022, a track worker was struck by a train near Chalfont & Latimer station, Buckinghamshire, sustaining injuries that required hospital treatment.

The train involved, which was a London Underground Metropolitan line service from Baker Street to Chesham, was travelling at around 25 mph (40 km/h) on a section of track used by trains running in both directions, where the maximum permitted speed is 35 mph (56 km/h). There are two other running lines at this location.

The track worker was part of a group of three staff who were undertaking a scheduled track inspection. This was planned to take place while lines were open to traffic and with a system of work in place intended to keep staff away from moving trains.

Our investigation will aim to identify the sequence of events which led to the accident and will include consideration of:

- the actions of those involved
- the planned system of work
- the arrangements in place for planning work where lines are open to traffic
- the management of the competence of track workers
- any relevant underlying factors.

Our investigation is independent of any investigation by the railway industry

or by the industry's regulator, the [Office of Rail and Road](#).

We will publish our findings, including any recommendations to improve safety, at the conclusion of our investigation. This report will be available on our website.

You can [subscribe](#) to automated emails notifying you when we publish our reports.

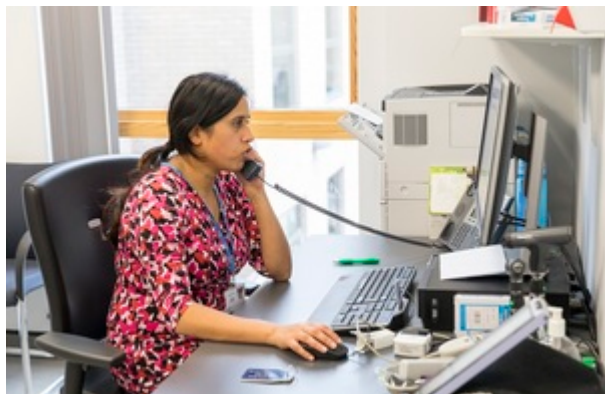
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## [National Clinical Impact Awards 2022: open for applications](#)

News story

The application window for the 2022 national Clinical Impact Awards is now open and will close on Wednesday 22 June.



NHS consultant doctors, dentists and academic GPs can now apply for a new national Clinical Impact Award (NCIA) on the [ACCIA application portal](#).

The national Clinical Impact Awards scheme (previously known as the national Clinical Excellence Awards) has been reformed in order to broaden access to the scheme, make the application process fairer and more inclusive, and ensure the scheme rewards and incentivises excellence across a broader range of activity and behaviours. Further information on the reforms can be found in the joint [DHSC and Welsh Government consultation response](#).

The NHS consultant workforce is diverse, and the government wants to ensure that the NCIA scheme fully reflects this. We therefore encourage all eligible consultants considering applying for a new award, or those who would have been due to renew their existing award this year, to do so.

The application window will be open until 5pm on Wednesday 22 June.

We have created a [poster to raise awareness of the awards round opening](#), alongside other [resources](#) providing further information on the reforms.

Please review the relevant [2022 guidance documents](#) for advice on eligibility and how to get started with an application.

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## [Appointment of 2 new members to Cafcass Board](#)

News story

Peter Fish and Catharine Seddon appointed as members of the Board of the Children's and Family Court Advisory and Support Service (Cafcass).



The Rt Hon Dominic Raab – Deputy Prime Minister, Lord Chancellor and Secretary of State for Justice – has approved the appointments of Peter Fish and Catharine Seddon as members of the Board of the Children's and Family Court Advisory and Support Service (Cafcass) for 4 years from 19 April 2022.

### **Biographies**

Catharine Seddon has 14 years of public service as a non-executive director, principally for national regulators. Catharine is currently Deputy Chair of the Human Fertilisation and Embryology Authority and Senior Independent Director for The Gambling Commission and the Legal Services Board, where she also chairs the Audit and Risk Assurance committee.

Previously, she has held non-executive and committee roles with the Human Tissue Authority and The Pensions Regulator. She also sits on tribunals in

mental health and employment, as a lay assessor on civil cases in the county courts and she is a presiding magistrate in Central London. Catharine tutors for the Civil Service College and is a member of the Health Service Products Appeal Tribunal and a trustee for CPotential, a special needs charity.

Catharine spent twenty years as a high-end film documentary maker, at first at the BBC and latterly for C4, eventually setting up her own independent production company.

Catharine has not declared any political activity.

Peter Fish CB has extensive experience within government. His previous roles include Home Office Legal Adviser and Director General, Government Legal Department, Director General and Head of the Attorney General's Office, and Deputy Treasury Solicitor at the Treasury Solicitor's Department. He is currently an Assistant Boundary Commissioner at the Boundary Commission.

Peter has not declared any political activity.

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## **British Sign Language Bill set to clear final stage before becoming law**

The British Sign Language Bill, a Private Member's Bill introduced by Rosie Cooper MP last year and backed by the government, will receive its third reading in the House of Lords today before it passes into law following Royal Assent.

The BSL Act will recognise BSL as a language of England, Wales and Scotland in its own right. It is also supported by a duty on the Secretary of State for the Department for Work and Pensions (DWP) to regularly report on what each relevant government department has done to promote or facilitate the use of British Sign Language in its communications with the public.

The Act further places a requirement on the DWP Secretary of State to issue guidance to departments on the promotion and facilitation of BSL. The guidance will be developed together with D/deaf BSL signers.

Minister for Disabled People, Health and Work Chloe Smith MP said:

Today is a momentous day and I truly hope it will transform the lives of D/deaf people across the country.

The BSL Bill will help remove barriers faced by the D/deaf community in daily life and is a further welcome step towards a more inclusive and accessible society.

I am so grateful to the efforts of Rosie Cooper MP and the wonderful campaigners who have brought the BSL Bill to the point of passing into law and I'm proud to have played a small part in its journey.

Rosie Cooper MP said:

At long last, the Deaf community will be able to say that their language is legally recognised.

Working across party lines and with the Deaf community, I really believe we have made history by creating a mechanism for Deaf people to achieve equal access to public services. Their voices will be heard loud and clear and there will be no excuse for failing to respect BSL as a language.

The hard work doesn't stop here however, but the door is now open for the Deaf community make real progress fixing the injustices that they continue to face.

David Buxton, Chair of the British Deaf Association, said:

We are extremely pleased to see the UK Parliament finally vote to recognise British Sign Language as a language of Great Britain in law today, after 19 long years of campaigning.

Today is a historic day for the Deaf community in the UK, and an inspiration for other countries around the world where the national sign language has not yet been recognised in law.

The British Deaf Association looks forward to working hand in hand with the government and civil servants to implement and monitor the

progress of the BSL Act 2022.

While today is a day to celebrate, we are aware that this marks the first step on a long path towards providing truly equal access to public services, information and opportunities for Deaf BSL users in Great Britain.

Mark Atkinson, Chief Executive at RNID, said:

RNID and our supporters join with the Deaf community today to celebrate this historic moment as British Sign Language passes the final hurdle before it is legally recognised in England, Wales and Scotland.

We're immensely proud to have worked alongside other deaf organisations and parliamentarians to support this campaign. We look forward to the BSL Bill getting Royal Assent soon and to working with the government to make sure the BSL Act makes a real difference to the lives of Deaf people in the UK.

The Third Reading of the BSL Bill takes place today in the House of Lords and following this it will receive Royal Assent.

The BSL Bill was first introduced on 16 June 2021 and passed through the House of Commons on 17 March 2022, receiving unanimous cross-party support.

The Minister for Disabled People, Health and Work has worked closely with Labour MP Rosie Cooper and D/deaf people's charities and organisations, such as the Royal National Institute for Deaf People (RNID) and the British Deaf Association (BDA), to ensure the Bill effectively meets the needs of those who will benefit most.

## **Additional information**

- Figures from the British Deaf Association suggest that 151,000 people use BSL in the UK, 87,000 of whom are D/deaf.
- The BSL Bill recognises BSL as a language of England, Wales and Scotland in its own right supported by a duty on the Secretary of State for Work and Pensions to regularly report on what each relevant government department has done to promote or facilitate the use of British Sign Language in its communications with the public.
- The Bill also places a requirement on the DWP Secretary of State to issue guidance on the promotion and facilitation of BSL, which will be developed together with D/deaf BSL signers as part of the advisory board.
- As equality law is devolved in Northern Ireland, the Bill does not



extend to Northern Ireland, in recognition of the existence of both British and Irish Sign Language among the Northern Irish deaf community. The UK government would encourage similar legal provisions to be adopted in Northern Ireland in due course. Both BSL and ISL (Irish Sign Language) were officially recognised as minority languages in Northern Ireland in March 2004.

- The BSL Bill does not impose additional duties under the Equality Act 2010.
- The Bill is supported by a package of non-legislative measures, including:
  - establishing a non-statutory advisory board of BSL signers to advise DWP SoS on matters related to BSL;
  - examining how the government might increase the number of BSL interpreters;
  - reviewing how the DWP might work to ensure the Access to Work fund helps BSL signers;
  - and consider how the government can further facilitate and promote BSL.
- The Minister for Disabled People, Health and Work has also announced the launch of an advisory board of BSL signers to offer guidance to the government on matters relating to BSL; examine how the number of BSL interpreters could be increased; and make sure the Access to Work scheme better meets the needs of BSL signers to support them in employment.

Media enquiries for this press release – 0115 965 8781

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