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for Education

Curriculum Body

Invest Co case number: 161

Full Business Case

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Key People and Clearance

Business case co-ordinator:	<REDACTED>
Division & Directorate:	Curriculum Body Division, Curriculum & General Qualifications Directorate

The following people **must** clear the information provided in the sections of the business case relevant to their role. The SRO must ensure all clearances are in place before submitting the case for approval.

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¹ The clearing analyst provides assurance that analysts have been fully engaged throughout, and the economic appraisal / NPSV meets the requirements set out in (i) HMT's Checklist for Assessment of Business Cases and (ii) the Department's Quality Assurance and Modelling Framework.

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Executive Summary

Scope

National Curriculum reforms in 2014, involved major revisions to all subjects, based on the findings of international best practice. These aim to ensure children are taught the essential building blocks of knowledge. These reforms have been applied by teachers with comparatively little practical guidance or additional training in curriculum design.

Evidence suggests that within the schools system in England two main curriculum problems exist: weaknesses in curriculum design and delivery, as reported by Ofsted; and excessive teacher workload associated with curriculum planning. These challenges have been exacerbated by the pandemic and the lost learning it has caused.

This business case suggests the key causes of these problems are that teachers are under-supported in the curriculum resources they have access to. Our evidence suggests this is due to one or more of: lack of buy-in to the value of full curriculum resources; lack of confidence in the quality of the curriculum resources currently available; and difficulty in accessing and using high quality curriculum resources.

This business case concludes we can only improve curriculum delivery on the fast timelines required to support education recovery by getting teachers to engage with high quality curriculum resources. This is most likely to succeed if such high-quality resources are easily identifiable and freely available to teachers.

But without addressing the underlying issues of lack of teacher buy-in to the need to engage with high quality curriculum resources, lack of widespread curriculum expertise and limited consensus across the system on what quality looks like, this analysis suggests we will not get enough teachers to engage with the resources to have the scale of impact we want. There needs to be a process of working with the system to secure teacher buy-in into high quality resources and using them in the right way; and grow our understanding and evidence of what quality looks like and build consensus.

An organisation is needed to lead this process, acting as a 'system leader'. We believe we are unlikely to be successful if this organisation is DfE, as teachers and schools are unlikely to buy into a process or set of resources that feels centrally imposed by Government. We conclude that a procured organisation will struggle to have the legitimacy in this central public role and there would be concerns about its continued strategic alignment with government policy in an area as central as the curriculum.

This business case concludes a public body that is at arm's length from Government reconciles the trade-off between independence from Government and strategic alignment with Government policy more effectively. But even an Arm's Length Body (ALB) without a

pre-existing reputation would struggle to be seen as sufficiently sector-led and independent to earn the required trust.

Oak National Academy ('Oak') is an online classroom which provides remote education lessons to pupils, and resources to teachers. It has been a success story at a time of great national need. The success of Oak has created a unique opportunity. If Oak can be incorporated into an ALB, preserving its brand, it has the potential to both have the trust of the sector and be seen as independent from Government, while remaining strategically aligned with Government policy.

Recommendation

We are proposing an intervention by Government to establish an ALB incorporating Oak that supports teachers to teach, and enables pupils to access, a high-quality curriculum whilst also reducing teacher workload. We propose this body has the following overarching aims:

- Aim 1 - Work with schools, teachers and the wider education system to create, develop and support the use of free, optional, high quality full curriculum packages that are available to teachers and pupils through a robust, accessible digital education platform.
- Aim 2 - Continue to provide a national contingency for remote education should it be needed in the event of disruption.
- Aim 3 - Provide a package of connected stretching materials for teachers and pupils through the same digital education platform that is available across the four nations and draws on content and expertise from all areas of the UK.
- Aim 4 - Establish Oak as a high performing, well respected sector organisation that: maintains its 'by teachers for teachers' approach; contributes to the growing understanding of curriculum best practice; is strategically aligned with, but operationally independent from government; and delivers excellent value for money.

The other options shortlisted instead of creating an Arm's Length Body are: do nothing, do minimum through ongoing grant funding of Oak, and a pure procurement. *Do nothing* would not address the policy problem and would mean losing Oak as an asset.

Continuing to grant fund Oak is not recommended [REDACTED]. A pure *procurement* is not recommended because we believe that a procured provider would struggle to have the legitimacy and therefore sector buy-in required. Within the preferred option to create an ALB there are a number of different operating models which we considered in the options analysis.

There is a risk that this intervention may negatively impact the commercial market for curriculum resources. Whilst there is a theoretical case that it could have some negative impact on the commercial market for curriculum resources, analysis below suggests that

the impact is likely to be lower than that suggested by the market. A full market impact assessment is at Annex G. Overall, we believe the potential public benefits of this intervention outweighs the risks around market impact.

Benefits

The main benefits identified for this intervention in the benefits management strategy are:

- A reduction in the time teachers spend lesson planning
- An increase in teacher confidence in designing and delivering a carefully sequenced curriculum
- Increased teacher effectiveness

Costs

At the 2021 Spending Review (SR) and through the Levelling Up White Paper (LUWP), the Department received £39.3m in programme funding to continue to deliver Oak, covering up to and including FY24-25. The overall cost estimate for our preferred delivery model of an ALB is **£42.5m**, covering up to and including FY24-25. This is in line with original estimates of £42.2m submitted in the outline business case. The overall cost estimate represents a minimum viable delivery model that will meet the desired aims and objectives of the ALB, subject to ongoing policy refinement and stakeholder engagement.

	FY 22-23	FY 23-24	FY 24-25	Total
Admin (RDEL) cost	£2.0m	£4.5m	£4.7m	£11.2m
Programme (RDEL) cost	*£3.9m	£2.1m	£2.3m	£8.3m
Capital (CDEL) Costs	£3.9m	£9.1m	£10.0m	£23.0m
Total Net Funding Requirement	£9.8m	£15.7m	£17.0m	£42.5m
**Total Funding secured	£13.8m	£12.7m	£12.73m	£39.3m
funding shortfall	-£4.0m	£3.0m	£4.2m	£3.2m

Table 1: cost estimates for minimum viable delivery model

*Includes £3.1m programme grant funding April – August 2022.

**Total Funding secured includes £1m from Department for Levelling Up, Housing and Communities as part of the Levelling Up White Paper (evenly split across the SR period).

Milestones and Outputs

A summary of the key milestones are as follows:

Date	Milestone
24 June 2022	PIN released
30 June 2022	Agree Business Operating Model for NDPB (budget, headcount, operational functions) subject to market testing:
7 July 2022	TUPE consultation starts
20 July 2022	Approval from Reach for transfer of Oak
21 July 2022	Sign off of quality framework
11 August 2022	Contingency fund application approved by HMT
11 August 2022	Budget agreed with HMT
18 August 2022	Framework Document HMT sign off
31 August 2022	Current grant ends
26 August 2022	Asset Transfer Agreement Finalised
31 August 2022	Payments to CPs made and agreements signed.
31 August 2022	Transfer of Oak, and all accompanying assets (inc. staff) and IPR (inc. CP IPR transfer), to new non-departmental public body (NDPB)
31 August 2022	Oak National Academy NDPB set up complete
1 September 2022	NDPB Launches
W/c 5 September 2022	Ministerial sign-off received on Contingency Fund Written Ministerial Statement (WMS)
W/c 5 September 2022	WMS re contingency fund advance laid in Parliament
September 2022 (TBC)	Procurement launches
By September 2023	Release of first new curriculum materials

Table 1: Key milestones

Strategic Case

This section of the business case sets out the context and strategic case for our decision to establish an arm's length body empowered to act as an independent system leader and exemplifier of curriculum quality.

It outlines the policy problems we are seeking to address and the reasons existing government interventions in this space both support our rationale for establishing an arm's length body whilst not, on their own, providing the systemic leadership that we believe is necessary.

It goes on to establish the objectives, key risks and inter-dependencies associated with this proposed intervention.

The strategic context and link to wider government priorities

The school curriculum comprises all learning and other experiences that each school provides for its pupils. What a school teaches, when a school teaches this content and how it is taught are all fundamental to a good education. The National Curriculum sets out the programmes of study and attainment targets for twelve subjects from reception to year 11. National Curriculum reforms were introduced in 2014, involving major revisions to all subjects, based on the findings of international best practice comparisons, and aiming to ensure children are taught the essential building blocks of knowledge. The intention of the 2014 reforms was to 'give children and parents a better guarantee that every student will acquire the knowledge and skills to succeed in the modern world'.² The new National Curriculum focuses on the essential knowledge that must be taught, allowing teachers to take greater control over the wider curriculum in schools and how it is taught.

Therefore, these reforms have been implemented by teachers with comparatively little practical guidance or additional training in curriculum design. In teaching the pre-2014 National Curriculum, schools were able to draw on the detailed support that sat beneath the National Curriculum itself, such as National Strategies, for example literacy hour, or the National Curriculum levels teachers used to measure and understand pupil progress at primary and key stage 3.

Whilst challenges with the National Curriculum have existed for some time, they have been exacerbated by the challenge of lost learning following the pandemic.

² [Education reform: new national curriculum for schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/education-reform-new-national-curriculum-for-schools)

DfE's work on improving curriculum quality, planning and delivery post-pandemic has formed a core part of the Schools White Paper, *Opportunity for all: Strong schools with great teachers for your child (March 2022)*,³ supporting its policy ambitions of world-class standards of literacy and numeracy. Specific ambitions include ensuring we have brilliant teachers at every stage, high standards in every classroom, and strong schools with excellent leaders and robust systems. It will also support policy ambitions in the 2022 Levelling Up White Paper by supporting teachers working in areas with higher levels of deprivation.

This area is also a priority within the [DfE outcome delivery plan 2021-22](#) under outcome (2): Level up education standards so that children and young people in every part of the country are prepared with the knowledge, skills and qualifications they need. Specifically, this work seeks to address outcome (2.3): Support schools to deliver brilliant lessons for every child and provide support on discipline and behaviour; (2.2): Raise the quality of teaching and leadership in all areas of the country, and (2.1): Support children and young people to recover lost learning as a result of the pandemic.

Finally, both the Early Career Framework (ECF) and forthcoming suite of revised National Professional Qualifications (NPQs) have a new emphasis on curriculum design; a curriculum support intervention involving collaborative working with the sector to evolve example curricula in each subject will provide complementary scaffolding and support for teachers following the ECF or undertaking NPQs, as well as for those delivering training.

³ <https://www.gov.uk/government/publications/opportunity-for-all-strong-schools-with-great-teachers-for-your-child>

Rationale for intervention

Evidence suggests that within the school system in England two main problems exist in curriculum design and delivery:

Weaknesses in curriculum design and delivery

Despite early promise, Ofsted's research on the enactment of the 2014 National Curriculum reforms identified serious weaknesses, finding that curriculum knowledge has weakened across the sector over time. Ofsted reported serious concerns with the quality of curriculum design in schools and concluded that there are "a number of deficiencies in curriculum thinking" and "limited evidence of a thoughtful approach to curriculum".⁴

In response to these findings, Ofsted introduced a new focus on curriculum as a central part of its changes to the Education Inspection Framework. Introduced in 2019, this framework effectively increased school accountability for curriculum design and delivery (framed in the inspection framework as curriculum intent, implementation, and impact).

Importantly, the new 2014 National Curriculum has been implemented by teachers with comparatively little practical guidance. Overall, this has meant that since 2014, schools have needed to teach a more rigorous and academically challenging curriculum, but with more autonomy and less support than they have been used to (though with some notable exceptions, like in Systematic Synthetic Phonics at primary school, where considerable support exists and improvements in early reading have been seen as a result).

Excessive teacher workload associated with curriculum planning

Evidence suggests that many teachers struggle to find quality resources and end up having to create their lessons from scratch. Independent research by CooperGibson in 2018 found for example: "Respondents generally felt it was easier to make resources themselves rather than spend an excessive amount of time searching online for resources and then finding that they still had to tailor them to the needs of their pupils".⁵

A Teacher Tapp poll in early March 2022 of 5,782 teachers found that 37% of key stage 2 teachers spend up to an hour a week searching online for resources. This

⁴ Education inspection framework: overview of research' (January 2019), p.6, Ofsted

⁵ 'Use and perceptions of curriculum support resources in schools' (July 2018), p. 48, CooperGibson Research

figure was even higher at secondary, although it varied by subject. The same survey also found that 36% of key stage 2 teachers reported spending between 1 and 3 hours searching online for resources.⁶ Amongst secondary teachers, this figure ranged between 22% - 32% (varied by subject). Its poll in February 2022 of 6,044 teachers, found almost half of primary school teachers (46%; N=1,716) say they need to plan/resource a lot of lessons from scratch and 30% reported not having access to good existing lesson plans. For secondary teachers (N=4,328) the survey found that it was less problematic, with schools more likely to have central resources to draw on, but overall “lack of time” was the biggest challenge for both primary and secondary teachers when it comes to lesson planning.⁷

While the Department’s vision for high-quality curriculum design and delivery pre-dates the pandemic, these challenges have been exacerbated by the pandemic and the lost learning it has caused. For example, the Department’s research with Renaissance Learning on lost learning found that by the end of the academic year, learning losses in reading amongst primary-aged pupils (years 3 to 6) amounted to around 0.9 months, and learning losses in reading amongst secondary-aged pupils (years 7 to 9) amounted to around 1.8 months.⁸ Furthermore, the latest findings from Renaissance Learning show that disadvantaged pupils remain further behind their more advantaged peers by autumn 2021/22.⁹

Potential causes

It is clear that a key underlying cause of these problems is that teachers are under-supported in terms of the curriculum resources that they use and have access to. The evidence outlined above points to difficulty and time burden in accessing and using high quality curriculum resources, and lack of confidence in the quality curriculum resources currently available as being key factors. Another issue is buy-in to the use of fully-resourced curricula (which support good curriculum design). Public First found that “the largest barrier to extensive textbook (physical or digital) or complete curriculum resources use felt by teachers is the need for differentiation and professional autonomy”.¹⁰

Many teachers individually plan their lessons by developing resources from scratch, effectively reinventing the wheel, which is inefficient across the system, and whilst many teachers value and enjoy lesson planning, excessive time spent lesson planning

⁶ TeacherTapp, March 2022, [Working hours, World Book Day and GCSE courses - Teacher Tapp](#)

⁷ TeacherTapp, February 2022, [Do teachers think the phonics check should go? - Teacher Tapp](#)

⁸ ‘[Understanding Progress in the 2020/21 Academic Year](#)’ (March 2022) pp 7-8, Renaissance Learning, Education Policy Institute

⁹ ‘[Understanding Progress in the 2020/21 Academic Year](#)’ (March 2022) pp 8-9, Renaissance Learning, Education Policy Institute

¹⁰ [Public First, How Teachers Use Textbooks, May 2021 p24](#)

(particularly for newly qualified teachers) is a major contributor to the workload many ex-teachers report as their reason for leaving the profession.¹¹ Alternatively teachers may adapt resources from a range of online sources (pick and mix planning). Planning lessons, including tailoring curriculum resources to the specific context of their school and pupils, is and will continue to be a central part of teachers' professional role, but 'pick and mix' lesson-planning behaviours – planning lessons individually rather than as part of a carefully sequenced curriculum design, utilising a variety of resources often from online repositories and school shared drives - can ultimately undermine quality and increase workload.¹²

The barriers of access, time, and resource to identify and verify the quality of curriculum resources has likely resulted in a lack of demand for high quality resources among some teachers. However, evidence suggests teacher demand could be stimulated, as the majority of teachers would 'act on the recommendation of others' when determining whether resources were of high-quality,¹³ and 'regularly access publicly accessible social media groups and accounts to keep up-to-date with new resources and ask for advice on which resources were high quality.'¹⁴

Lack of demand for high quality curriculum resources then contributes to an absence of consensus at the system level about curriculum design best practice, which also further depletes curriculum expertise.

Without Government intervention, this business cases concludes it is unlikely that this cycle will be broken quickly enough, and the standard of curriculum design and implementation may well remain too low to achieve our wider aims for education recovery and Levelling Up.

Potential solutions to these causes

Given the challenges above, we conclude that we can only improve curriculum delivery on the fast timelines required to support education recovery by getting teachers to engage with high quality curriculum resources. This is most likely to succeed if we make such high quality resources easily identifiable and freely available to teachers.

¹¹ 'Factors affecting teacher retention: qualitative investigation' (March 2018), p. 21, CooperGibson Research

¹² [Eliminating unnecessary workload around planning and teaching resources May 2016 pp7-9 'Completing the Revolution – Delivering on the promise of the 2014 National Curriculum'](#), John Blake, Policy Exchange, 2018 p27

¹³ Use and perception of curriculum support resources in schools' (July 2018), p.42 CooperGibson Research

¹⁴ Use and perception of curriculum support resources in schools' (July 2018), p.30 CooperGibson Research

By both exemplifying quality – showing what good looks like – and by giving access to ready-made resources teachers can easily adapt and use, we argue we can improve curriculum design and delivery, curriculum expertise and reduce teacher workload, by providing an accessible and high quality starting point for planning where teachers do not already use high quality commercial resources, rather than starting planning from scratch. This should also support, rather than undermine, teacher professionalism in the important role all teachers play in planning education for their pupils but adapting resources to suit their context and pupil needs.

But without addressing the underlying issues of lack of teacher buy-in to the need to engage with high quality curriculum resources, lack of widespread curriculum expertise and limited consensus across the system on what quality looks like, we believe we will not get enough teachers to engage with the resources to have the scale of impact desired. There needs to be a process of working with the system to secure both teacher buy-in to and correct usage of high quality resources; and to grow our understanding and evidence of what quality looks like and build consensus.

It is only in the last decade or so that concerted efforts to build the infrastructure to support and embed the evidence base in education have re-emerged, with the Education Endowment Foundation being set up in 2011. As a result, much of the resulting evidence generated is still immature and contested. Growing the evidence base underpinning effective curriculum thinking would be a significant step in and of itself. This, and buying teachers into using high quality curriculum resources, may also encourage the commercial market to develop more high quality offerings.

An organisation is needed to lead this process and thereby act as a '**system leader**'. As set out further below, this business case concludes we are unlikely to be successful if this organisation is DfE, as teachers and schools guard their autonomy from Government intervention carefully and are unlikely to buy into a process or set of resources that feels centrally imposed by Government. We believe a private procured organisation will struggle to have the legitimacy and credibility to play this central public role, and there would also be concerns about ensuring it can be continuously strategically aligned with government policy in an area as central as the curriculum.

Oak National Academy

This business case concludes the success of Oak has created a unique opportunity to create a system leader that could secure this vital buy-in from teachers.

Oak is an online classroom which provides video lessons in a broad range of subjects for Reception up to Year 11. Specialist content for pupils with special educational needs and disabilities (SEND) is also available. It was brought together in April 2020 as a sector-led national response to the pandemic, with teachers and education experts creating the online lessons and resources to support schools in educating pupils remotely response to

the COVID-19 pandemic. It is incubated by the Reach Foundation and grant-funded by the Government.

Oak has been a success story at a time of great national need and its role has been vital in supporting our schools throughout the pandemic. There has been strong take-up of Oak's resources, and evidence shows that these have been received positively by teachers. Results from a departmental survey of schools in December 2020 suggested that around two thirds of teachers (67%) who reported using Oak resources experienced a reduction in their workload,¹⁵ and by February 2021 when schools were closed to most pupils, nearly half of all schools in England (48%) were using resources from Oak to provide remote education to pupils learning at home.¹⁶

According to ImpactEd's independent research evaluation of Oak, most users believed that lessons were either good or excellent (72%) and reduced their workload (67%), findings that highlight the value that teachers who used the service placed on the platform during the pandemic.¹⁷

Oak has also taken a collaborative approach to build strong brand recognition and links with schools and the wider education sector. A survey by Teacher Tapp in June 2022 found 94% of teachers are aware of the Oak brand which was generally consistent across school phase, schools in disadvantaged areas, and teacher seniority (e.g. teaching staff, senior leadership).¹⁸ In fact current evidence from the independent evaluation of Oak shows that schools in the bottom 20% 'coldspots' in Social Mobility Index (SMI) areas use Oak resources more than those schools in the top 20% 'hotspots'.¹⁹

If we can create a system leader that incorporates Oak and its brand, builds on its success and maintains the trust and goodwill it has established with the sector, this business case concludes we have a unique opportunity to create a system leader that could secure the vital buy-in from teachers, and avoid the barriers of trust and credibility with teachers associated with a DfE-led intervention.

Other existing DfE interventions

The Department already offers a range of successful initiatives to support curriculum planning and delivery, as well as programmes that function as school-to-school support from curriculum subject 'hubs'. These typically relate to particular subjects, and to

¹⁵ [DfE, 'School Snapshot Panel: Findings from the July, September and December 2020 Surveys'](#), p60

¹⁶ [DfE, 'COVID-19 School Snapshot Panel Findings from the Early February Survey'](#), p26.

¹⁷ [DfE, 'School Snapshot Panel: Findings from the July, September and December 2020 Surveys'](#), p12-13

¹⁸ [ImpactEd independent evaluation of Oak National Academy, published 2022](#) p15

¹⁹ [ImpactEd independent evaluation of Oak National Academy, published 2021](#) p27

individual problems within those subjects, and therefore represent a fragmented approach; they offer depth, but not the whole system breadth a Curriculum Body could offer.

For example: curriculum hubs in maths, computing, English, and modern foreign languages, and support from their coordinating bodies (for example the National Centre for Computing Education and National Centre for Excellence in the Teaching of Mathematics); DfE-endorsed commercial phonics programmes; subject-specific online resources such as those from Isaac Physics; and gov.uk guidance on teaching a broad and balanced curriculum for education recovery.

The success of these individual initiatives in particular subject disciplines serves clearly to demonstrate the impact that interventions in the curriculum space can have on pupil outcomes. For example, DfE-led changes to the ways in which early literacy is taught and assessed (with a much greater focus on reading in the primary curriculum, and a strong emphasis on phonics) has led to improvements in our national performance in literacy. England achieved its highest ever score in reading in 2016, moving from joint 10th to joint 8th in the Progress in International Reading Literacy Study (PIRLS) rankings. The proportion of Year 1 pupils meeting the expected standard in the Phonics Screening Check has gone from 58% in 2012, when the check was introduced, to 82% in 2019.²⁰

However, these existing arrangements predominantly function as targeted school improvement interventions that are delivered via individual school-to-school support. While effective, it is likely there is insufficient curriculum expertise in the school system (as reported by Ofsted) to enable the existing hub delivery model to be scaled up to the point where it could provide universal curriculum support to schools across every subject discipline. Curriculum hubs, while demonstrably valuable, are likely incapable of raising curriculum expertise at the level of the system; and therefore, a centre for system leadership is required if we are to realise the full potential of the hub model.

Further, these various initiatives do not, when taken together, form a coherent approach to curriculum support, or a coherent narrative for the sector on what good curriculum practice looks like. This is appropriate insofar as the details of what works in one subject do not apply to other subjects, but it leaves a gap in curriculum system leadership and fails to capitalise on areas where different subject-specific programmes are mutually supportive. We have seen improvements in some subject areas because of these individual initiatives, but, given the impact of Covid-related disruption on the education system, these targeted programmes are unlikely to be sufficient in and of themselves to meet the aims of the Levelling Up agenda and raise standards across the board.

²⁰ [Department for Education \(2019\), Phonics screening check and key stage 1 assessments in England](#), p3

An example of another initiative is the Curriculum Programme Pilot. Launched in early 2019, these pilots were introduced to test schools' anecdotal evidence that Complete Curriculum Programmes (CCPs) are an effective tool with which to: a) reduce teacher workload; b) improve the quality of curriculum design; and c) reduce costs for schools and individual teachers. Two-thirds (67%; n=68) of teachers reported that the pilot had impacted positively on their workload, particularly those piloting key stage 2 programmes (81%; n=25).²¹ We expect that any reduction in the time teachers spend lesson planning will support teacher retention. Positive findings from the CCP Pilots support our case for further intervention which is scaled-up, sustainable, and can support the whole school system.

The case for the system leader to be established as an Arm's Length Body (ALB)

There are three broad options to deliver system leadership: establish an ALB; procure a provider; or deliver from within DfE. As set out above, for the system leader to be effective, it must have sector trust and buy-in. This means it needs to have a strong and trusted reputation in the sector, have legitimacy and credibility in playing this central public role and crucially be sufficiently independent from DfE. The importance of independence is because schools and teachers, in terms of the content of their teaching, guard their autonomy from DfE carefully due to concerns around political control and the role DfE has in holding schools to account.²² Furthermore, given the centrality of curriculum delivery to school educational standards, the system leader must be sufficiently strategically aligned with Government policy as it develops over time, both in terms of the National Curriculum and wider DfE policies that are dependencies such as the subject hubs and teacher quality reforms.

The importance of independence from DfE for sector trust and buy-in is why this business case concludes that delivery of the system leadership functions from within DfE is unlikely to be successful. A private organisation contracted through a procurement would be able to demonstrate independence from government but would struggle, as a private company or registered charity, with a board that is not publicly appointed and therefore not publicly accountable, to be seen by the sector to be free of vested interests and have the legitimacy to play this central public role. In terms of alignment with Government policy, there would be challenges in creating a fixed contract and

²¹ [The curriculum programme pilot Research Report](#) (May 2021), CooperGibson Research, p14.

²² For example, a study on schools' use and perceptions of curriculum resources, some teachers reported that any mechanism to quality assure curriculum resources to ensure that they are of the highest quality for teachers to use 'should be independent from Government': Use and Perceptions of Curriculum Resources in Schools, DfE and CooperGibson, pg. 56

specification that could be suitably flexible and nuanced to ensure continuing strategic alignment with any shifts in the National Curriculum and qualifications.

This business case concludes that a public body that is at arm's length from Government – an ALB – reconciles the trade-off between independence from Government and strategic alignment with Government policy more effectively than delivery from DfE or via a procured provider. But even an ALB without a pre-existing reputation would likely struggle to be seen as sufficiently sector-led and independent from Government to earn the required trust. The success of Oak has created a unique opportunity to strike this balance. If Oak can be incorporated into an ALB, with its brand, front-end platform (and associated reputation) and array of expertise fully preserved and empowered to continue its sector-led approach as a system leader, it has the potential to both be seen as 'by the sector for the sector' and independent from Government, while remaining strategically aligned with Government policy.

This business case has considered expanding an existing ALB to accommodate Oak, but we have assessed that none of the DfE's existing ALBs are suitable for this. The closest potential candidate would be the Standards and Testing Agency, but senior representatives have assessed this is not a viable solution and further description of this in the annexed long list of options.

For these reasons this business case concludes the case for setting up an ALB meets the Cabinet Office/Treasury test that 'this [is] a function which needs to be, and be seen to be, delivered with absolute political impartiality' and potentially also that 'this [is] a function that needs to be delivered independently of ministers to establish facts and/or figures with integrity' in so far as establishing what works in curriculum delivery with integrity, as the ALB will need to do, can be considered establishing a body of facts. And that an ALB is a 'last resort' to deliver on these needs.

In terms of the model of ALB proposed, this business case recommends establishing the body as an NDPB company under the Companies Act 2006 as this can be done without legislation, making a start date within 2022 possible. We considered the option of giving the body a legislative footing at a later date, to publicly enshrine its core principles and shore up its position. However, we have decided not to take this approach.

Further details on the different delivery model options for this curriculum support intervention are detailed in section 3.1 below.

Objectives

This business case proposes an intervention by Government to establish an ALB incorporating Oak that supports teachers to teach, and enables pupils to access, a high quality curriculum whilst also reducing teacher workload. We propose this body has the following overarching aims:

- Aim 1 - Work with schools, teachers and the wider education system to create, develop and support the use of free, optional, high quality full curriculum packages that are available to teachers and pupils through a robust, accessible digital education platform.
- Aim 2 - Continue to provide a national contingency for remote education should it be needed in the event of disruption.
- Aim 3 - Provide a package of connected stretching materials for teachers and pupils through the same digital education platform that is available across the four nations and draws on content and expertise from all areas of the UK.
- Aim 4 - Establish Oak as a high performing, well respected sector organisation that: maintains its 'by teachers for teachers' approach; contributes to the growing understanding of curriculum best practice; is strategically aligned with, but operationally independent from government; and delivers excellent value for money.

As part of providing its curriculum resources and delivering on these aims, we propose the body should:

- Procure input from a broad range of providers;
- Draw on a group of external subject experts to define curriculum quality;
- Ensure resources are evidence-based and in line with knowledge-rich principles;
- Ensure resources are aligned with the National Curriculum, and have due regard to DfE's non-statutory curriculum guidance
- Provide choice and adaptability within the resources so teachers feel they have agency and choice but without offering so many options that we undermine workload reduction benefits.
- Work collaboratively with the wider commercial market taking reasonable steps that are in line with its other objectives to support its future development;
- Build processes for testing, evaluating and continuously improving its resources, growing our evidence and understanding of curriculum quality

By continuously improving its curriculum packages in response to testing and feedback, the body will, on a national scale, mimic the process undertaken by leading Academy chains (for example, those who have been Oak's curriculum partners in developing pupil-facing resources for remote education) to develop and refine their own curricula within their Multi-Academy Trusts (MATs).

DfE officials are currently advising Ministers about the alignment of this intervention with existing curriculum hubs and related DfE funded provisions. Some of these curriculum initiatives do deliver support to schools that is different to what this body will offer e.g., CPD. Ministers therefore want to consider this carefully and we expect this to evolve as the body develops over the next 3 years of the SR period and beyond that. This thinking is part of the end state considerations which are set out at a high level in the Schools White paper and that considers what the system will look like by 2030. In the medium

term, officials will maintain that this curriculum support intervention and any existing support would need to have distinct purposes and reach but work in a mutually reinforcing way.

There is a range of evidence to suggest that our proposed intervention will meet these objectives. This has already been detailed as part of the strategic case. The metrics we will use to assess progress and the effectiveness of this intervention, are out in section 3.5. These are saved teacher time, teacher confidence and teaching effectiveness.

Through the provision of this curriculum support intervention, we will be able to meet the Department's wider policy objectives, set out in section 2.1

Main risks, constraints and inter/dependencies

Strategic Risks

The provision of free resources by the Curriculum Body has a negative impact on the market

For full market impact assessment see **Annex G – Market Impact Assessment**.

There is a risk that this intervention may negatively impact the commercial market for curriculum resources. Commercial providers have provided a clear and consistent view that they believe the Curriculum Body will have a significant negative impact on their business and that this outweighs any potential opportunities. Whilst there is a theoretical case that the Curriculum Body could have some negative impact on the commercial market for curriculum resources, this business case concludes that the impact is likely to be lower than that suggested by the market, which has not been able to provide robust evidence for its position, particularly as its views appear to be based on a number of assumptions that we do not believe are correct. For example, the market does not take into account the fact that Oak has existed since 2020 and does not seem to have significantly disrupted the market despite providing broadly the same offer as the Curriculum Body will. Overall, we believe the potential public benefits of this intervention outweigh the risks around market impact.

Teachers see this curriculum support intervention as a threat to their autonomy

There is a risk that teachers will see this intervention as a threat to their autonomy and an attempt by the Department to dictate the curriculum and pedagogy that schools should use. This may reduce teacher-buy in and therefore the likelihood of achieving our objectives of reduced teacher workload and improved curriculum design, content and delivery.

To mitigate this risk, resources available through this intervention will be non-mandatory, and not endorsed by Ofsted or exam boards, to preserve school autonomy. Furthermore,

the Curriculum Body's curriculum maps are fully adaptable by design, both in terms of their content and sequence, thus supporting schools to deliver an appropriate curriculum, bespoke to school and pupil context. We do not expect – nor want – teachers to simply deliver this content without first thinking deeply about their curriculum, pupils and context, and resources are designed to support this. Teachers are also free to continue to use other high quality resources, including commercial resources, where they already do so.

Finally and crucially, by building on Oak's successful 'by the sector for the sector' approach and the involvement of large numbers of teachers in resource production, we can remove any perception that this intervention is an attempt at changing the National Curriculum and demonstrate that is an intervention that supports school autonomy.

DfE and Oak believe they will be able to preserve their 'by the sector for the sector' brand when becoming an ALB by maintaining operational independence from central Government, as well as continuing to act as a grassroots organisation by working with a wide range of sector experts to convene the best thinking on curriculum design.

Lack of teacher and school engagement

There is a risk that the Curriculum Body fails to achieve its objectives because of a lack of teacher, school or pupil engagement. This could be for several reasons, including teachers having a negative perception of the body and its resources, lack of awareness, an unwillingness to change negative planning behaviours or simply wanting to continue using existing resources without being interested in the Curriculum Body's evidence base.

Sector buy-in is central to meeting this business case's objectives. Teachers and schools choosing to engage with these resources will support them to increase their impact on pupils, and also generate more data and evidence to support evaluation and system leadership. The system leader will need high trust and credibility in the sector to overcome this challenge. The most important requirement to achieve buy in is that the resources are perceived to be high quality. Evidence suggests that resources that had been 'developed in-house or in collaboration with other schools' were perceived by teachers as the highest quality, as schools were aware that these had been 'informed by current practitioners, peers who understood the setting and pupil needs.'²³ Therefore securing buy-in from teachers and schools means securing buy-in from the overall sector to the national process the system leader will undertake, as well the outputs of that process.

It is important to note that success will not be solely defined by school uptake – resources will be optional – and we will encourage schools to continue using high quality

²³ Use and perception of curriculum support resources in schools' (July 2018), p.42 CooperGibson Research p7-8

commercial resources where this works best. On the other hand, attaining sufficient engagement with resources is central to achieving our objective of improving the quality of the taught curriculum and to the body's role as an independent system leader and exemplifier of curriculum quality.

To mitigate this risk therefore, the Curriculum Body will develop a detailed comms plan, ahead of its launch and beyond, to ensure schools and teachers are aware of its offer, and how teachers can engage with the high quality resources should they wish to (including alongside other high quality resources), as well as what support they can receive. Monitoring engagement will also be part of the body's overall evaluation to ensure we are able to achieve our objectives as stated.

In a scenario in which the intervention is successful and we see strong voluntary engagement with the resources by schools that can benefit from them, it is unlikely that schools will adopt these resources exclusively, as this is not how teachers currently operate (only 0.3% of Oak users currently report using Oak resources exclusively according to March 2022 Teacher Tapp survey commissioned by Oak). It is therefore likely that teachers will continue to make use of textbooks and other resources to supplement these. We believe that this intervention will exemplify best practice in curriculum design and drive-up curriculum expertise at a system-level which will ultimately have a positive impact on teachers' planning behaviours and demand for high quality resources, should they choose to use alternative resources.

Lack of strategic alignment with existing DfE Curriculum Programmes

It is important that we maintain alignment with existing curriculum initiatives (e.g., Hubs, National Centre of Computing etc.). While existing arrangements tend to have a heavier focus on continuous professional development and pedagogy rather than specifically on curriculum resources, we want to ensure the alignment of any new intervention with these initiatives. Furthermore, from both a value for money and clarity of roles perspective, it is important that we avoid duplication of existing pots of curriculum and school improvement money.

To mitigate this risk, one of the core functions of this intervention should be to support better strategic alignment between existing curriculum hubs and programmes, and maintain consistency with Government curriculum policy. This is critical, as the system leader should be continuously strategic aligned with Government policy as it develops over time, both in terms of the National Curriculum and wider related DfE policies such as the subject hubs and teacher quality reforms, while also maintaining sufficient independence from DfE and autonomy for teachers. The Framework Document sets out that, in creating curriculum packages and educational resources, the body will "ensure alignment with the National Curriculum, and have due regard to DfE's non-statutory curriculum guidance", while stressing the Curriculum Body's operational independence.

Lack of accompanying curriculum support may result in reduced successful engagement with high quality curriculum design

While the short-term outputs of this curriculum intervention would be focused on the development of high-quality curriculum resources and maps, there is a risk that without accompanying curriculum support such as Continuous Professional Development (CPD), teachers may not sufficiently or successfully engage with pedagogical approach that the resources are designed to support. By using the curriculum resources in isolation without broader support, teachers may increasingly fail to engage with high quality curriculum design as intended, which may potentially limit a teacher's desire to develop their skills in curriculum design. This may therefore result in less effective classroom delivery. Materials would also be more likely to be perceived by the sector as ineffective, which would likely limit demand.

DfE's extensive engagement with teachers and school leaders during the Curriculum Programme Pilots has led us to understand that teachers are far more likely to engage with resources as intended if they engage with teacher guidance and CPD. In the short term, we will ensure this risk is mitigated through the provision of support by the Curriculum Body to enable the effective use of its curriculum resources, for example, advice and guidance to illustrate how a school should consider integrating the resources into its own curriculum and context, how adaptations can be made without compromising the evidence-base on effective sequencing of the curriculum, and exemplar delivery of lessons.

In the longer-term, there is an opportunity for the Curriculum Body to act as exemplification of effective curriculum thinking, enabling our reforms of teacher training and development, with curriculum being a golden thread from the Early Career Framework, the revised ITT content framework and the National Professional Qualifications. Others building CPD based on Curriculum Body exemplification is an important interdependency with teacher development and a significant opportunity for the Department to embed strategic alignment across key interventions to support high quality education.

Interdependencies

Key changes to school accountability

The new Ofsted inspection framework, which has been in use since September 2019, requires inspectors to make a judgement on the 'quality of education' through the lens of curriculum intent, implementation and impact. This is a major shift in the way that schools are inspected. There is also a greater focus on the teaching of subjects (i.e., beyond literacy and numeracy) in primary schools. While the curriculum body's resources will not be pre-approved or endorsed by Ofsted in any way, with this renewed focus on curriculum, there may be schools who do not have the capacity to develop teaching resources from scratch and therefore turn to the Curriculum Body as a starting point, as a quality benchmark when sourcing materials from the commercial market, or may engage

with the Curriculum Body's resource to complement their own effective practice. This may therefore be influential in shaping and accelerating the uptake of the service.

Teacher development

In part the role of the ALB will be to effect changes to lesson planning behaviours and support teachers in their consideration of what will work best in their school context. An interdependency is with the other steps DfE has taken to support teachers in this space - one way that we have addressed these issues is by changing the culture around curriculum design in our teacher education policies, and we have made more explicit the skills and experiences needed in relation to curriculum design and quality at each stage of a teacher's career. The Department has achieved this and developed strong and consistent examples and illustrations of a high quality curriculum, through the development and reforms of the Initial Teacher Training framework, the Early Career Framework, and National Professional Qualifications.

National Curriculum changes

The curriculum resources market revolves around curriculum reforms, with the biggest movements occurring to coincide with changes in qualifications, particularly GCSEs. Any future revisions to the National Curriculum would have a significant interaction with the ALB.

Concepts of curriculum quality

Stakeholder engagement has shown the importance of establishing clear concepts of curriculum quality to underpin the production of resources, including creating subject discourse across disciplines, and reflecting scholarship. The Curriculum Body will build ongoing and close engagement with Ofsted, the EEF and curriculum experts in the sector.

Benefits

The current Benefits Management Strategy is attached at Annex A.

As we have developed our Benefits Management Strategy, officials have considered what we will collect as part of our Evaluation Strategy. For our leading measures we have considered what data Oak National Academy already collects, or has baseline data for, to keep burden to a minimum and meet the DfE Evaluation Strategy (2022) priority of efficiency in data collection. We have also considered how we can reliably demonstrate the change achieved by Oak with a DfE commissioned impact evaluation and will continue to build on the plans set out in our benefits management strategy as we prepare for Research Board. This data collection will take longer as it will need time for the body to roll-out all of its materials. These are therefore lagging measures within our benefits management strategy.

Economic Case²⁴

Exploring the preferred way forward (“long list” appraisal)

The long list and associated qualitative appraisal of the options is in Annex F. A summary table is below.

Option	Outcomes (50%)	Sustain ability (20%)	Deliver ability (10%)	Value for money (10%)	Afford-ability (10%)	Overall Score
Option 1 Do nothing BAU: Do not intervene, leave the commercial market to mature over the next 5-10 years	0/50	5/20	10/10	0/10	10/10	25/100
Option 2 Ongoing grant funding of Oak	28/50	9/20	1/10	4/10	7/10	49/100
Option 3 Pure procurement	27/50	12/20	8/10	4/10	7/10	58/100
Option 4 NDPB company + procurement	44/50	15/20	7/10	8/10	5/10	79/100
Option 4a NDPB company without procurement	33/50	12/20	5/10	6/10	5/10	61/100
Option 5 NDPB statutory body + procurement	44/50	15/20	0/10	8/10	5/10	72/100
Option 5a NDPB – statutory body without procurement	33/50	12/20	0/10	6/10	5/10	56/100
Option 6 DfE core + consultants + procurement	35/50	10/20	5/10	3/10	5/10	58/100
Option 6a DfE core + consultants (without procurement)	25/50	7/20	3/10	1/10	4/10	40/100
Option 7 Make part of an existing organisation	27/50	15/20	2/10	5/10	9/10	58/100
Option 8 Executive agency	38/50	11/20	7/10	4/10	7/10	67/100
Option 9 Public corporation NDPB – company	32/50	5/20	1/10	4/10	7/10	49/100
Option 10 NDPB - charity + procurement	42/50	14/20	7/10	7/10	5/10	75/100
Option 11 CIC + procurement	42/50	15/20	2/10	5/10	5/10	71/100
Option 12 NDPB + market place	33/50	14/20	5/10	2/10	3/10	57/100

Table 3: Longlist of options

²⁴ Figures in the economic case relating to costs, including cost-benefit analysis, have not yet been updated since the previous version of the business case. There has been a minimal change (£0.3m) to the overall cost of the preferred option, as reflected in the financial case, which has been updated. This minimal change does not affect our choice of preferred option and will have only a marginal impact on the cost-benefits analysis.

Options 1, 2, 3 and 4 are taken forward to the shortlist: option 4 as the top scoring ALB option, and option 3 as the top scoring non-ALB option.

Recommending a Preferred Way Forward (“short-list”)

At SOBC stage we shortlisted four options²⁵ and have now refined and appraised our options further, having worked closely with Cabinet Office colleagues. Our four shortlisted options are:

Option 1) Do nothing;

Option 2) Ongoing grant funding of Oak;

Option 3) Procurement; and

Option 4) NDPB (company) + procurement.

Critical Success Factors (CSF) used for qualitative options appraisal

²⁵ These were: Option 1 – Do nothing; Option 2 – Some form of Arm’s Length Body; Option 3 – Procurement; and Option 4 – Hybrid option.

Case	Criteria	Description	Weighting
Strategic	<p>Outcomes:</p> <p>Objectives</p> <p>By the sector, for the sector</p> <p>Continuous strategic alignment with Govt policy</p>	<p>Objectives: The overall objective of this intervention is to improve pupil outcomes by supporting and encouraging teachers to teach high quality, knowledge-rich, carefully sequenced lessons that effectively enact the National Curriculum. This entails the following subordinate objectives:</p> <p>Develop and maintain curriculum expertise within the sector, creating opportunities for sharing best practice and upskilling the workforce</p> <p>Support teachers with high-quality and carefully sequenced curriculum design and delivery, consistent with a knowledge-rich, evidence-informed approach</p> <p>Exemplify enactment of the National Curriculum, modelling and disseminating high-quality curriculum thinking and implementation</p> <p>Support teachers with recognising and accessing high-quality curriculum resources, thereby reducing inefficiencies in time spent planning and supporting workload management</p> <p>Support education recovery by improving standards of curriculum consistency and supporting teachers with best practice curriculum design and teaching.</p> <p>By the sector, for the sector: Does this option ensure credibility and secure school buy-in? Please note, ‘by the sector, for the sector’ not only includes schools and teachers, but also includes commercial education suppliers.</p> <p>Ensure continuous strategic alignment with Govt policy: Will the Department be able to ensure strategic alignment of the intervention with government policy?</p>	<p>Total: 50</p> <p>Objective: 15</p> <p>By the sector: 15</p> <p>Strategic alignment: 20</p>
Commercial	Sustainability and scalability	<p>Supply</p> <p>Does this option boost the supply of high-quality curriculum resources?</p> <p>Demand</p> <p>Does this option encourage behaviour change in the sector shape and stimulate the demand for high-quality curriculum resources?</p>	20

Management	Deliverability	How feasible and timely is the option, practically for DfE and any providers involved in producing curriculum resources, and in the context of wider policy and budgetary constraints of the Department?	10
Economic	Value for Money	Will the option secure value for money over a three-year period (up to and including 2024-25)?	10
Finance	Affordability	Are the costs associated with delivering the option deemed affordable?	10
		Total	100

Table 4: critical success factors

Short-list of Delivery Model Options for a Curriculum Intervention – Qualitative Appraisal

Option 1

Option	Outcomes (50%)	Sustainability (20%)	Deliverability (10%)	Value for Money (10%)	Affordability (10%)	Score
Option 1 Do nothing BAU Do not intervene, leave the commercial market to mature over the next 5-10 years	0/50 Objectives – 0 Sector – 0 Strategic alignment - 0	5/20	10/10	0/10	10/10	25/100

Table 5: Option 1 appraisal

Commentary

This option means no change in the model for producing new in class teaching resources. Teachers would continue to spend valuable time finding and adapting resources of variable quality. We expect Oak remote education video lessons could be withdrawn from use after August 2022 or become static. (Either Oak closes or it must find a way to survive independently but within the conditions set out in its grant, and to roll over existing IP agreements). Curriculum guidance and model curricula case studies would still be provided online by the Department. We would rely on planned Teacher Quality reforms to increase capability in curriculum design and resource selection & deployment – though these are focussed mainly on early career teachers.

Outcomes

This option would not achieve the programme objectives as it would do nothing to proactively address the problems faced by the sector, or their consequences. It also would not be viewed as 'by the sector, for the sector' or provide the Department with any level of strategic alignment.

Sustainability

This option would not boost supply of high-quality curriculum resources, nor would it shape system curriculum thinking or encourage behaviour change in the sector. However, because there would be no intervention there would be no negative market

impact, and whilst we would lose Oak, remote education may no longer be needed by 2022.

Deliverability

This option scores full marks for deliverability, because the ‘do nothing’ option is naturally easy to deliver.

Value for Money

As this option does not meet any of the programme’s objectives, it would not be considered value for money. It also does not build on the investment of public money (over £7 million) in Oak to date and loses this as a ‘national asset’ (inc. videos). Also, there is the real risk of ongoing poor value for money from core school budgets as excessive time continues to be spent on lesson planning and the expense of teacher recruitment given excessive teacher workload driving retention issues.

Affordability

As there are no direct costs associated with this option, it would obtain the maximum score in that category.

Option 2

Option	Outcomes (50%)	Sustainability (20%)	Deliverability (10%)	Value for Money (10%)	Affordability (10%)	Score
Option 2	28/50	9/20	1/10	4/10	7/10	49/100
Ongoing grant funding of Oak	Objectives – 5 Sector – 15 Strategic alignment- 8					

Table 6: Option 2 appraisal

Commentary

This option means we continue to fund Oak via direct grant beyond Summer 2022. Oak would continue to provide remote education videos and continue to expand its remit using its resources to support Special Educational Needs and Disability (SEND) pupils, reduce teacher workload via cover lessons, support teachers’ Continuing Professional Development (CPD) etc.

Outcomes

This option would not meet our objectives sufficiently as the focus would remain on a remote education offer, the quality of resources may not increase beyond current levels, and a system leader would not be created.

Oak's 'by the sector for the sector' approach would likely continue.

Although this option could ensure strategic alignment to a certain degree through the grant, it would provide less assurance of strategic alignment compared to a Government-led or procurement option.

Sustainability

Oak so far has provided good quality curriculum resources. There is less direct evidence that it has effected behaviour change in the sector, but we know the majority of teachers who have used Oak believe it has improved their lesson planning and delivery and most say they will continue to use Oak's resources. However with this intervention we are envisioning supplying a higher quality of resources and with a greater behaviour changed delivered by a system leader, which this option would not achieve.

Deliverability

Although not impossible, it would be highly unlikely that we would be able to extend the existing Oak grant further (which was a direct award). DfE Commercial and HMT have advised of complexities and risks of continued grant funding of Oak [REDACTED].

Value for Money

Although there is a small element of value for money following the Department previously grant funding Oak and this option allowing us to continue that service, this option scores quite low on value for money due to it not meeting the programme's objectives sufficiently.

Affordability

This option has scored relatively high on affordability due to us previously grant funding Oak. This option would not require start-up costs and less content creation.

Option 3

Option	Outcomes (50%)	Sustainability (20%)	Deliverability (10%)	Value for Money (10%)	Affordability (10%)	Score
Option 3 Pure procurement	29/50 Objectives – 10 Sector – 9 Strategic alignment- 10	12/20	8/10	4/10	7/10	60/100

Table 7: Option 3 appraisal

Commentary

This option entails procuring an organisation which would commission, collate, quality assure and host remote education and in-class curriculum resources.

Outcomes

This means an organisation would be contracted to create and promote high quality, knowledge-rich, well-sequenced curriculum resources that will be made freely available to the sector.

But as set out in the strategic case, a private organisation, contracted through a procurement, may not have the pre-existing standing or legitimacy to secure the necessary buy-in from the sector to achieve high usage of its resources and play the system leader role effectively. It may also be more difficult to ensure continuing strategic alignment with Government policy via a contracted arrangement.

This option would also likely miss out on building on Oak's success and likely lead to losing Oak as an asset entirely. [REDACTED]

Sustainability

This option will increase supply directly by procuring high-quality, user centred curriculum resources.

The extent to which this option may develop curriculum expertise in the sector and support schools to become educated consumers of resources depends on what level of system leader functions the provider is asked to undertake. But as set out above, a procured provider may face challenges establishing the trust and credibility required to effectively carry out any such activity.

This option would involve almost all the available funding flowing directly into the commercial market which may be considered more market friendly than DfE/ALB-led alternatives. This option may also provide more scope for the commercialisation of resources further mitigating impacts on the commercial market.

However, a risk in creating an incumbent may be that the market withers, reducing the diversity of providers who can successfully bid for re-procurement, and therefore potentially the quality on offer in the long term.

Deliverability

This option scored relatively high on deliverability however, we deducted a few points due to the scale of the procurement and the potential that we might procure from more than one provider. This may be a quicker process than setting up an NDPB but this immediate speed would likely be offset by the need to continually re-procure.

Value for Money

[REDACTED] Without the IP we would lose all of the benefits of the Oak brand. This would raise concerns regarding value for money from our investment to date. We have, therefore, scored this option low on value for money.

Affordability

The affordability of this option would depend on the scale and scope of the procurement model and the level of resource required to manage the procurement. As this option risks losing Oak’s IPR, we have deducted marks due to the significant cost the Department would have to foot, in order to recreate the current Oak content.

Option 4

Option	Outcomes (50%)	Sustainability (20%)	Deliverability (10%)	Value for Money (10%)	Affordability (10%)	Score
Preferred option: Option 4 – NDPB company + procurement	44/50 Objectives – 15 Sector – 14 Strategic alignment- 15	15/20	7/10	8/10	5/10	79/100

Table 8: Option 4 appraisal

Commentary

This option means incorporating Oak into a new NDPB, which would be empowered to act as an independent system leader and exemplifier of curriculum quality.

Outcomes

This option would allow the Department to meet all its objectives associated with this intervention by creating a system leader that acts as the exemplifier of curriculum quality, working with schools and sector experts to develop and share high quality curriculum resources.

As set out in the strategic case, the key differentiator between this option and alternatives is that it is most likely to secure buy-in from teachers which is the crucial denominator of the benefits of this intervention because it can incorporate Oak and build on its success and also be seen as sufficiently independent from Government, while also ensuring strategic alignment with DfE on an area as critical as the curriculum.

Sustainability

This option should increase supply directly through providing high-quality, user-centred curriculum resources.

It should also increase demand from teachers for high quality resources by increasing curriculum expertise and demonstrating the value of drawing on high quality resources. It will also actively promote high quality parts of the commercial market.

However, representatives from the market have raised concerns that providing full curriculum packages for free will damage the commercial market. We accept the theoretical possibility of this but do not agree the impact will be as high as they claim. Full market impact assessment in Annex G.

Deliverability

Before CO/HMT approval for the creation of an ALB was received on 9th March 2022, marks were originally deducted for deliverability due to uncertainty of the approvals process. As legislation is not required to setup a company, it means this option could be in place more quickly than a statutory NDPB.

Value For Money

This option allows us to retain the Oak brand and all the successes it has brought to date. In the long term, this option brings value for money by acting as an exemplifier for curriculum quality and supporting the development high quality, knowledge-rich, carefully sequenced lessons.

Affordability

Due to the start-up and running costs of creating an NDPB, this option is considered to be costly. Costs would need to be considered for adapting the Oak platform, hiring DfE staff etc.

Variant Option

Added to the long list of options after OBC stage, based on further discussions of models and to show why this has been discounted:

Option	Outcomes (50%)	Sustainability (20%)	Deliverability (10%)	Value for Money (10%)	Affordability (10%)	Score
Variant on a NDPB - whereby a NDPB develops and hosts curriculum maps, and also hosts a market place for sector products that align with the maps and meet a defined quality bar, and that schools are incentivised to use this (for example by being given funding or 'credits')	33/50 Objectives: 7 Sector: 11 Strategic alignment: 15	14	5	2	3	57/100

Table 9: Variant option appraisal

Commentary

This option would be a variant on an NDPB where an NDPB hosts curriculum maps and hosts a market place for sector products that meet a defined quality bar, and that schools are incentivised to use this (for example by being given funding or 'credits' to do so). We have added to the long list to reflect a possible option flagged through engagement with representatives of the commercial market. However, we feel that it has fewer benefits than option 3, pure procurement and it has therefore not been added to the shortlist.

Outcomes

This would not fully meet policy objectives as while it would provide curriculum maps, it would not provide free lesson resources that we believe will most directly increase teacher usage of high quality curriculum resources. Not being a provider of free lesson materials, it is likely the body will be able to have a less prominent role as a system

leader. Without lesson materials which can be tested in classrooms, the body will also not be able to grow system wide understanding of curriculum quality.

This model supports greater plurality in the resources created as a result of the intervention and would likely be considered the most market friendly. There may also be advantages of this approach in that there may be more flexibility to shape the market through varying the marketplace choice architecture to promote/ demote particular products as our understanding of quality develops, compared to a pure procurement.

It is important to note that DfE has run a quality assurance process for mathematics textbooks first established in 2016. The aim of the process has been to ensure the availability to schools of high-quality curriculum support for the new Teaching for Mastery approach (developed by the National Centre for Excellence in the Teaching of Mathematics). Only two textbooks in total have been approved via this process, in part demonstrating the difficulty of building consensus around best practice in curriculum design. DfE provided a generous subsidy by offering match funding to schools that chose to purchase the new textbooks. Take up, however, has been in the region of one third of eligible schools only. This example points to the challenges of changing behaviours through a quality assurance model.

Sustainability

This option would be considered more market friendly than the options which involve procured resources being provided for free. It may avoid the sustainability risks associated with providing resources for free, in particular shrinking the market from which resources are procured over time, potentially ultimately undermining quality in the long term. However, this still represents a government intervention in the market with the presumption that only a sub-set of providers would receive a 'kite-mark', which carries risks of unintended consequences.

Deliverability

A kite-marking process is known to be a complex and resource intensive undertaking. This would involve assessing and making judgements on each of the large number of resource packages that are likely to be put forward and continue to do so as new packages are developed, and manage a contentious appeals process as organisations whose resources fail to receive a kite-mark inevitably contest that decision. This approach of shaping the market and supporting schools to purchase the improved market offerings is likely to have a slow impact on the quality of teaching compared to procuring resources and making them freely available.

Value for Money

Funding schools to purchase from the market is very likely to be a significantly more costly way of increasing schools' access to high quality resources compared to procuring and providing resources for free. Clearly, it would be cheaper for the government to

procure one set of resources and share them freely, rather than subsidise each school to buy separate sets of resources.

Affordability

Delivering the scale of impact we are looking for with this intervention would mean a far higher cost than the alternatives and would not be affordable within our SR budget. Therefore this option scores low on affordability.

Economic Appraisal

This presents the full economic appraisal of the costs and benefits for each of the options presented. Two of the three key benefits in this economic case have not been monetised: one because of the uncertainty of the benefit's magnitude under the shortlisted options, and the other because its social value is more complex to measure and monetise. When monetising the first benefit of saved teacher time and accounting for the remaining non-monetised benefits, as well as how well each option satisfies the critical success factors, Option 4 emerges the preferred option.

Benefit	Monetised?	Explanation of why this benefit has not been monetised
Saved teacher time	Yes	NA
Teacher confidence	No	Non-monetisable
Teaching effectiveness	No	Magnitude of the benefit under the shortlisted options is unknown

Table 10: Summary of approach to benefits

We advise that the strategic case argument and qualitative appraisal should take precedent over purely the relative size of the Benefit Cost Ratios (BCRs).²⁶

Under the monetisation of saved teacher time, Option 4 (the preferred option) has the highest Present Value Benefits of £90.5m. Options 2 and 3 have Present Value Benefits of £72.4m and £76.9m respectively. Option 2 has a 20% Optimism Bias applied to its benefits, with 15% Optimism Bias applied to Option 3. This is due to greater uncertainty on whether benefit of saved teacher time will be realised. We also expect Option 4 to generate further non-monetised benefits such as improved teacher effectiveness and teacher wellbeing. While we have not monetised these benefits, we have documented

²⁶ By definition, there are no costs or benefits in the do nothing option so the below narrative revolves around the appraisal for options 2 – 3.

why we believe they are best realised with the preferred option later within the Economic Case.

Options 3 and 4 include the use of in-class curriculum resources as well as remote education resources, whereas Option 2 relates only to remote education resources. This means the benefits of Options 3 and 4 are likely to exceed the values stated in the Appraisal Summary Table, but we have been unable to account for this due to the lack of quantitative evidence on the impact of curriculum resources on teacher time.

Another key difference between Options 2, 3 and 4 is confidence that the associated benefits will be realised. As set out above, we believe that sector trust and buy-in, alignment with Government policy and longevity are critical success factors for the intervention, according to which the preferred option is clearly stronger. Different probabilities of long-term success are difficult to reflect fully in a BCR, with the optimism biases applied to the benefits of each figure being only a partial solution.

The assumptions on costs and benefits used to derive the Net Present Social Value (NPSV) and BCR figures in the economic appraisal are stated below.

Overview of Cost Assumptions Used

The costs are our best estimates with the information available. Options 2 to 4 include costs for an external evaluation procured by DfE priced at 3% of the pre-evaluation budget for Options 3 and 4 (2% for Option two). A smoothed GDP deflator series was used to uplift input costs for inflation where relevant. The estimated DfE staff²⁷ required for each option are set out in the below table.²⁸

²⁷ Note that Option 4 requires the most DfE staff and staff cover policy, project management and legislation.

²⁸ DfE Staff costs were calculated using the Department's FTE cost model. All staff are assumed to be London based. Recruitment costs are incurred in the first year only.

	Option 1: Do nothing	Option 2: Do minimum (continue to Grant Fund Oak)	Option 3: Procurement	Option 4: NDPB + Procurement (<u>preferred</u> option)
SCS	0	0	0	0
G6	0	0	0	1
G7	0	1	0.5	2
SEO	0	1	0.5	3
HEO	0	1	1	0
EO	0	0	0	1

Table 11: FTE DfE staff by option

Option 2 cost assumptions:

Oak costs for AY 20-21 were used to estimate this option, adjusted for inflation for subsequent financial years.

There are no lesson creation costs because the existing lessons in Oak are set up.

Option 3 & 4 cost assumptions:

Based on estimated costs provided by Oak in terms of financial years from FY 22-23 to FY 24-25. The costs are for remote education resources and in-class curriculum resources and include:

- education and curriculum materials costs,
- platform, engineering and hosting costs including the development of a more able online community
- analytics, research, and evaluation costs
- school support costs
- Operations costs

Costs in this business case are for Key Stage 1 to 4.

Option 4 costs assumptions:²⁹

- Budget data for 2021-22 from another DfE ALB was used to estimate ALB costs. We also received some guidance on potential ALB costs from another government Department who recently went through the process of setting up an ALB. The staffing proposed in Option 4 includes a core sponsorship team as well as a temporary team working on public appointments, which will wind down by March 2024.
- Includes a comprehensive stretch curriculum offer. Oak estimate that this will cost an extra £550k across the 3-year lifetime, spread evenly for each year.

Overview of Benefits Assumptions Used

For the benefits, the calculation of NPSV and BCR is based on available evidence of the impact of education resources on teacher time savings only. While the ImpactED evaluation of Oak National Academy supports the proposal that providing more resources will save teacher time,³⁰ there is little evidence that offers a quantitative estimate on how much teacher time is likely to be saved.

The benefit we quantified is therefore based on the use of textbooks in saving teacher time, informed by a report by Frontier Economics (2018). We present the economic appraisal tables using our pessimistic estimates of NPSV and the BCR for each option to account for the uncertainty around our estimations. This does not represent financial savings, but rather the value of reallocating teacher time to more productive tasks. The below assumptions were used to derive monetised benefits for Option 2, 3 and 4.

Options 2, 3 & 4 benefit assumptions:

The estimated 1.6 hours of teacher time per week saved by using textbooks is generalisable to the use of Oak curriculum resources. (Frontier Economics, 2018). We have used Frontier Economics' most conservative estimate to account for the uncertainty when extrapolating this figure.³¹

²⁹ To reiterate, figures in the economic case relating to costs, including cost-benefit analysis, have not yet been updated since the previous version of the business case. There has been a minimal change (£0.3m) to the overall cost of the preferred option, as reflected in the financial case, which has been updated. This minimal change does not affect our choice of preferred option and will have only a marginal impact on the cost-benefits analysis. Before the business case is circulated externally, we will carry out the work to align the economic and financial cases. We have updated option 4 based on new cost information from the supplier.

³⁰ ImpactEd independent evaluation of the Oak National Academy suggested that 66% of classroom teachers (55% of middle leaders) reported that Oak resources had saved time to their workload.

³¹ Frontier Economics (2018) use textbooks in their analysis of teacher time saved due to curriculum resources. We make the strong assumption that this estimate is generalisable to online resources.

10% of teachers use Oak (again, a low estimate based on a DfE survey on use of Oak resources).³²

37% of teachers that use Oak save time.³³

We have also adjusted the estimated benefits from saved teacher time for options 2 and 3 by 20% and 15% respectively to account for the lower likelihood of full benefits being realised under these options. These figures are our best estimate on the difference in the magnitude of benefits between each option due to our limited evidence base on the impacts of each option.

To estimate the hourly value of saved teacher time spent planning, we use information on average gross teacher pay from the [2020 school workforce census](#). In 2020-21, the mean salary for classroom teachers in all state-funded schools was £38,436. The [employer contribution to the teacher pension scheme](#) (including school admin fees) is 23.68%, or £9,102 on average. The [threshold for national insurance contributions for 2020 to 2021](#), above which employers pay 13.8%, is £8,784 per year, giving an average of £29,652 above the threshold salary, for an average contribution of £4,092. Total on-costs therefore come to £13,194, giving an average total annual cost per classroom teacher of £51,630. [School teachers' pay and conditions](#) for 2020 requires teachers to be able to work for 1,265 hours per year. Dividing the total annual cost by this gives a cost per classroom teacher hour of £40.81 in 2020-21. Applying inflation using the GDP Deflator, the cost per classroom teacher hour is £43.04, in the first year of the programme (2022-23 FY).

The figures below do not reflect the fact that Options 3 and 4 relate to the use of in-class curriculum resources as well as remote education resources, whereas Option 2 only relates to remote education resources (this, along with DfE Staff Costs contribute to Option 2 costs being relatively low). We can therefore expect the Present Value Benefits of Options 3 and 4 to be even higher as more teacher time is saved, in turn increasing their Benefit Cost Ratios.

³² DfE survey evidence suggested that around 30% of teachers reported using Oak in December. We make the strong assumption that there is 'stickiness' in Oak resource use. The 10% take up applied is a pessimistic estimate and 30% take up is a central estimate.

³³ ImpactED independent evaluation of Oak National Academy (2021) suggests that around 66% of teachers saved time from their workload but around 24% felt it added time. 37% is the difference between these two figures.

Appraisal Summary Table

	Option 1: Do nothing	Option 2: Do minimum (continue to Grant Fund Oak)	Option 3: Procurement	Option 4: NDPB + Procurement (<u>preferred option</u>)
Present Value Benefits (PVB) – real terms, discounted	£0.0m	£72.4m	£76.9m	£90.5m
Present Value Costs (PVC) – real terms, discounted	£0.0m	£13.0m	£32.9m	£39.6m
Net Present Social Value (PVB – PVC)	£0.0m	£59.3m	£44.0m	£50.8m
Benefit Cost Ratio (PVB / PVC)	N/A	5.6	2.3	2.3
Present Value Benefits (PVB) – real terms, discounted	£0.0m	£72.4m	£76.9m	£90.5m
Time Horizon	Lifetime of 3 years (FY 22-23 to FY 24-25)			

Table 12: Appraisal summary

Option 4: NDPB + Procurement (preferred option) – Further breakdown of Cost Benefit Analysis³⁴

Lifetime of 3 years (FY 22-23 to FY 24-25)	Nominal terms, undiscounted	Real terms, discounted (price year 2022-23)
COSTS		
Total value of costs	£42.5m	£39.6m
BENEFITS		
Cash releasing benefits	N/A	N/A
Non-cash releasing benefits	N/A	£90.5m
Total value of benefits	N/A	£90.5m
Net Present Social Value (NPSV)		£50.8m
Benefit Cost Ratio (BCR)		2.3

Table 13: Option 4 further breakdown

Non-Monetised Benefits

One of the major aims of this policy is to improve teachers' access to high-quality curriculum resources which we believe is likely to simultaneously save teacher time and increase teaching effectiveness and teacher confidence. These benefits are least likely to be realised under Option 2 which focuses only on remote education resources and lacks the longevity of Option 4.

Teaching effectiveness: the report from Frontier Economics³⁵ also summarises the literature on how curriculum resources can improve student teaching quality learning outcomes, e.g. by 'providing clarity regarding key concepts and core knowledge, providing clear learning progression, including a wide range of examples and applications and support learner reflection' (Oates, 2014).³⁶ In a field experiment with middle-school maths teachers from the US, providing teachers with online access to lessons, even without support to promote their use, was found to increase attainment by 0.06 of a standard deviation, with larger

³⁴ To reiterate, figures in the economic case relating to costs, including cost-benefit analysis, have not yet been updated since the previous version of the business case. There has been a minimal change (£0.3m) to the overall cost of the preferred option, as reflected in the financial case, which has been updated. This minimal change does not affect our choice of preferred option and will have only a marginal impact on the cost-benefits analysis. Before the business case is circulated externally, we will carry out the work to align the economic and financial cases

³⁵ [A 2018 report from Frontier Economics](#)

³⁶ <https://www.cambridgeassessment.org.uk/Images/181744-why-textbooks-count-tim-oates.pdf>

benefits for weaker teachers (Jackson and Makarin, 2017).³⁷ Due to the differences between the US and English education systems we felt it was not analytically sound to use this finding to monetise teacher effectiveness in the UK. However, it is worth noting that one-grade improvement for a GCSE subject is associated with an average increase in the present value of lifetime earnings of c.£8,500.³⁸ As the preferred option would be an NDPB which we believe to be a more sustainable option in the long term than the other shortlisted options, its direct and indirect impact is more likely to reach the greatest number of students, resulting in higher lifetime earnings for more pupils. The curriculum programme pilot early findings report published in 2019 also suggested that the majority of both teachers and project leads thought the pilot would have positive impacts on teaching quality and attainment.

Teacher confidence: The 2021 ImpactED independent evaluation report on Oak also found that the majority of Oak users reported to have increased confidence in curriculum design and have improved the quality of their lesson planning. The evaluation also found that almost three quarters of Oak users rated the quality of both Oak’s curriculum sequencing and structure, and curriculum content highly.

Tables from the curriculum pilot early findings study (2019)^{39,40}

Would you say that the following aspects of your job have increased, decreased or stayed the same? (participating school teachers)

	Increased (%)	Stayed the same (%)	Decreased (%)
Workload	9%	46%	46%
Work-life balance	15%	78%	7%
Job Satisfaction	17%	73%	11%
Overall well-being at work	16%	79%	5%
Ability to manage stress level	15%	79%	7%

Table 14: curriculum pilot early findings

Base: 121 participating school teachers

³⁷ <https://www.nber.org/papers/w22398>

³⁸ [Research and analysis overview: GCSE attainment and lifetime earnings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/research-and-analysis-overview/gcse-attainment-and-lifetime-earnings)

³⁹ [The curriculum programme pilot: early findings \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/the-curriculum-programme-pilot-early-findings)

⁴⁰ [The curriculum programme pilot: research report \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/the-curriculum-programme-pilot-research-report)

To what extent do you agree or disagree that the curriculum programme pilot will have a positive impact on the following areas?

Areas of impact	Teachers: % Agree	Teachers: % Disagree	Coordinators: % Agree	Coordinators: % Disagree
Reducing the complexity of planning	79%	7%	93%	5%
Teacher workload	72%	7%	88%	5%
More effective implementation of the curriculum	70%	4%	90%	0%
Teacher subject knowledge	61%	13%	80%	7%
Quality of teaching and learning	60%	14%	93%	5%
Teacher pedagogical knowledge / approach	57%	10%	83%	5%
Improved whole-class teaching	57%	7%	83%	2%
Teachers' understanding of a more effective way to teach the curriculum and subject	54%	7%	83%	5%
Making lessons more interesting	34%	24%	63%	15%

Table 15: curriculum pilot positive impact

Data not shown = 'Neither' and 'Don't know'

Source: Curriculum Programmes Baseline Survey. Base: 121 teachers, 41 co-ordinators.

Information on the full list of benefits and how we plan to monitor them as part of our wider evaluation strategy are included in Annex A.

Sensitivity Analysis using Breakeven Analysis

Although we have presented a pessimistic estimate of Present Value Benefits in our appraisal summary, here we carry out a sensitivity analysis using breakeven analysis. This tests the impact of changing assumptions on the time savings required to break even (in terms of saving teacher time, to 'pay for itself') because there is uncertainty on the total number of teachers that are within the scope of this policy and on the take-up, and the best available evidence on minutes of teacher time saved is weak. This shows that the policy would **only need to generate very small changes to this one particular outcome to break even.**

Based on the benefit of saving teacher time alone, the intervention would need to save a total of 332,938 hours in each of the three years in the appraisal period. This is given the present value of whole lifetime costs of £39.6m. We estimate there are around 365,856 teachers in the scope of this policy (in terms of relevant key stages and year groups). Assuming our central estimate is true, where take up by teachers is 30%,⁴¹ then each participating teacher would need to save 3 hours a year, or roughly 5 minutes per week. The full sensitivity analysis is presented in the table below, to test the impact of changing these assumptions on the time savings required to break even.

	Teachers in scope of policy	Teacher take-up rate assumption	Teachers taking up	Hours needed to be saved per teacher per year	Minutes needed to be saved per teacher per week
Pessimistic	329,271	10%	32,927	10.1	15.6
Central	365,856	30%	109,757	3.0	4.7
Optimistic	402,442	50%	201,221	1.7	2.5

Table 16: Sensitivity analysis

In our pessimistic scenario, we scale down the take-up to 10% and the teachers in the scope of the policy to 329,271. In our optimistic scenario, we scale up the take-up to 50% and the teachers in the scope of the policy to 402,442. For the teachers in the scope of the policy, the school workforce census provides information on teacher time spent on teaching relevant subjects for secondary schools but not for primary and nursery schools, so there is some uncertainty on the total number of teachers that are within the scope of this policy. For central estimates, we have assumed that for primary and nursery schools, the proportion of teacher time spent on teaching relevant subjects is the same as for secondary schools. For the take-up, the uncertainty arises because Oak is an imperfect case study in the context of setting up an ALB.⁴²

⁴¹ According to our own (representative) survey evidence from teachers, by December 2020 28% of teachers (34% primary, 24% secondary) reported having used Oak resources to set remote ed lessons at some point during the pandemic. A snapshot survey from TeacherTapp (unlikely to be completely representative) in mid-January 2020 suggested that around a half (46%) of primary teachers and a quarter (25%) of secondary teachers had used Oak resources to set remote education in the previous week

⁴² To note that that [A 2018 report from Frontier Economics](#) highlights that time savings from the use of textbooks of up to 90 minutes per week are reported by teachers. We know not all schools will be using textbooks already, and if these schools access curriculum resources via our new curriculum support intervention, we could therefore expect time savings in this order of magnitude. If, as we believe but cannot prove, it is the case that utilising the curriculum support intervention would mean teachers need to spend even less time accessing materials and planning lessons than is currently required with textbooks, then time savings may be in excess of this figure, and there may be additional time savings for people who switch from using textbooks to accessing curriculum resources via the intervention

Oak have carried out analysis based on survey data from March 2022, which estimates that using Oak saves 8.4 minutes per teacher per week on average **across users and non-users**.

The survey asked 629 teachers (355 users and 274 non-users) to estimate how much time using Oak added to their workload, or saved them, per week. Results were then weighted by the overall percentage of teachers using the platform.

This analysis is subject to uncertainty due to the sample size and simple methodology but supports that the sort of time saving we would need to see to break even, based on this workload reduction benefit alone, should be achievable.

Wider Considerations

To understand the wider impact that the ALB will have on the market, a comprehensive understanding of the marketplace has been developed through a Market Impact Assessment (MIA) as part of the wider business planning for the curriculum body- see Annex G. This has been led in conjunction between Policy and Commercial.

Risk, Uncertainty, Sensitivity and Optimism Bias

The cost figures presented in this Economic case exclude optimism bias because they are based on very conservative assumptions. If we took a conservative approach and applied a 20% increase to the costs to account for optimism bias, the NPSV for the preferred option would be £42.9m and the BCR would be ~1.9. This would still suggest that the policy improves welfare and achieves value for money. The benefit figures have been adjusted for Optimism Bias. Option 2 has had its benefits reduced by 20%, with Option 3 having its benefits reduced by 15%. This is due to the increased uncertainty of those options achieving the stated benefits relative to Option 4.

In terms of sensitivity, the breakeven analysis in the previous section shows the breakeven level of impact required in terms of teacher time saved for a range of scenarios regarding usage and take-up. We believe this demonstrates that even in a pessimistic scenario, the level required to breakeven is relatively low compared to what the evidence suggests might be possible and compared to the current amount of workload spent on planning lessons and arranging the relevant resources.

For Option 4 NDPB + Procurement (preferred option), the cost benefit analysis accounts for the risk that the ALB will not be set up until September 2022 and the impact that this will have on the costs (and timing of benefit realisation) for financial year FY 2022-23.

It should be acknowledged that there is a risk that setting up an ALB that provides free in-class and remote education resources could shrink the size of the market and this cost would have an impact on the BCR we estimate (i.e., higher economic costs). A market impact assessment has been provided in Annex G, but having worked with the

commercial market, there is insufficient data available to attempt to quantify this potential impact.

Quality of Evidence

There is a substantial body of published work which points to significant problems with teacher workload⁴³ and subsequent retention of teachers in the workforce⁴⁴, which are exacerbated by burdensome lesson planning, particularly among new teachers. Furthermore, there is good evidence for current problems with the quality, cost, and coherence of curriculum resources and support.⁴⁵ For these reasons, the evidence for a need for intervention is strong.

Evidence for the potential of high-quality curriculum resources to lead to significant positive effects for teachers and pupils is currently limited and hard to disentangle from other potential effects. Nonetheless, qualitative evidence from teachers provides tentative evidence for a link between high-quality curriculum resources and pupil progress.⁴⁶ Further, evidence for the potential impact of a curriculum support intervention is currently limited to a few key sources of DfE research evidence; these are the survey of teachers about quality and usage of curriculum resources,⁴⁷ and qualitative evidence from the Curriculum Programme Pilot.⁴⁸ These provide initial evidence for the potential for providing teachers with access to a curriculum support intervention of high-quality curriculum resources to improve teacher workload and lead to improvements in pupil outcomes based on teacher perceptions.

The annexed benefits management strategy and forthcoming evaluation plans will be crucial for evidencing impact on key measures of success, and for ensuring that potential improvements can be made to the policy once it is implemented.

⁴³ DfE, 'Workload Challenge: Analysis of Teacher Consultation Responses', 2015, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/401406/RR445_-_Workload_Challenge_-_Analysis_of_teacher_consultation_responses_FINAL.pdf
DfE, 'Teacher Workload Survey 2019', 2019, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/855933/teacher_workload_survey_2019_main_report_amended.pdf.

⁴⁴ 'Factors Affecting Teacher Retention: Qualitative Investigation'.

⁴⁵ DfE, 'Use and Perceptions of Curriculum Support Resources in Schools'.

⁴⁶ Public First, 'How Teachers Use Textbooks: Teachers' Perceptions of Physical, Digital and Online Resources and the Impact of Covid-19 on These'; DfE, 'The Curriculum Programme Pilot'.

⁴⁷ DfE, 'Use and Perceptions of Curriculum Support Resources in Schools'.

⁴⁸ DfE, 'The Curriculum Programme Pilot'.

Equalities Impact Assessment

We have completed a public sector equality duty impact assessment, taking due consideration for all equality implications.

The full Equalities Impact Assessment is attached at Annex E.

The commissioning strategy is being developed in line with and in order to comply with the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010. Ministers need to give due regard to the possible equality impacts of the policy.

We have conducted a PSED impact assessment and concluded that the programme is unlikely to have an adverse impact from an equalities perspective, and the impact of this policy on groups with protected characteristics is either positive or neutral. We will keep this under review during the programme roll-out. The Curriculum Body resources are intended to be used for whole class teaching at the appropriate age/stage therefore it does not specifically target and specific groups that share one or more of the protected characteristics. Our policy is universal across all areas so should not adversely affect any regions but may benefit the lowest performing regions by increasing the quality, sequencing and deliverability of the curriculum. This may have a positive effect on closing the gap between disadvantaged and non-disadvantaged children – a levelling up ambition.

We are mitigating any risk of having an indirect negative impact on teachers or pupils with disabilities by ensuring the Curriculum Body's resources and the platform meet Government Digital Service Accessibility standards. The resources will still allow teachers to provide all the usual scaffolding and support that they would give to pupils with SEND. In addition, the Curriculum Body will provide a specialist offer for SEND children. Therefore, there should be a positive impact on children who identify as SEND. There are no other obvious indirect impacts on groups with protected characteristics, but we will keep our equalities analysis under review to assess any potential impacts as they arise.

Please note our PSED impact assessment of low impact.

Commercial Case

Focus of the Commercial Case

The focus of this commercial case will be the establishment of a commercial function within, and strategy for, the new arm's length Curriculum Body (CB); a separate AO assessment will follow in mid-August for approval of the conditions of transfer pertaining to ongoing discussions with The Reach Foundation, as such this FBC does not seek approval for the conditions of transfer, in light of their contentious nature. Invest-Co approval is sought only for the establishment of the NDPB and such approval is conditional upon AO approval to transfer. This will demonstrate that the CB will be enabled to undertake activity, procuring from the wider market, in a manner that ensures strong value-for-money outcomes to be achieved, alongside compliance with the legal and policy expectations of a public sector organisation.

The transfer of Oak to an NDPB is subject to agreement to an Asset Transfer Agreement (ATA) with The Reach Foundation. The Permanent Secretary and Secretary of State approved a draft ATA sent to the Reach Board on July 20. Reach Trustees approved terms, providing comments and delegating the completion of final details to the Reach Chief Executive and Chair. Any material changes or risks as the ATA is finalised will be added to the FBC to provide a robust audit trail.

A 'Prior Information Notice' (PIN) for the CB's planned procurement was published in June 2022, to signal an initial period of market engagement. So far this has taken the form of webinars and surveys and has informed the Market Impact Assessment (Annex G). Oak will conduct further market engagement when it launches as an ALB, and this will inform development of their **separate business case** on the procurement; however, Oak have set aside £16m of their budget towards overall procurement activity. This business case will describe the procurement and development of curriculum resources and will also provide a high-level overview of the commercial strategy and activity of the CB. As the CB will not have established commercial governance upon creation (and a commercial delegation that is insufficient to cover the procurement), depending on level of spend, we plan to bring the procurement business case to Joint Approval Committee (or Invest Co) and use DfE governance forums to assure this sourcing activity.

Finally, this case will discuss the transfer of the existing Oak platform and the major commercial considerations that must be resolved to enable this – including (but not limited to) the transfer of assets and Intellectual Property Rights (IPR), the Transfer of Undertakings (Protection of Employment) (TUPE), and related Commercial documents to support these.

CB Commercial Function Strategy

This section aims to give sufficient confidence that the CB commercial function will operate successfully (to note, references to commercial function are intended to mean the function of people within the NDPB – i.e., as with the finance or HR function - not that the NDPB will hold a commercial function in the market). It does this by first providing an overview of requirements that the CB will seek to procure and then outlining the high-level outcomes that define a successful procurement. Then, it sets out the processes, governance and policy that underpins the Commercial Function, alongside the staffing requirements needed to maintain these (both in terms of capacity and capability). Finally, the assurance regime is defined, to show how the CB will provide appropriate feedback to its Senior Leadership Team, as well as key individuals within DfE, to demonstrate that it is functioning as intended and delivering on the outcomes and aims of the function.

Overview of Requirements

The CB will be responsible for producing a range of curriculum resources. The CB will procure providers to develop the resources, working closely with them to ensure they meet the required standards. Our proposal (this is awaiting formal final confirmation from SoS) is the resources should include:

- **Curriculum maps** which outline a curriculum across an academic year, setting out the units of learning, the key learning within each unit, and the sequence of this learning.
- **Lesson materials** which consist of lesson plans, lesson slides, quizzes, worksheets, video lessons

In terms of subject/Key Stage coverage, we have proposed they should cover KS1 – 4, across the National Curriculum and mandatory subjects, and that Maths, English, Science, History, Geography and Music should be prioritised for the first tranche of resources.

In terms of timelines, we are planning that for the first tranche, partial packages of resources will be available by September 2023 and full sets by September 2024. For the second tranche that partial sets be available by September 2024, and full sets by September 2025.

The CB will develop a detailed separate business case on the procurement in the Autumn once it has launched and conducted a process of market testing.

The remainder of the Commercial Case will focus primarily on the requirements of the CB's Commercial Function to deliver the procurement and contract management of the production process via the procured suppliers.

Key Outcomes

The Commercial Function will be responsible for delivering procurement, supply chain management and contract management activity within the CB. This commercial practice will enable the procurement of the goods, works and services to meet business requirements from the third-party supply market.

It will ensure that value-for-money is secured (the optimal balance between cost and quality). The primary components for this activity include:

- Defining requirements clearly to demonstrate how they will meet business needs;
- Procuring the necessary goods and services from the supply market;
- Managing the subsequent contracts and suppliers to ensure planned benefits are met in a compliant manner;
- Maintaining a clear understanding of the pipeline of commercial activity;
- Managing commercial risks in an effective manner.

The key outcomes that will be used to measure the overall success of the commercial function of the CB have been taken from the Government Commercial Functions “Commercial Continuous Improvement Assessment Framework (CCIAF)⁴⁹”, a framework intended for use by public sector bodies that wish to benchmark their commercial maturity against organisations across the wider public sector. Specifically the NDPB’s commercial activity will be based on the “Government Functional Standard – GovS 008: Commercial V2⁵⁰”, which provides a functional standard to set expectations for commercial management within government and provides guidance to the wider public sector. This should drive consistency and set expectations, ensuring that contracts and relationships with suppliers realise value-for-money and result in the delivery of high-quality services. The key principles for the Commercial Function are therefore as follow:

- Ensuring its objectives are aligned to government policy and wider organisational objectives;
- Procuring goods and services using legally compliant, fair and transparent processes, guarding against corruption and fraud;
- Obtaining value-for-money outcomes, balancing cost, quality and social value to achieve the intended outcome;
- Acting in a way that promotes trust between the public sector, suppliers and the wider public;

⁴⁹ [Government Functional Standard GovS 008: Commercial and Commercial Continuous Improvement Assessment Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/government-functional-standard-govs-008-commercial-and-commercial-continuous-improvement-assessment-framework)

⁵⁰ [Government Functional Standard - GovS 008: Commercial \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/publications/government-functional-standard-govs-008-commercial)

- Establishing governance, risk and control frameworks, supported by appropriate management, that are appropriate the work and associated risks;
- Clearly defining accountabilities and responsibilities, which are mutually consistent and traceable across all level of duties, with appropriate separations;
- Promoting continuous improvement, through capturing and sharing experience and lessons learned;
- Undertaking work in multi-disciplined teams, with task assigned to those who have the capacity and capability to complete them;
- Public service codes of conduct and ethics are upheld.

The Body will also be responsible for adhering to all relevant legislation and government policy relating to commercial activity. The key legal requirement will be adherence to the Public Contract Regulations 2015.

Commercial Function Operations

The underpinning operations of the CB Commercial Function must support and enable delivery according to the 12 key principles outlined in section 1.2, with a table below for key roles and responsibilities as proposed by Oak. The operations of the Commercial Function have been sub-divided into 14 categories below. It should be noted that, although presented as distinct processes, many of these will be interdependent and will have significant flows of documentation and information between them in order to operate effectively.

This business case aims to provide an overview of the key activities within each but not to provide a full and comprehensive framework to operate upon. During the mobilisation of the CB, each of these will be further developed and formalised between DfE Commercial and the Senior Leadership of the CB.

R&R	DfE Commercial support with:	
<p>End-to-end Procurement Process</p> <p>Ongoing contract management: finance/KPIs/SLAs etc.</p> <p>Negotiations, amendments and exit plans</p> <p>Asset tracking managed through</p> <p>Operations/Education teams Stakeholder management (Operations/Education)</p>	<p>Expert guidance on procurement design and implementation</p> <p>Business case support for significant changes in scope of the ALB purpose</p> <p>Work together to ensure compliance on all contract management through audit, reporting on KPIs and corporate reporting to Board</p>	<p>Business analysis to support procurement process</p> <p>Commercial and contract legal support to ensure IPR, Copyright and Contractual arrangements deliver Oak objectives</p> <p>Contract Management System - Juro</p> <p>e-Document Signature System</p> <p>e-sourcing platform - TBC</p>
<p>1.33 headcount</p> <p>Oak corporate network to remain independent of DfE managed environment and managed by Oak team</p> <p>Full day-to-day support from Oak team</p> <p>Audit and compliance</p> <p>Cyber security</p> <p>Continuous improvement</p>	<p>Work together to ensure compliance with:</p> <p>Digital Health Check</p> <p>CyberEssentials+</p> <p>Agreed KPIs</p>	<p>Surge support for laptop setup (need to explore DfE support first)</p> <p>Independent security expertise/testing/audit as required</p> <p>Routine penetration testing</p> <p>Asset Panda used for physical asset management</p> <p>A large number of suppliers to include Google, Microsoft, Apple, Namf, Nord, Webrook, SpinOne, Slack, Zoom, OnePassword</p>

Table 17: key roles and responsibilities

Commercial Governance and Management Framework

The Commercial Governance and Management Framework (CGMF) underpinning the Commercial Function will be responsible for overseeing and directing commercial activity in the CB. It will prioritise commercial activity, integrate appropriately with wider CB (and external) governance, and empower those within the business to purchase, compliantly and effectively, goods and services to meet business requirements. It will also assure commercial activity that has been undertaken and review the performance of the

function. The CGMF will not be in place upon the establishment of the CB, but will be developed, following its inception, to allow the CB to conduct its own commercial activity on below-delegation spend, without reliance on DfE assurance processes. This framework will define:

- The development and implementation of commercial policies, ensuring the correct policies are in place and are being followed and understood as designed;
- The commercial processes that will be followed to complete specific commercial activities – for example, a clearly defined process and governance relating to the procurement of a business requirement;
- The relevant cross-governmental policy, guidance, and regulation to be followed when undergoing commercial activities;
- How commercial governance will integrate effectively with the wider governance of the body;
- How a holistic portfolio of commercial activity will be maintained, to ensure budgeting and activity is well understood;
- How an accounting officer's statement will reflect commercial activity;
- A process of regular review to ensure the overall framework remains fit-for-purpose and effective.
- How commercial agreements will be segmented / tiered based on levels of risk.
- Decision-making rules and responsibilities, linked to clear levels of delegated authority, which allow appropriate autonomy that balances with risk.
- Reporting structures.

Strategy and Planning

The commercial strategy of the CB should be developed in a manner that allows it to function both externally, as a cross-government strategy, and internally, delivering a commercial vision that meets the needs of the business. As a cross-government strategy, it should:

- Support cross-government commercial policy and priorities, and follow these as they evolve;
- Synergies between other public sector organisations and promote efficiencies;
- Demonstrate that the CB will build and maintain appropriate commercial capability and capacity.

The internal commercial strategy should set out a clear vision and plan to meet the objectives and principles previously outlined and be approved by the accounting officer of the body. A commercial blueprint (or equivalent document) should be contained in, or produced in addition to, the strategy, outlining the forecasted commercial activity, required resources and operating model. These will be drafted by individuals within the body during the first 6 months of its establishment.

Commercial Pipeline

The Commercial Function should maintain, always, an up-to-date and accurate Commercial Pipeline. This should provide a view of both all current and past commercial activity (primarily awarded contracts), and a forward-looking view of upcoming commercial activity, including both procurement, contract management, and contract exit. This should contain information pertinent to the understanding of these contracts. This will allow for the organisation to ensure projects are sufficiently resourced and executed at appropriate times to deliver strong outcomes. Ideally, this should look forward, at a minimum, 18 months, but ideally for a period of several years. The body may also be required to publish this on a regular basis.

Assurance

The purpose of an assurance regime is to provide, through a series of planned and repeating actions, confidence to both internal and external stakeholders that the activity conducted by the CB follows planned processes and meets the legal and policy requirements expected of it whilst completing this activity. It should give reassurance that the organisation's strategy is being delivered in an effective manner, to obtain value-for-money outcomes.

The approach to assurance should be well-defined and applied in a manner that is proportionate to the risk and value of the commercial activity of the CB. It should also integrate with the overall assurance processes of the body. The assurance processes will be divided into three categories:

- 1st Line – These are conducted by the operational delivery component of the CB, by both those who own the business requirements that are being fulfilled through commercial activity, and those conducting the commercial activity. This will compromise the risk management and governance processes that fulfil business-as-usual activity.
- 2nd Line – This is conducted by individuals within the body who do not hold direct (first-line) responsibility for the delivery of commercial requirements – for example an internal risk / assurance team. These provide an oversight of risk management to ensure the 1st line is properly designed and implemented as intended.
- 3rd Line – This is conducted by independent audit, on behalf of the CB, or by an independent audit body. This provides an objective opinion on the effectiveness of GRC (governance, risk and control), including the 1st and 2nd lines of assurance. This may be completed, by request, by the Government Internal Audit Agency (GIAA).

These assurance processes should reflect the value and risk of the commercial activity being conducted – the extent to which each line of assurance is utilised should be determined by the body, based on this, and documented within the commercial functional strategy.

Due to the nature of the CB, there may also be a desire for a non-repeating 4th line of defence, after governance and risk frameworks have been fully established, to provide an additional layer of assurance. This may be provided by an organisation such as the National Audit Office.

Assurance processes should cover the breadth of commercial supporting activity, such as procurement, contract management, and commercial functional strategy. They shall be undertaken prior to any major decisions being completed – such as before contract award. It could be aligned with other processes for approving business cases and undertaking commercial activity.

External assurance processes may also be engaged – such as Cabinet Office Spending Controls.

Decision Making

Key decisions should be made at the appropriate governance board, to ensure the complete and full list of necessary stakeholders are involved in making the decision, and the decision is correctly documented. The requirements for decisions to be made at governance boards should be proportionate to the risk and value of the decision itself, and this should be clearly defined within the governance structure. Typically, these decisions should relate to:

- Approval of contract award and signature;
- Approval to open a procurement opportunity and receive offers from the market;
- Approval of novel or revised commercial strategy;
- Authorisation, or commitment to authorise, payments / spend;
- Approval of contract extensions, variations, or decisions to terminate;
- Contractual dispute resolution decisions or claims (against the CB or supplier).

Where appropriate, decision making should also take into account obtaining relevant approvals from cross-government professional functions, and relevant internal experts. For example, decisions on digital platforms should conform to the Government Digital Service (GDS) Service Standard, and teams specialising in this should be consulted. Most Commercial decisions, at a minimum, should have received consideration by individuals specialising in:

- Commercial
- Policy
- Finance
- Legal.

Alongside decision-approvals within governance boards, supporting documentation should be generated and kept in the form of Business Cases. These should be written in

line with the HM Treasury Green Book. Where appropriate, these should be supported by a Commercial Strategy document.

Roles and Accountability

Defined within the overall governance and management framework relating to commercial activity within the CB, clear roles, responsibility and accountability of functions and individuals should be defined, to give assurance that those with suitable experience, skills and seniority have been involved with activity undertaken. This should be regularly reviewed and kept updated.

The CB should have an assigned Accounting Officer (usually the permanent head of the organisation) who maintains overall responsibility for ensuring the effective and responsible use of public resources, maintains stewardship for public money, and is responsible to the DfE, and via the DfE, to Parliament and the public for ensuring this. The organisation should also hold a senior officer responsible for commercial activity, who has specific accountability for commercial strategy and operation and is responsible to the accounting officer. Typically, this will be a Chief Finance Officer or Chief Commercial Officer of the organisation. They will be responsible for:

- Providing advice to senior business owners on commercial strategy and commercial risk.
- Signing contracts or delegating this authority onwards where the risk and value of contracts defines this is acceptable.
- Accountability for documents outlining the commercial strategy, framework, and plan.
- Allocating suitable resources to commercial activity.
- Providing leadership and direction for commercial activity within an organisation.
- Holding commercial delegation from DfE commercial.

The organisation should also contain several Senior Responsible Officers. These are non-commercial individuals who maintain formal ownership of the business requirements, and subsequently the contracts that arise to fulfil these. They are therefore accountable for any contracts they are assigned, including the supplier and contract management associated with these. They should be provided training and support for this responsibility by the Commercial Function of the CB.

The Senior Responsible Officers should be supported by individuals trained in contract and supplier management (ideally using the cross-government Contract Management Capability Programme (CMCP)). Contract managers are responsible for the day-to-day commercial activity linked to managing specific contracts and suppliers. The activity they complete should be reflected in an approved contract management plan. Contract managers may sit within either commercial or business teams – or duties may be split across multiple individuals in both teams (but this must be clearly defined).

Non contract management commercial activity (such as procurement, commercial strategy or commercial policy) should be completed by commercial specialists within the commercial function. These individuals should have appropriate skills and experience of commercial delivery.

Commercial Lifecycle (Define, Manage, Buy)

The [Government Commercial Operating Standard \(GovS 008: Commercial\)](#) provides a framework / operating model against which commercial activity should be defined and benchmarked.

Commercial activity directly linked to the procurement of a requirement is broadly split into 3 categories – define, procure and manage. It should be noted that this does not contain supporting commercial work, such as strategy, policy, development, etc. A brief overview of each category is given below, to outline the responsibilities of the commercial function of the CB. It should be noted that this is not comprehensive, and that a commercial handbook (or equivalent commercial policy documentation) should be generated to support commercial activity within the body. This should be used in conjunction with cross-government commercial policy documentation (such as procurement policy notes and the sourcing playbook).

Commercial Risk Management

Commercial risks should be monitored and managed on a cascading hierarchy of levels. For example, individual risks may initially be captured at the contract and supplier level. Following this, trends and patterns of common risks may be established across wider segments of the market, alongside risks captured for the supply market itself. This will allow for a joined up and holistic approach to risk management to be implemented, with high-level risks appropriately escalated within the CB.

The risk framework itself should be clearly documented and understood across the commercial team. A commercial risk register should be established to manage commercial and commercial-related risks. These should focus on risks that are specifically related to the pre-procurement, procurement, mobilisation and contract management associated with this service. It is not designed to replace other risk registers maintained by the business, but instead should feed into these and work in a joined-up fashion. Although primarily focused on commercial risks, it should also include legal, financial, policy and other risks that are directly related to the execution of commercial activity and the delivery of the service through the performance and management of contracts.

All individuals related to this project are encouraged to identify potential risks – risk identification for the commercial risk register is not exclusive to commercial staff. The risks on this register should be shared with those responsible for business risk registers and vice-versa. All individuals are encouraged to test and challenge assumptions and mitigations.

The risk register acts as the key tool for identifying, defining, assessing, treating, and monitoring risk. The application of the risk framework using the risk registers and governance is explained in the following process, and will be followed throughout the commercial lifecycle:

Clarify Objectives

Before risks can be approached, the objectives ought to be clarified. In this case, the commercial objectives are to use a compliant procurement process to establish a contract for a curriculum resource goods and services that meets the business requirements and achieves value-for-money for the taxpayer.

Identify

Risks are theoretical events that could lead to the objectives not being successfully met. This stage should focus on what could happen or go wrong, and what type of risk this is (financial, commercial, legal, etc.).

This is done through the risk register, where the risk is assigned a reference number, assigned a category and given a description.

Define

In this stage the description of the risk is built upon, and the causes and consequences of the risk are explored. Additionally, the risk is allocated an owner and the date the risk was opened is logged. The description is built upon (causes added), the potential consequences are described, and an owner is assigned.

Assess

The risk is then scored. This is done using a 5x5 risk rating methodology. In this, each risk is assigned a value in terms of both impact and likelihood. The likelihood of a risk is a measure of how probable it is that a risk will occur. Impact is a measure of how severe the consequences would be if a risk is realised. Scoring for these measures are seen below.

This is initially performed for each risk when unmitigated – this is when no actions or controls have been established to prevent this risk (lower likelihood) or mitigate consequences (lower impact).

This is reflected in the risk register, where the probability and impact are recorded, and the risk score is calculated through the multiplication of each.

Treat

Once initially identified and assessed, the practical steps required to manage and control a risk should be decided. These can either lessen the likelihood of the event occurring

(known as preventative controls) or they can ensure that if the event is too occurred, the impact will be less (mitigating controls). They could also address both.

Risk can be dealt with in four ways – treat (work to reduce the impact and likelihood), tolerate (accept that the risk and likelihood are manageable as is), transfer (move the responsibility or burden for loss to another party, often through the contract) and terminate (determine risk is too significant and leave the situation / abandon the objectives).

Treatment is addressed through the controls and mitigations. Here, existing mitigations are listed and the risk is re-scored. A RAG rating can then be given based on predetermined thresholds linked to the risk score. For example, 16-25 being high risk, 6-15 being moderate risk, and 0-5 being low risk.

Risks scored as 'low' can be tolerated – further action is not necessary. Risks scored as 'high' are not acceptable – for these, treatment (further planned mitigations) must be completed, showing the risk being brought to an acceptable level. If risk is inherent and cannot be lowered, transfer and termination must be considered. Risks scored as moderate should be discussed – best judgement should be used to decide whether the risk is acceptable to tolerate, or if further treatment is required. The risk register should show the risk score with current mitigations established, with the score with future / planned mitigations established also clarified.

Monitor

Risks will be monitored throughout the procurement process of each requirement at key milestones – during commercial strategy development, prior to going to market, post contract-award, during mobilisation, then regularly during contract management.

As risks are passed (for example, a procurement risk may no longer be valid once the contract is awarded) they will be closed on the register.

Less frequently, a full risk review will be conducted. In this, all risks will be studied to determine if they are still active risks, and whether the scoring is appropriate. Group discussion will be held to determine any previously untracked or new risks that have emerged.

Capability and Resourcing

For the Commercial Function of the CB to be successful, the correct and appropriate commercial resources and skills should be in place at all times. Through clear mapping of commercial capability and capacity requirements aligned to a complete commercial pipeline, a resourcing plan can be developed that ensures this.

This will allow a resource baseline to be produced, that highlights the target cost of the function, staff grade mix, as well as any specialisms that are required. This will allow

commercial work to be assigned in a timely manner to teams and individuals that are experienced, competent, and accredited to perform their role. The commercial function will also require appropriate resourcing from non-commercial functions. This includes appropriate legal advice as required (primarily commercial / contract law, but may also include IP law and TUPE law), financial business partnering, project management and systems / digital / technology support. As an NDPB, legal support will not be available from the Government Legal Department (GLD) but will instead require acquisition from an external provider. This will require either an individual arrangement to be procured, or a contract established through an existing government contract available to NDPBs.

Systems and Management Information

A variety of commercial and non-commercial systems will be required to effectively implement planned processes and manage data, as well as enable easier auditing and control of business decisions. These include:

- E-procurement System – this will allow the commercial process to be effectively monitored and implemented. At present, DfE utilises the Jaggaer system. The opportunity to grant licenses to future CB Commercial staff has been explored and deemed viable, however this would present issues relating to the perceived independence of the CB. As an alternative, it has been agreed that the CB will procure an e-procurement platform independent of the DfE. The time required for establishment of a new system, alongside relevant training, has been considered in overall timeframes. Should Jaggaer be adopted (independently of DfE) assistance to use this system on an ad-hoc basis would be beneficial from DfE Commercial.
- P2P System – for managing the payment of suppliers, through requisitions, purchase orders, invoicing, and payment data management. This forms part of DfE's Financial Operations shared service offer, at no cost to the CB.
- MI Management System – depending on the complexity of performance regimes, a system to monitor the KPIs / SLAs of individuals contracts may also be of value to the commercial function.

In addition, individuals will require PC technology with access to the standard suite of programmes used by Oak (G-suite),

Training should be made available to commercial staff to enable effective use of the above systems and ensure they obtain the intended benefits. Systems, data and

management information should be conducted in line with the Government Standard of Digital, Data and Technology (GovS 005)⁵¹.

Assessment of the Marketplace

A market assessment has been conducted and is attached to this case as Annex G.

Implementation Timescale

The table below contains an *indicative* timeframe for the establishment of the commercial function within the CB and the procurement processes associated with the body. This timetable is subject to several factors, including the finalisation of the model for generation and procurement of curriculum maps and resources, and successful transfer of existing intellectual property. More specific detail on the timeframes for procurement of curriculum resources will be contained within the specific business case for that work.

Action	Start Date	End Date
Legal Entity Established	01 April 2022	14 June
Personnel Transferred	01 July 2022	31 August 2022
Commercial Framework & Policy Documents Finalised	01 September 2022	01 April 2023
Curriculum licensing agreements novated and background IPR transferred	01 August 2022	31 August 2022
Business as Usual	01 September 2022	Ongoing

Table 18: implementation timescale

Transition from Existing Arrangements

For the launch of the CB to be successful, a number of critical activities and items are required to be transferred from the existing Oak National Academy. These either need to pass directly to the CB once it is sufficiently established or be held in interim by DfE. These have been discussed below.

⁵¹ [Government Functional Standard GovS 005: Digital, Data and Technology - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/standards/govs-005-digital-data-and-technology)

Asset Transfer Agreement & Curriculum Partner IPR

The transfer of the existing Oak platform, brand and other assets will be covered through an Asset Transfer Agreement between the Reach Foundation (as the current owners of the Oak brand, trademark and logo, as well as employers of Oak staff) and the Department for Education. This agreement is now being finalised, and its signature is a critical dependency for the successful establishment of the body.

The transfer of assets includes the transfer of IPR for the curriculum materials and resources currently hosted on the Oak Platform. The background IPR for the materials belongs to the Curriculum Partners of Oak. [REDACTED]

As part of finalising the Asset Transfer Agreement, we have been discussing the level of a fixed liability cap with Reach. This acknowledges that any value of Oak's assets is being transferred to DfE at no cost. This indemnification cap has been agreed through negotiations with the Reach Foundation. This cap has been agreed by Ministers and we have laid a Ministerial note before Parliament, which will conclude on July 22. This was approved by Minister Walker, and has been reapproved by the new SoS (the date of writing is July 20). It is understood that the risk of the indemnification being drawn on is low, especially to a level greater than the £10m proposed cap. [REDACTED]

Staff / Transfer of Undertakings (Protection of Employment)

[REDACTED]

A data request template has been created for issue to Oak National Academy / Reach Foundation to capture the staff information required to build a suitable TUPE position, and Oak has indicated it will complete this as TUPE consultations start in July.

A 'TUPE plan' with relevant milestones is in creation, so that it can be ensured that sufficient time has been factored in for the various procedural steps. The first set of detailed employee information is expected to be provide WC 18 July. Both staff and assets will transfer to the NDPB at the same time, to avoid a split between a service and business transfer and to avoid people or assets transferring before the other.

Financial Case

Financial Summary

At the 2021 Spending Review (SR) and through the Levelling Up White Paper (LUWP), the Department received **£39.3m** in programme funding to continue to deliver Oak, covering up to and including FY 24-25. The overall cost estimate for our preferred delivery model of an ALB is **£42.5m** covering up to and including FY24-25. This is in line with our original estimate of **£42.2m** submitted in the outline business case. The overall cost estimate represents a minimum viable delivery model that will meet the desired aims and objectives of the ALB, subject to ongoing policy refinement and stakeholder engagement.

The overall cost estimate represents an increase of **circa £3.2m** on the programme funding awarded in the SR and through the Levelling Up White Paper. This would result in a pressure for the Department in FY 23-24 £3.0m and FY 24-25 £4.2m – for the current FY 22-23 we are showing an underspend £4.0m. We would need to manage these pressures through business planning, though this is considered achievable in the context of overall departmental spending given the strategic priority of this work.

Provisional approval was sought from HM Treasury to this budget proposal, ahead of and subject to final decision on the body's operating model being taken following market engagement.

Costings

	FY 22-23	FY 23-24	FY 24-25	Total
Admin (RDEL) cost	£2.0m	£4.5m	£4.7m	£11.2m
Programme (RDEL) cost	*£3.9m	£2.1m	£2.3m	£8.3m
Capital (CDEL) Costs	£3.9m	£9.1m	£10.0m	£23.0m
Total Net Funding Requirement	£9.8m	£15.7m	£17.0m	£42.5m
**Total Funding secured	£13.8m	£12.7m	£12.73m	£39.3m
NDPB funding shortfall	-£4.0m	£3.0m	£4.2m	£3.2m

Table 19: Breakdown of funding requirements for recommended option: 4 (ALB)

*Includes £3.1m programme grant funding April – August 2022.

**Total Funding secured includes £1m from Department for Levelling Up, Housing and Communities as part of the Levelling Up white paper (evenly split across the SR period).

A breakdown of full cost estimations for options 1, 2 and 3 are included in section Narrative and Assumptions.

The proposed delivery model would result in an increase in headcount from Oak's current state of 39 full time equivalent (FTE) to a fully operational future headcount of **82.6 FTE in total**. The DfE staff (not included in the above costings) comprises of the Sponsorship team (with programme management embedded) consisting of: 0.5x Grade 6, 1x Grade 7, 1x SEO, and 0.5x EO. Plus, an additional 0.5 G6, 1x FTE G7 and 2x FTE SEOs, to support the team in managing the public appointments process for the permanent board, which will run beyond the launch of the ALB. The additional 3.5 FTE required to support the appointments process will end by March 2024. This team size is smaller than that which was originally included in the OBC, based on conversations with the DfE ALB Sponsorship Team on an appropriate minimum viable team size. We will also need to operate some flexibility in the wind-down of the existing Future Curriculum Body Division if the workload associated with the new NDPB continues to cause significantly more work than anticipated – but these roles would reduce over time to result in the core sponsorship team.

The estimated admin costs for the Department are c£963k FY22-23 – FY24-25 to be managed within DfE Admin costs during Business Planning. These are calculated using the Department's FTE cost model where DfE staff costs increase with inflation each year. Staff are 1.0 FTE, based in London and would be in their role for the three years.

Cabinet Office and HM Treasury have requested a review of the ALB within 24 months; this will give us further opportunity to assess steady state costs and identify efficiencies wherever possible.

Cost Classification

The funding has been calculated by Oak following detailed work with the DfE Cost Classification Team going through the budget line by line with Oak colleagues to agree the classification of the spend in line with DfE/Government cost classification policies on when spend should be revenue or capital. The capital spend relates to staff/non-staff costs directly attributable to the intangible asset (i.e., platform and the creating of lessons).

We have accounted for £8.3m programme costs; £11.2m admin costs; and, £23.0m capital costs as below.

Breakdown of funding requirements for recommended option: 4 (ALB)

	FY 22-23	FY 23-24	FY 24-25	Total
Admin (RDEL) cost	£2.0m	£4.5m	£4.7m	£11.2m
Programme (RDEL) cost	*£3.9m	£2.1m	£2.3m	£8.3m
Capital (CDEL) Costs	£3.9m	£9.1m	£10.0m	£23m
Total Net Funding Requirement	£9.8m	£15.6m	£17.0m	£42.5m

Table 20: Breakdown of funding requirements by classification

*Includes £3.1m programme grant funding April – August 2022.

To further limit capital expenditure, the ALB will continue operating with a remote working model, with no fixed premises.

Narrative and Assumptions

Funding requirements for short-listed options

	FY 22-23	FY 23-24	FY 24-25	Total
Option 1 Do nothing	£0	£0	£0	£0
Option 2 Do minimum- Ongoing grant funding of OAK	£4.4m	£4.6m	£4.7m	£13.7m
Option 3 Procurement	£10.8m	£11.6m	£12.6m	£35.0m
Option 4 ALB - recommended	£9.8m	£15.6m	£17.1m	£42.5m

Table 21: funding requirements for shortlisted options

Option 1 (do nothing) Cost Assumptions

As Option 1 is to do nothing, there would be no direct costs. This includes no VAT or TUPE considerations.

Option 2 (do nothing – ongoing grant funding of Oak) Cost Assumptions

Continue grant funding:

After evaluation £m	2022-23	2023-24	2024-25	Total
Capital [A]	£0.4m	£0.4m	£0.4m	£1.3m
Revenue (programme) [B]	£3.8m	£4.0m	£4.1m	£11.9m
Revenue Admin [C]	£0.2m	£0.2m	£0.2m	£0.6m

Table 22: funding requirements for option 2

Having a further direct award is not preferred due to the reasons listed in the economic case. This includes not achieving the programme objectives such as supporting teachers with high quality curriculum design, and exemplifying enactment of the National Curriculum [REDACTED]

There would be no VAT costs as this route is grant funded. If we were to pursue this option, we would consider exit management from current arrangements, including intellectual property, digital and potential TUPE considerations.

Option 3 (procurement) Cost Assumptions

Procurement costings

After evaluation £m	2022-23	2023-24	2024-25	Total
Capital [A]				£0
Revenue (Programme) [B]	£10.6m	£11.5m	£12.5m	£34.6m
Revenue (Admin) [C]	£0.1m	£0.1m	£0.1m	£0.4m
Total [=A+B+C]	£10.8m	£11.6m	£12.6m	£35.0m

Table 23: cost assumptions for option 3

We have assumed no VAT implications as we expect payment to be through a grant.

Option 4 (ALB) Cost assumptions (figures may not add due to rounding)

After evaluation £m	2022-23	2023-24	2024-25	Total
Capital [A]	£3.9m	£9.1m	£10.1m	£23.1m
Revenue (Programme) [B]	£3.9m	£2.1m	£2.3m	£8.3m
Revenue (Admin) [C]	£2.0m	£4.4m	£4.7m	£11,1m
Total [=A+B+C]	£9.8m	£15.6m	£17.1m	£42.5m

Table 24: cost assumptions for option 4

Further assumptions for the costs of Option 4 (ALB):

Set-up costs

We have now set up a shell company and the ALB will be fully operational from 1 September. There are some set-up costs involved, including the purchase of an e-procurement and payroll system.

Legal

External advisers have been used in a timely and cost-effective manner. We have gained external legal advice from Womble Bond Dickinson LLP who provide DfE with specialist IP legal services. We have also sought specific advice on TUPE and the setting-up of the legal entity from lawyers in the government's legal department.

Shared Services

The ALB will utilise the Department's shared services where it can. It is adopting our fully serviced model for its financial systems and operations. They have opted for third party procurement for HR/payroll as it is not possible to buy into our systems due to current licensing restrictions, as is the case for other ALBs. We have also explored with Oak the feasibility of them taking up the Department's IT shared service offer, but the cost-benefit assessment of undertaking such a migration is not currently viable.

While the costs of hosting and expanding the functionality of the current Oak digital platform have been included in the costs for Option 4, the digital service offered by the ALB should meet the government-wide standards expected of all digital services offered to the public and meet the DfE Digital, Data and Tech assurance processes which are focused on ensuring the service offered is safe and secure. There will be an ongoing process of assurance and audit within the ALB post-September.

Oak will continue operating with a remote working model, with no fixed premises. Oak is confident this will not impede its ability to deliver, and the cost-benefit analysis and need to maximise the use of existing staff to deliver a challenging programme of work justifies continuing to operate on this basis post-pandemic.

Financial Risks

Shortfall of £3.2m

At the 2021 Spending Review (SR) and through the Levelling Up White Paper (LUWP), the Department received £39.3m in programme funding to continue to deliver Oak, covering up to and including FY 24-25, with a shortfall there of £3.2m against option 4. This would result in a pressure for the Department in FY 23-24 (£3.0m) and FY 24-25 (£4.2m) – for the current FY 22-23 we are showing an underspend (£4.0m). We would need to manage these pressures through business planning, though this is considered

achievable in the context of overall departmental spending given the strategic priority of this work.

Funding Alignment

The funding received (£39.3m) is not aligned with classification of the spend which may cause pressure. There may be a possibility that we are able to mitigate internally within DfE, otherwise will seek HMT approval to switch budgets. It is not anticipated these conversations will be required until 23-24 business planning.

Activity to set up ALB

There is a risk that some of the activity to set up an ALB (e.g. developing a procurement in order to develop resources which will be available to the sector by September 2023) must begin before the body is formally launched. To mitigate this risk a grant extension for Oak was approved until 31 August 2022.

ALB headcount to be absorbed within DfE headcount

A critical dependency for the programme is the conditions set by Cabinet Office and HM Treasury for approval of the ALB, that the ALB's headcount (82.6 FTE) must be fully absorbed within the Department's headcount by the end of FY 24-25. This presents a complex challenge and pressure for the Department within the overall headcount and equivalent reductions found elsewhere.

It should be noted that the total headcount does not represent an average headcount over three years. There will be a gradual expansion over the SR period before the ALB reaches capacity, meaning that increases may be absorbed into the Department steadily over time rather than immediately from 1 September. There may be possibilities to reduce cost and headcount further in light of policy refinement following stakeholder engagement, but reductions would have to come at considerable risk to the ALB and its ability to fulfil the aims and objectives currently envisaged.

This condition is being actioned through the wider departmental admin planning exercises, including the CS25 work commissioned by the Cabinet Office.

Sensitivities

Please refer to the sensitivity analysis provided from the breakeven analysis within section 3.3 of the Economic case.

Accounting Treatment and Balance Sheet Impacts

The cost of using Oak as an IT platform is not included in capital costings as the platform is already established.

Based on the evidence provided to HMT, they have indicated that it is likely the ONS would classify the Curriculum Body as being within the public sector and within central government. It passes the test on whether it would be a separate institutional unit. HMT have agreed to look at this body again later in the year when the governance documents are finalised – this is to make sure that the indicative decision is still the right one. At that point HMT will then share the indicative decision and any documents with the ONS.⁵²

Cabinet Office have confirmed that the body will be a government company limited by guarantee – it will be an NDPB and its staff will be public servants.

Other Disclosures

The development of a ‘system first’ production model for curriculum resources and scrutiny of the budget through a series of specialist red team sessions has driven reductions that have been incorporated in the proposed model to ensure it represents value for money, compares favourably to other ALBs and minimises headcount through outsourcing and use of the Department’s shared services. Scrutiny of the budget has been done with input from operational and policy leads with relevant knowledge and expertise within both the Department and other ALBs, including Ofqual, Ofsted and ESFA. Four red team sessions explored the proposed delivery model in detail, with each session focusing on identifying efficiencies in one of four core delivery functions.

Benchmarking of organisational capabilities, FTE and budgets has also been undertaken with comparable programmes and organisations, including LocatED, Ofqual, and Ofsted. Benchmarking has been constrained by the unique set-up of the curriculum ALB, its comparably small size, and its constitution as an NDPB as opposed to an Executive Agency. While this is still to be tested with the market, our view is that this represents a responsible sizing for a public body of this size.

⁵² Following DfE sharing all governance information relating to statistical classification with HMT, this has now been passed to the ONS, who may formally review Oak in the future, but for purposes of statistical classification, the HMT indicative classification decision is sufficient.

Financial Assurance for Grants

Regularity Assurance

The NDPB will be paid through a grant in aid.

Grant in aid and governance of the NDPB will be managed in line with the Managing Public Money guidance. We will have sponsorship meetings to provide regular scrutiny of the NDPB. We will work with the DfE ALB partnership team to ensure robust sponsorship.

Any work carried out to set up the shell NDPB (ie within the grant extension for current Oak work) will be managed through current grant management assurance:

- Grant Funding Agreement includes KPIs, monitored through monthly grant management meetings
- payments made monthly in arrears based on work completed
- Oak grant management team check all grant claims against the funded activities to ensure payments are eligible and valid
- Audit arrangements in place in line with DfE guidance
- Cabinet Office Grants and Commercial Advisory Panel advice has also informed grant management.

The ALB once fully operational will have an accounting officer in place. Accounting officers in ALBs must also take account of their special responsibilities and powers. In particular, they must respect the Articles of Association establishing the organisation and terms of the framework document agreed with the sponsor department. The framework document (or equivalent) agreed between an ALB and its sponsor provides for the sponsor department to exercise meaningful oversight of the ALB's strategy and performance, pay arrangements and/or major financial transactions, e.g. by monthly returns, standard delegations and exception reporting.

The sponsor department's accounts consolidate those of its ALBs so its accounting officer must be satisfied that the consolidated accounts are accurate and not misleading. Overall, the accounting officer of a sponsor department should make arrangements to satisfy himself or herself that that the ALB has systems adequate to meet the standards in Managing Public Money.

Further assurance will be managed through the sponsorship process led by DfE. We are still finalising the sponsorship process but we expect to do quarterly performance reviews, with mid and end year reviews chaired by the minister and the others by the senior sponsor. The performance management process will be agreed with Ministers and we will further assure the outline process through our programme board.

Management Case

Governance and Leadership Arrangements

Programme governance and management practices and processes have been deployed to govern, or direct, a programme, as a critical determinant of the programme's success, in that it addresses accountability and responsibility which, in turn, affects how project decisions are to be made. The Curriculum Body (CB) programme was established to deliver the curriculum support intervention set out in the Outline Business Case and to take forward the delivery of the programme and to establish the Non-Departmental Public Body (NDPB). It uses a hybrid approach to project management, albeit largely waterfall as most of the project follows the standard waterfall method. Some agile elements like planning and retro meetings. This team and governance will be disbanded upon establishment of the CB, and a DfE sponsorship team be set up, as is usual for DfE when managing relationships with Arm's Length Bodies.

Role	Name
Senior Responsible Officer	Jenny Oldroyd/Stuart Miller (Jobshare)
Programme Director	Richard Vaughan
Programme Manager	[REDACTED]
Programme Management Office	[REDACTED]
Project team (NB this covers wider work than just the transition to an ALB. It also covers broader curriculum policy work and current grant management work)	<p>Leadership:</p> <p>[REDACTED] (G6) – Policy [REDACTED] (G6) – Delivery</p> <p>Workstream oversight (G7 x 8): [REDACTED]</p> <p>Workstream managers (SEO x 5): [REDACTED]</p> <p>Project support (HEO x 2).</p> <p>To note additional resource is being added to the project team.</p> <p>Wider support to the core team:</p> <p>Finance: [REDACTED] (G6) [REDACTED](G7)</p> <p>Commercial:</p> <p>Nick McHenry [REDACTED] (G7), [REDACTED] (SEO)</p> <p>HR: [REDACTED] (G6),</p> <p>Analytical team (including G7 Economist, HEO, and SSO).</p>

Table 25: DfE programme team

The governance and assurance processes were reviewed with Major Projects as part of the establishment of the programme.

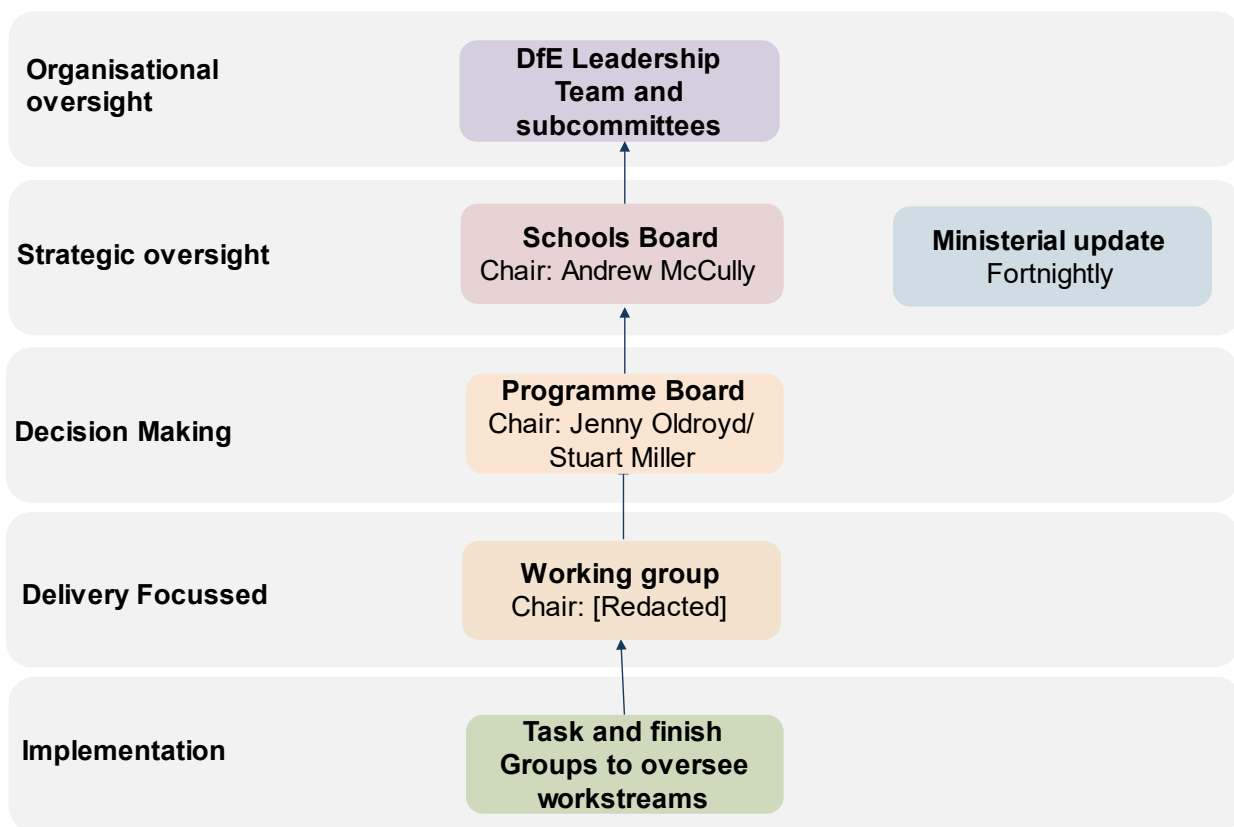
The main roles and responsibilities associated with programme planning are:

Role	Responsibilities
Senior Responsible Owner	approving the programme plan and leading monitoring activities, including reviews; these reviews measured programme performance in terms of delivery confidence and status and intended benefits realised and outputs and outcomes achieved.
Programme Director	designing and implementing the programme plan, monitoring and control of resources; the Programme Director works closely with the Programme Manager to ensure that the programme plan, risks and issues log, actions and decisions log, benefits management strategy, communications strategy, and stakeholder engagement plan are consistent and up to date.
Programme Manager	managing the transition to business as usual, working closely with the Programme Director on defining the programme (and the projects and strands of work that make up the programme); the Programme Manager also works with Project leads to support and change on operational delivery, risks and issues and with benefit owners to ensure the transition aligns with the required benefits realisation.
Programme Management Office	supporting the SRO by developing and implementing planning and control processes across the programme; the PMO is also responsible for delivery confidence and status reporting, risks and issue management, and for collecting, updating and success measurement data as part of the ongoing programme activities and for ensuring that defined planning standards are being adhered to across the programme and in underpinning project and strands of work

Table 26: programme planning roles and responsibilities

The governance structure for the delivery phase of the programme (i.e. the establishment of the CB) is as follows (this is subject to the ongoing departmental re-structure)

Programme Governance Structure – Curriculum Body setup



The CB Programme Board meets fortnightly and is chaired by the SRO. The Schools Portfolio Board, chaired by the Schools Group Director General, is the route of escalation for the CB Programme Board, specifically for risks, issues and decisions that require Director General approval. The Terms of Reference for the Programme Board are set out in Annex K.

The CB Working Group is chaired jointly by the programme manager or programme lead. The Working Group meets weekly and is delivery focused and reports to the CB Programme Board. The Working Group scrutinises the delivery confidence and status reports provided by the projects and strands. The PMO prepare an overarching Programme Delivery highlight report for the CB Programme which is also used to report to the Programme Board, as well as weekly to Ministers.

There is also a weekly Procurement Board, a weekly Permanent Secretary meeting, and fortnightly Ministerial meetings.

DfE Major Projects are currently invited to attend the Programme Board to offer further challenge and support. Governance arrangements remain under review and will need to take account of the proposed re-organisation of the Department and the status of the programme as a 'Major Project', to enable DfE Major Projects support and challenge to continue.

Project Management Arrangements

An in-house programme team ensures that robust reporting, governance arrangements and risk management are in place for successful programme delivery. The day-to-day management of the programme is led by a Project Lead (G7) and underpinned by a full suite of PPM project documentation.

There are two daily project team stand ups, one attended by SRO and key senior stakeholders and the second with the wider project team at an operational level. Operational stand ups are used by the DfE policy, delivery, finance and commercial colleagues to track delivery progress and unlock any delivery blockers on a daily basis. These are followed by fortnightly 'retro meetings, with the full DfE Team and weekly Working Group meetings attended by both DfE and Oak delivery teams. Both forums provide an opportunity escalate and resolve delivery issues/blockers. Working Group is the first point of escalation for delivery issues.

In addition, the SRO and CB Programme Board routinely monitor if the business case continues to be viable and in alignment with strategic objectives. This usually takes the form of the production of documentation and reports at key stages. Monitoring is used to oversee progress of products, outputs, and outcomes.

Reporting provides the Programme Board with a summary of the status of the programme or project at intervals defined by them. Reporting advises the correct people at the correct time of positive and negative events, allowing for progression or remedial action as appropriate.

Controls relate to stages in projects and are established to control the delivery of the project's outputs. The CB Working Group consider both event-driven - meaning that the control occurs because a specific event has taken place; and time-driven - meaning controls are regular progress feedbacks (highlight reports). Controls then assist with both monitoring and reporting by provision of required review points such as end stage assessments. This does not replace the need for the CB Programme Board to maintain an overall view of progress.

Change and configuration management is coordinated by the PMO and helps the Programme Board keep track of configuration changes in a way that allows for the programme to continue to deliver at pace. Aligned to the Actions and Decisions Log, any changes that are agreed are recorded. They may be the result of a Ministerial decision or change in milestone, resources or timeline. The change decision must be auditable and the PMO then review the implications for the change and report to the Programme Director if there are any concerns or new risks or issues that may arise. Otherwise the change is documented in the Actions and Decisions Log and implemented into the programme.

The programme approach to knowledge management and succession planning was to establish a process of identifying the risk of key roles becoming vacant or not being filled and how to fill those roles effectively. If a current post holder is planning to leave, they are requested to prepare a handover document, which will include links to key files and documents on the Teams workspace. Prior to their departure and if the post has not yet been filled, the resource schedule is reviewed and the team split of work is considered, to ensure that the highest priority work takes precedence. When the post is filled, the person responsible for the area of work provides a teach-in to the new post holder, who can then access the handover documents and associated files on the Teams workspace.

Documentation Currently in Place

- Programme Plan (reviewed weekly)
- Individual Workstream Delivery Plans (reviewed weekly)
- Critical Path (reviewed weekly)
- Risk, Issues, Actions and Decisions Log (reviewed weekly)
- Stakeholder Engagement and Communications Plan (reviewed weekly)
- Change Control Log (reviewed fortnightly)
- Inter/Dependencies Log (reviewed fortnightly)
- Risk Potential Assurance (reviewed quarterly)
- Integrated Assurance Approval Plan (reviewed quarterly)

Risk Management Arrangements

Risk recording: The PMO take responsibility for risk management, analysis and evaluation of all risks to achieving objectives working with project/strand leads. The risk management approach is to limit the programme's exposure to an unacceptable level of risk and to manage the likelihood down with the application of effective countermeasures.

The CB Programme maintains a central Risk and Issues log that incorporated the risks at programme and project/strand level and holds our risk appetite statement. These risks are ranked with the top risks and issues being considered for escalation.

Risk monitoring: The PMO is responsible for the Risk Management Strategy, and the SRO is accountable. Individual risk owners are responsible for the mitigation of risks and resolution of issues and for escalation, as appropriate to the Working Group (at operational level) and Programme Board. The PMO review the Risk and Issues log with owner's fortnightly but is updated weekly. Risk is managed at two levels Programme, Project/Strand. Importantly any risk that impacts on the critical path is reviewed daily and escalated to the Programme Board for decisions on action required.

Risk Reporting: The Programme Plan and the RAID log is used to produce highlight reports that are used by the Programme Board and also sent to Ministers. This approach

helps to highlight key risks at a lower Project/Strand level, which require additional action or oversight. Permanent Secretary updates also include the latest position on our top-level risks, taken from the programme plan tool.

Risk Escalation: Escalation to governance above the directorates arrangements as per normal, with this programme reporting monthly to the Schools Board. When risks require resources or decisions beyond the work strand level they are escalated to Programme Board or SRO level, depending on the decision required.

Programme Delivery Plan

The programme plan covers programme level information on delivery confidence, progress against milestones and updates on submissions, next steps and requests for decisions that impact the critical path. The Programme Manager ensures the plan is updated weekly. The outcome from the CB Programme Board discussion is captured in the Actions and Decisions Log. Information is also cascaded in fortnightly information drop-in sessions for interested parties across the Department.

The programme team also meets weekly with the SRO to discuss key issues, concerns and barriers to delivery. The outcomes from these meetings can help to support and challenge but also to unblock barriers to operational delivery. The programme plan and reporting tool, including the critical path, is attached as annex B.

Stakeholder Management

Our plans for the Curriculum Body have garnered a lot of interest and therefore stakeholder engagement has been, and will continue to be, handled carefully.

Stakeholders have been identified and analysed and we have carefully considered their needs and interests.

Stakeholder management has been ongoing in various forms over previous months and we recently engaged with the commercial market and the wider education sector via a series of webinars to keep them abreast of our current proposals for the body and to seek their feedback. This included webinars for commercial providers, Oak's existing curriculum partners and schools, for which around 240 people attended, with written feedback received from 77 attendees. We have also continuously engaged with the commercial market, predominantly through trade organisations, to understand the concerns of the commercial market and to make a reasonable assessment of the potential market impact. This has been summarised in Annex G. Engagement with unions and schools, MATs and trusts has also been undertaken, and we have sought feedback on the body's operating model as well as advice on developing communications to schools.

Success Measures

- Key influential and delivery stakeholders are as supportive as possible on policy development and implementation of the Curriculum Body.
- Risks of adverse reactions to the Oak transition and Curriculum Body are anticipated and mitigated.
- Stakeholders have appropriate opportunities to contribute, beyond legal requirements, as part of policy development process and in advance of key announcements being delivered
- Policy and Delivery aligned on future Curriculum Body narrative and key messages – what can and cannot be shared verbally and/or in writing
Develop a strategic stakeholder engagement and communications plan to ensure coordination across strategy, policy and delivery.

Internal Government Stakeholders	External Stakeholders
Central Communications Team	Schools
Regional Leads in Regional Delivery Directorate	Local Authorities
DfE ALB team	Teaching Schools
Cabinet Office (CO) ALB Team	MATs
CO Commercial Models Team	Unions
CO Market Assessment Team	The Confederation of Schools Trust
HMT	ITT Providers
DfE Curriculum Subject Specific Policy Teams	Ofsted
Institute of Teaching	Private commercial curriculum resource providers and their representative bodies
ITT	Subject Matter Experts (SMEs)
ECF	
EEF	
DfE Ofsted Sponsorship Team	
SEND Team	
Teaching School Hubs	
Teacher Workload and Impact on Schools Team	
Digital and Remote Education Strategy	
Teacher Workforce	

Table 27: internal and external stakeholders

The Stakeholder Engagement Plan sets out the key priorities of each stakeholder group. It describes how, when and why the Programme Team plan to engage with stakeholders together with success criteria. Key stakeholders will remain the same throughout the lifecycle of the programme.

Assurance Arrangements

The SRO, supported by the CB Programme Board, is responsible for ensuring that the Terms of Reference for the programme were appropriate and agreed in the first meeting of the CB Programme Board. The governance and assurance process remain under regular review and will be reviewed again, in advance of the re-organisation of the Department. Advice has been taken from <REDACTED> (Planning, Risks and

Governance Lead) to ensure that the governance and assurance arrangements appropriate and proportionate; and are managed effectively through transition to the re-organised departmental structure. GIAA and DfE Major Projects will have oversight of the arrangements to ensure that they remain compliant with best practice standards.

The CB Programme Board considered the arrangements set out in the Terms of Reference to ensure that robust governance, risk management and internal control arrangements across the whole programme were aligned to best practice and established to support the delivery of the programme.

The first line of assurance is provided by the CB Programme Board currently – and procedures are in place to escalate risks and issues to the Schools Board. Cabinet Office and HMT ministers require a full business case as part of the application process to set up a ALB. This will therefore provide a further line of assurance.

A series of 'red teaming' exercises have taken place to scrutinise and assure both our strategic and operational plans. These have been attended by senior staff both within the DfE and across the Civil Service, including from NDPBs. These have been invaluable in developing our plans. A further session is planned in August to test Day 1 readiness and provide SRO and Major projects assurance of delivery ahead of go live.

DfE Major Projects will provide second tier assurance through Critical Friend Reviews and providing independent challenge. They also keep the programmes relationship with the Infrastructure Projects Authority under review as the programme develops. We have developed an Integrated Assurance and Approvals Plan (IAAP) and the Risk Potential Assessment (RPA) and continue to discuss assurance with the Major Project Team.

Benefits Management and Realisation

Benefits management spans the programme lifecycle from conception to evaluation post-delivery. Benefits realisation will be part of the Assurance Review process, to provide an assessment against the strategic direction and departmental objectives, at key stages of the lifecycle. This approach will allow the Programme Board to consider the implications of for example: ministerial decisions on the production model and budget, given the potential impact on the focus of the NDPB, in the first year of operation.

The benefits have been identified, valued, and planned for realisation and review. All stages of the benefits management approach will be pursued, although the level of expected maturity differs at different points in the lifecycle. As the programme transitions into "business-as-usual", then concrete plans will be taken forward to ensure that the benefits are delivered.

The current Benefits Management Strategy is attached at Annex A. This identifies the key benefits as:

- A reduction in the time teachers spend lesson planning
- An increase in teacher confidence in designing and delivering a carefully sequenced curriculum
- Increased teacher effectiveness.

Arrangements for Programme/Project Evaluation

We will discuss programme evaluation with analytical colleagues and will aim to procure an evaluation of the Curriculum Body through government frameworks in line with HMT guidance. Our aim is to consider procurement of an external and independent evaluator to conduct both process and impact evaluations of the policy and we will engage with Research Board to ensure the highest level of methodological robustness.

The DfE-led evaluation will concentrate on the overall impacts of the set-up of a NDPB that aims to provide curriculum resources to teachers along the lines outlined in this business case. The evaluation will include measurement of the impacts of such a body on the sector, and also a consideration of processes involved in the setting up and day-to-day running of such a body to ensure best practice is captured and lessons learned, and market resilience is built. In addition to this strand of evaluation, it is important to evaluate the pupil-facing resources available to teachers. In its current implementation, this type of evaluation – dealing with continuous improvement of the Oak offer – has been conducted by Oak National Academy itself. We would expect this to continue and would expect the data from this process to be available to the external evaluators commissioned by DfE.

As part of our benefits management strategy we have identified leading measures which can be identified through management information collected by Oak National Academy (such as usage rates), and process measures which we would expect Oak National Academy to collect as part of their own evaluation (such as satisfaction scores). We also intend to evaluate the long-term impact of setting up this NDPB on the time teachers spend lesson planning, sector confidence curriculum planning, and pupil attainment. Our evaluation plan will be finalised in consultation with Research Board, and taking into account Cabinet Office requirements, however, our benefits management strategy has been designed on the basis that an element will include using an externally commissioned survey of both users and non/low users to have a valid counterfactual (using quasi-experimental analysis methods such as propensity score matching) to attribute any impacts found robustly to Oak.

Policy and delivery thinking which would affect the evaluation strategy is still being developed following Ministerial preferences and in consultation with the sector, which will be taken into account in our planning. A condition of Cabinet Office and HMT approval for the creation of this NDPB is that it undergoes a 24-month review, this will be factored

into our evaluation timescales. Our evaluation strategy will also take into account the Cabinet Office code of best practice⁵³.

A lessons learnt session with the wider project team will be held in August, prior to project closure to capture lessons and to feed into the overall Departmental lessons learnt data. Work is also ongoing with Oak colleagues to scope out the sponsorship team and its remit, taking into consideration the role it will play in ongoing assurance and evaluation of the establishment of the ALB post September 2022.

NDPB governance and arrangements

The NDPB has been set up as a government company limited by guarantee with the Secretary of State as the sole member. The body will be operationally independent, but strictly bound by the aims, objectives, remit and principles defined in its publicly available and binding governance documents, which consist of a memorandum of understanding between DfE and the body, known as the 'Framework Document', a remit letter setting out what must be delivered for public funding and the legal constitution of the company, known as the 'Articles of Association'.

These documents will articulate that the body will work with schools, teachers and the wider education system to create, develop and support the use of free, optional, high quality full curriculum packages that are available to teachers and pupils through a robust, accessible digital education platform. The resources will be created independently of the Department for Education, shall be free to access and non-compulsory for schools in England to use, and be evidence based and in line with knowledge-rich curriculum principles. The documents will make clear that as a public body, there is no scope for it to conduct activity that does not ultimately advance the strategic aims set out in the Framework Document and that it will always be non-profit making, and none of the materials will be used to generate profit. These documents will also set out that the body will ensure alignment with the National Curriculum, while having the flexibility to cater to academies and free schools which are not bound by the national curriculum, and have due regard to DfE's non-statutory curriculum guidance. The body will also provide a package of connected stretching materials for teachers and pupils through the same digital education platform that is available across the four nations and draws on content and expertise from all areas of the UK.

The board will be appointed in line with the government standard for non-departmental public bodies. The appointment of the permanent Chair and Non-Executive Directors (NEDs) will follow government public appointment rules, there will be a publicly

⁵³ [Arm's length body sponsorship code of good practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/arm-length-body-sponsorship-code-of-good-practice)

advertised open recruitment process culminating in final ministerial agreement of the appointment. It is vital these appointments serve to strengthen the Body's alignment with the principles set out in its strategic framework, such as following a 'by teachers for teachers' and evidence-based approach, and that will be a core consideration in the selection process. We are keen therefore that the board includes representation from leading MATs and serving teachers.

It will not be possible to complete the full public appointments process in time for the launch of the body. Interim appointments will therefore be required, for which we have recently completed the process of appointing. This will help ensure the activity of the body begins in the right way, with appropriate governance, and at pace.

As an NDPB, the body will be accountable for ensuring it is using the public money granted by DfE effectively. As such, it will agree with ministers its annual budget and business plan, which will include objectives and KPIs, and be responsible for reporting on its performance against these to the ministers.

As part of securing the required approvals from Cabinet Office and HM Treasury to create the CB, we have committed to reviewing the body in 24 months, as a checkpoint to ensure the body is operating effectively and efficiently, including consideration of market impact.

DfE can also use the governance documents as a lever to ensure the CB is efficient and focused on its strategic aims. The body will be on a lean budget and headcount driven by Spending Review funding and the CO/HMT headcount condition. The aforementioned LocatED have not expanded beyond their starting headcount or core remit after over 5 years of operating.

Annexes

Annex E Equality Impact Assessment

Annex F Long List of Delivery Model Option for a Curriculum Intervention

Annex G Market Impact Assessment



Department
for Education

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