



The following talking points to aid in discussions with schools were provided to Local Authorities by Education Software Solutions (ESS) on 19th November 2021.

At the time of writing, Ealing council are still in discussions with ESS about formalising a facilitation agreement. More details on next steps, and a survey to schools requesting intentions for 2022/23 will be circulated as soon as these discussions have been completed.

In the meantime, please do read the following key points which ESS have provided:

- ESS is embarking on a programme to simplify and align the way in which they contractually engage with schools, this supports their programme of investment into the 'Next Generation' feature set for SIMS.
- **From 1 April 2022, ESS will contract for SIMS Annual Entitlement directly with schools who are currently using SIMS under the LA's umbrella licence.**
- **The agreement will have a 3-year term and will allow Local Authority maintained schools to access new cloud-based core SIMS features in conformance with the GDPR and at no additional cost.**
- **Contractual arrangements of this nature are standard for software as a service. They are required to enable schools to enjoy software as a service in a modern, agile, rapid and GDPR compliant manner.**
- There will be no data migration charges, no need for expensive retraining of staff or costs associated with wholesale changes in processes.
- **These changes are not intended to generally increase cost to schools or Local Authorities.**
- For the next 3 years schools will get the benefit of the significant investment in SIMS Next Generation as part of their Annual Entitlement fee.
- **Schools will continue to have access to exactly the same range of SIMS and FMS software modules and SIMS Additions as they currently use under the LA's existing SIMS licence agreement.**
- Maintained schools who currently benefit from a local authority licensing arrangement or sub-licence will not be required to purchase new perpetual licences.
- The new maintained schools' agreements will use the same terms as are being used for direct school SIMS contracts and will be for an initial term of 3 years.
- The terms incorporate appropriate GDPR arrangements for cloud-based services and provides the ability to transfer school's data to the cloud for use in cloud-based SIMS features.

- **Local Authorities can facilitate the introduction of the new maintained school agreements, and in doing so maintained schools will continue to receive Annual Entitlement services at the same rates that the Local Authority currently pays under their existing local authority Annual Entitlement Contract (save for an inflationary rise).**
- SIMS annual entitlement fees will rise by 3.5% this year, materially less than the current inflation rate in the software industry, and by no more than CPI + 2.5% in contract years 2 and 3.
- **Longer agreement terms are increasingly standard practice in the sector and allow suppliers to commit to sustained investment programmes, which translate into better products for schools. Until now SIMS was very much the anomaly.**
- ESS will offer all SIMS Support Units new agreements enabling them to continue to provide high standards of SIMS Support as an approved SIMS Support Unit.
- **There is no intention to disrupt the provision of existing quality SIMS Support.**
- Schools will be required to procure support from a Local Authority approved SIMS support unit.
- **The SIMS agreement with the school will include a requirement for the school to procure support from an approved SIMS Support Unit, so schools can continue to obtain help and support from their current SIMS support provider.**