

TRAFFORD COUNCIL

Report to: Executive Member for Children's Services
Date: 18th May 2020
Report for: Decision
Report of: Corporate Director of Children's Services

Report Title

Re-opening the school system following the current partial closure in relation to Covid-19

Summary

The Government announced on Sunday 10th May, that schools would re-open from 1st June 2020 as follows:

- Nurseries and other early year providers, including childminders, to begin welcoming back all children
- Primary schools to welcome back children in nursery (where they have them), reception, year 1 and year 6
- Secondary schools, sixth form, and further education colleges to begin some face to face support with year 10 and 12 pupils, although we do not expect these pupils to return on a full-time basis at this stage
- All schools and childcare providers to continue to offer places to the priority groups – vulnerable children and children of critical workers – they have been supporting since the end of March
- Special schools, special post-16 institutions and hospital schools to work towards a phased return of more children and young people without a focus on specific year groups and informed by risk assessments
- Alternative provision to welcome back children in reception, year 1 and year 6 and begin some face to face support with year 10 and 11 pupils (as they have no year 12)

As Trafford schools are due to break up on Friday 22nd May, it is essential that we provide clear communication and support to Headteachers, their staff, parents and carers to outline how a safe re-opening of settings based on local need may be progressed. It should be noted though, that schools and their governing bodies are responsible for determining both the strategic and operational direction of the school and not the Local Authority, however, in those schools where the local Authority is the employer it will have a duty in relation to the health and safety of all staff and in relation to other persons on the premises. In reaching a determination as to the re-opening of the school system the safety and wellbeing of pupils staff and the school community will be of paramount consideration.

To support this, a number of recommendations are made which are to be noted and agreed. These are to:

- Issue a letter outlining the council's position statement to all schools, parents and carers

- Provide a template risk assessment to all schools which should be used alongside all guidance from the Department for Education and other materials to enable each school to assess the level of risk and how it can be mitigated in order to ensure schools can open and operate safely;
- Provide for all risk assessments in relation to any school where the Council employs the teaching and/or ancillary staff to be reviewed by the Council prior to the reopening of the school
- Give schools the option of a further two days lead-in time following their return from half-term, to enable sufficient staff training and preparation for new ways of working; this would potentially mean that Secondary Schools would open from 3rd June and Primary Schools to open on 10th June.
- Support schools to cap their own numbers of pupils attending, dependent on the capacity of staff available and size of site.
- Carry out a phased approach to opening where necessary
- Ensure schools are well-equipped to deal with a potential further outbreak

Recommendation

That the Executive Member notes and approves the proposals contained within this report.

Contact person for access to background papers and further information:

Name: Karen Samples, Director of Education Standards, Quality & Performance

Extension: 07725070714

Background Papers: None

Relationship to Policy Framework/Corporate Priorities	Services focussed on the most vulnerable people Preserving and improving education excellence
Relationship to GM Policy or Strategy Framework	Not applicable
Financial	Not applicable.
Legal Implications:	<p><u>S35 of the Education Act 2002</u> specifies that in relation to certain categories of schools, the Local Authority is the employer. This means that in relation to:-</p> <p>(a) community schools, (b) voluntary controlled schools, (c) community special schools, and (d) maintained nursery schools.</p> <p>This means that any teacher or other member of staff who is appointed to work under a contract of employment at a school to which this section applies is to be <u>employed by the local authority.</u></p>

Health and Safety at Work Act 1974

S2 sets out general duties which apply to all employers. In particular:-

(1) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

The Management of Health and Safety at Work Regulations 1999

3.— Risk assessment

(1) Every employer shall make a suitable and sufficient assessment of—

(a) the risks to the health and safety of his employees to which they are exposed whilst they are at work; and

(b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,

For the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions.

Under the **Education Act 2002 – s29 (5)** the governing body and head teacher of—

(a) a community or voluntary controlled school;

(b) a community special school; or

(c) a maintained nursery school;

is required to comply with any **direction** given to them by the **local authority** concerning the health and safety of persons **on the school's premises** or taking part in any school activities elsewhere.

This means that in those circumstances where the Council as employer has concerns with regard to health and safety at a school or schools it has the ability to issue a direction to the school(s) in terms of its continued operation

S32 of the Education Act 2002 specifies that it is the Local authority which determines the dates when the school terms and holidays are to begin and end, and the governing body determines the times of the school sessions.

Also S175 of the 2002 Act sets out a clear duty for local authorities and governing bodies in relation to welfare of children:-

	(1) A <u>local authority</u> shall make arrangements for ensuring that their education functions are exercised with a view to <u>safeguarding and promoting the welfare of children</u> .
Equality/Diversity Implications	Schools are subject to current legislation regarding Equality and Diversity
Sustainability Implications	Not applicable.
Resource Implications e.g. Staffing / ICT / Assets	Schools may not have sufficient staffing to meet the local demand of parents
Risk Management Implications	The report recommends adopting a consistent risk assessment approach that reflects the unique nature of each school. It also recognises that there is a degree of uncertainty and risk due to the evolving nature of the virus.
Health & Wellbeing Implications	As above
Health and Safety Implications	Schools are required to share their risk assessment with parents to provide evidence of health & safety considerations. The Council has a duty to provide for the safety of its employees or persons otherwise on the school premises which, if it is not met, could place the Council in breach of the Health and Safety at Work Act 1974.

1.0 Background

- 1.1 In Trafford, the vast majority of schools including special schools and the PRUs have stayed open to support vulnerable pupils and children of key workers since the start of lock-down. As a result, school leaders and their staff have worked to operate the school in a way that maintains safe practice and social distancing. However, due to a variation in attendance based solely on the children of critical workers and vulnerable pupils coupled with particularly low numbers of students in the secondary sector, this has been managed effectively
- 1.2 The government has since announced that schools should re-open to pupils in the following year groups:
- Nursery, Reception, Year 1 and Year 6
 - Years 10 and 12 to have some face to face contact to supplement provision
 - Special schools should work towards welcoming back as many children and young people as can be safely catered for
 - In childcare settings, providers will be asked to welcome back all children below statutory school age
 - Ambition to bring all primary year groups back to school before the summer holidays, for a month if feasible
 - Children of critical workers and vulnerable children should continue to attend

<https://www.gov.uk/government/publications/actions-for-educational-and-childcare-settings-to-prepare-for-wider-opening-from-1-june-2020/actions-for-education-and-childcare-settings-to-prepare-for-wider-opening-from-1-june-2020>

- 1.3 Re-opening schools and other Education settings including Pupil Referral Units so that additional pupils are able to attend, will bring a range of challenges as a result of the operational changes required to cater for the increase in pupils and the increased demands on the workforce whilst ensuring the school is safe
- 1.4 Some of these challenges will be mitigated and informed by the national position. We are also assuming that schools will be implementing protective measures in their settings.

2. Actions taken so far

- 2.1 An Early Years and Schools Recovery Framework has been drafted which focuses on the key areas for safe re-opening
- 2.2 Following the Business and Workforce Resilience sub-group meeting, it was agreed that a series of documents and resources would be made available to schools to support each setting and ensure consistency across the borough.
- 2.3 Fundamental to this process will be the completion of a full and detailed risk assessment to be carried out by each school in accordance with a template being provided to the schools. The risk assessments will be reviewed in relation to all schools where the staff are employed by the Council. In all other cases the responsibility for ensuring the adequacy of the risk assessment, prior to the opening of the school, will sit with the school's governing body
- 2.4 Officers from across the council are also working to support the safe opening of establishments through:

- Mobilisation of catering and cleaning staff
- Provision of cleaning materials
- Stocks of PPE to all schools
- FAQ guidance from HR to support the appropriate deployment of staff

3. Communication with schools

- 3.1 Careful planning and a clear expectation of the requirements of schools are essential. This will need to be communicated to school leaders and the wider public unequivocally, so that everyone has the same understanding and expectations. Schools have been asked to scope out demand to support planning.
- 3.2 Adequate planning time and staff training is essential to enable school staff to put appropriate arrangements in place and prepare the building. In addition it will also give suitable notice to parents/carers and children, allowing for conscious readjustment.
- 3.3 The most critical measure that schools must take in relation to COVID19 will be the operation of social distancing rules and good hygiene which will impact on the resources required.
- 3.4 The procedures to follow if staff or pupils are symptomatic in school need to be communicated with additional guidance for school communities regarding tracking and tracing as testing progresses.

4.0 Planning Time

- 4.1 Schools will need sufficient run in time to plan and organise for re-opening. We are recommending that schools are provided with the option of up to two additional INSET days to be utilised for whole staff training. Provision for key worker and vulnerable children should still continue throughout these days.
- 4.2 Pupils will also need to adjust to new routines, relationships and expectations. Whilst at the same time, senior leadership teams are going to require time to creatively solve the problems that relate to their individual circumstances.
- 4.3 Trafford schools have largely remained open over the school holidays and bank holidays to meet demand. In anticipation of these changes, we are recommending that schools have the option to close for 1 week of the Whit holidays to enable staff to have a rest.

5.0 Operational Guidance

- 5.1 The size and layout of a school will be important in the planning in order to implement the current guidance of 2M distance between individuals. The government has recommended a cap on class sizes to a maximum of 15 pupils. However, this will depend on the individual circumstances of each school and their classroom spaces and our intention is for schools to make their own decisions on the numbers of pupils allocated a place dependent on demand, staff capacity and space.
- 5.2 Options for schools in managing these requirements may include pupil rotas and staggered timetables.

6.0 Staffing

- 6.1 A complicating factor in the decision making around class sizes that can be accommodated will also relate to available staffing. Some schools have significant numbers of staff who are themselves vulnerable or living in families where other members are vulnerable. There are also staff who are shielding. This will impact on some schools more than others. (Smaller one form entry schools may have less flexibility where staffing is an issue). Opening schools with continued flexibilities around part time offers, sharing staff, curriculum delivery etc may help to mitigate staffing shortages.

7.0 Additional information

- 7.1 The government have also set an ambition for all pupils to have the opportunity for physical contact with their schools before the summer for at least a month, should the situation allow this, to enable them to re-engage with the school environment, school staff and their peers. In the time that is available before the summer holidays commence, this is extremely unlikely and schools should continue to be guided by advice and updates from local and national departments.
- 7.2 All schools will need to develop a recovery plan which recognises and mitigates against a whole range of factors which could arise as a result of COVID19 including re-establishing expectations of pupils and parents, focusing on the mental health of pupils, enabling children to reconnect with peers and friendship groups and establish cooperation and collaboration in the “new normal”. These are all in addition to the obvious which is closing attainment gaps and revisiting previous learning. Schools will also need to listen to their pupils and be guided by this in their recovery planning.
- 7.3 It is important to also note that some schools have now been open without a break since the start of lock-down and many have remained open during the holidays and weekends. Where pupils are not attending, school leaders have continued to take responsibility for providing welfare checks, free school meals provision, safeguarding and providing access to education for all their pupils. We should not forget that some senior leaders may have experienced significant traumas relating to pupils and their families, staff and their families and in some cases directly or within their own families. They have also had to lead and manage significant changes to how schools are organised and function.
- 7.4 However robust the measures taken by schools are, to ensure safe practice as detailed in their plans, it is impossible to eliminate all risks. Therefore, frequent reviews and adjustments may be necessary.

Other Options

A range of options have been considered including whether it is appropriate to open schools at this point in time. However, on the basis that there is a clear government direction in this regard and recognising that an assessment will need to be made in the case of each individual school it is considered reasonable and appropriate to proceed on the basis of the recommendations above

Consultation - none

Reasons for Recommendation – To seek approval of the proposed mechanism by which schools will be able to re-open in accordance with the Government direction and of the support being provided to schools in that regard

Urgency of Decision This report should be considered as 'urgent business' and the decision exempted from the 'call-in' process for the following reason(s): there is a need to agree the processes to be followed by schools in order to enable them to meet the government's date for reopening which is 1st June 2020 and to be able to communicate those arrangements to staff and parents ahead of the break for half term on 22 May 2020

Key Decision (as defined in the Constitution): Yes
If Key Decision, has 28-day notice been given? No

Finance Officer Clearance (type in initials)...NB.....
Legal Officer Clearance (type in initials) JLF.....

[CORPORATE] DIRECTOR'S SIGNATURE (electronic)



Jill McGregor

To confirm that the Financial and Legal Implications have been considered and the Corporate Director has cleared the report prior to issuing to the Executive Member for decision.