



Supporting Essex Schools' Governing Bodies during Covid19 pandemic

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INTRODUCTION

I want to acknowledge that the response by schools to the COVID-19 emergency has been phenomenal and I would like to thank you for the continued support you have given to this. This has been a significant challenge for your headteacher to organise and both your combined efforts need to be highly praised.

We have gathered together a range of information and guidance to support your governance during this period of uncertainty.

Given the immense professional and personal impact of COVID-19 on all of our lives, I would also like to take this opportunity to ask you to ensure that your Headteacher's wellbeing is as good as it can be through these difficult times. I am aware that many heads are working above and beyond for their children and staff, however, in these exceptionally trying times, the wellbeing of all headteachers also needs to be prioritised. Please do ensure that your Headteacher is given both as much support as possible over the coming weeks and months. That is not only support within the school day but also support with taking time off and valuable downtime that is vital for both mental and physical wellbeing.

We are rightly asking schools to prioritise the safety and wellbeing of all pupils first and to support their continued education as far as possible second. Many more families are likely to experience some kind of difficulty over the next few weeks and months, whether that is an increase in anxiety levels, the impact of their child(ren) being at home and the stress that places on the family dynamic, the health of family members, financial or a combination of all of these factors and other reasons too. Heads will bear the brunt of any change in pupil or family wellbeing, and this will place a significant additional stress onto headteachers and their staff. As well of course being concerned about their own families during this time. We also need to acknowledge the difficulty at present of being able to switch off from these stresses.

You will find additional guidance for governors from the DfE and the Local Authority here:

<https://www.gov.uk/government/publications/school-governance-update/school-governance-update-march-2020>

<https://schools.essex.gov.uk/admin/COVID-19/Pages/default.aspx>

and from the National Governors Association here:

<https://www.nga.org.uk/Knowledge-Centre/Executive-leaders-and-the-governing-boards/The-Coronavirus-Information-for-governing-boards-M.aspx>

Please do also look after your own wellbeing too during this difficult and challenging time.

Thank you for all that you are doing and for the support you are giving to your Headteacher, the school staff, pupils and families within your school community.

Yours sincerely,



Clare Kershaw
Director of Education

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GOVERNING REMOTELY

The immediate impact of government measures to control the spread of Covid-19 has led to a wide range of urgent operational decisions for school leaders regarding staffing, pupils, suppliers, health and safety and much more. Governors and trustees, while wishing to support school leaders during these difficult times, have recognised that they must allow school leaders the space to get on with making and implementing these decisions. However, the issue now arising is about how to continue to govern a school or trust effectively during lockdown. Governance has not been suspended but priorities have changed. Conventional meeting methods cannot be used. We may have been familiar with video conferencing in other areas of our lives but in most educational settings this has not been frequently used and there may be concerns from some governors and trustees about the effectiveness of such meetings. However, the reality of our current context has led the Department for Education to issue guidance to schools on meetings and a clear direction to use telephone or video conferencing tools. In the short term, the focus should be on urgent decisions with other matters being deferred, however, depending on how long the lockdown lasts there will be the need to deal with budgetary matters and longer-term decisions regarding the new academic year. Governance cannot simply be left until schools re-open.

Making Decisions – Maintained Schools

Chairs (and in their absence the vice chair) have the power to make decisions under chair's action. The chair's action is your ability to make decisions and act on the governing board's behalf where it's not possible for the board to meet. You should use it only for urgent decisions that can't wait.

How do I know when something is urgent?

It's when you believe that not acting now will be seriously detrimental to:

- Your school
- Any pupils or their parents
- A staff member

What can I use it for?

Any urgent function of the board that can be delegated to an individual.

For example

- Approving a vital safeguarding policy
- Handling a press response

Decisions made by chair's action must be reported to the board and minuted at the next meeting. If a decision has to be taken using this power, it would be good practice to inform the rest of the board as soon as possible by email.

Making Decisions – Academies

Trusts can agree to delegate decisions to the chair or vice chair in cases of urgency by passing a resolution in a meeting and subsequently writing it into the scheme of delegation. Local governing bodies should check the scheme of delegation. If the power has not been delegated, you can discuss with the chair of the trust.

The granting of chair's action is both a significant power and responsibility for the chair and vice-chair. Trustees are charity trustees and company directors and are subject to a range of statutory duties and so it may be that your trust would prefer all decisions to be made in meetings even if this is required at short notice. Trusts may decide to grant the chair's action for a limited time only.

Another option may be to set up a small committee specifically for the purposes of making urgent decisions during this period.

Trust boards also have the option to make decisions via a written resolution but this requires every trustee to return a signed resolution so would not be appropriate where there is a conflict of interest.

<https://www.nga.org.uk/getmedia/08682f90-7df0-4af3-9de4-f7712bf0d129/Covid-19-Guidance-on-decisions-and-meetings-March-2020.pdf>

Up to date contact information

Make sure your governance information on Get Information About Schools is up to date, as well as your school's website. The government will use this to communicate with governors, and some of that information may require quick and decisive action.

Prepare for absences

On a practical level, you need to plan for what to do if the chair or vice chair are not available for a meeting or to support the headteacher and maintain contact with the school. Review your succession plan and make sure each governor knows when they may be expected to step up.

Governing Bodies – What can be 'business As Usual?'

The DfE advice to governing boards is to prioritise providing support to their school leaders and staff where needed, to allow them to get on with operational matters. School leaders should stay in touch with the governing board in a proportionate way, including providing information on the welfare of staff and pupils, so that they can retain a strategic overview of the situation and the school, especially important regarding a phased reopening of schools.

Focus meetings on urgent business only. Governing boards are acutely aware of the enormous task that schools and their staff have in ensuring continuity of education and making the reduced provision work on the ground. It is therefore appropriate for all non-urgent business to be delayed and governing board meetings to be restricted to the following:

1. Business critical decisions (e.g. budget approval, ratifying school leadership appointments etc.)
2. Assessing risk and completing Risk Assessments for Reopening requirements as directed by DfE.
3. Monitoring how the school is continuing to provide care for children who are vulnerable, children with ECHP plans the children of key workers, associated risks, issues etc.
4. Safeguarding - Monitoring the wellbeing and welfare of pupils, staff and stakeholders
5. Any issues arising from how the building is currently being used and remote working for staff
6. Support being given to parents and carers to help them educate their children at home
7. Management of critical incidents related to Covid19

It follows that boards will take a pragmatic and considerate approach to the reporting of these matters, relying on oral feedback and scaled down paperwork. It might also require governing boards to review and amend their levels of delegation to enable fewer governors/trustees to make business critical decisions and thereby minimising the risk of being unable to take these decisions.

Other business

Being strategic should involve flexible thinking thus enabling boards to respond to unexpected changes in context. Governing boards may not wish to lose sight of their strategic priorities but will need to review them in the light of the current circumstances. Boards which are able to keep in touch electronically may already be thinking about how what is happening will impact on how the to achieve their vision and aims, and indeed, with normal business suspended, there may be uncustomary time to do more strategic thinking than is normal.

The National Governance Association provides some clear and pragmatic advice on what business continuity could look like in schools, which can be found at: <https://www.nga.org.uk/getmedia/6c08ef2c-1421-4319-bcbb-2ff98ae94142/COVID-GUIDANCE-ON-DECISIONS-AND-MEETINGS-UPDATE-FINAL-07042020.pdf>

Adopting virtual meetings – iMeetings

Use of technology, such as video conferencing, multi-person telephone calls is a new way of working that will take time to get used to. Governing Bodies should first ensure that they can individual access appropriate technology in order to undertake virtual meetings, especially the Chair and Vice-Chair together with the senior leadership of the school.

Some practical tips when using technology for conferencing could include:

- Prepare well in advance. Ensure all documentation has been read prior to the meeting, especially if stored electronically, with notes taken where applicable.
- Carry out a practise conference call with the governing body to before any formal meetings so that colleagues can be familiar with the virtual environment.
- For a video conference calls ask colleagues consider their backdrop and clothing prior to the call to ensure it appropriate and non-evasive to personal preferences.
- Have a lead person who manages the call and invites people to speak.
- Explain how the conference call meeting will work to everyone at the beginning of the call.
- Each panel member should state their name (It's ... speaking ...) each time they speak.
- Ask all panel members to MUTE unless they are speaking.
- The panel should wait for the chair to ask if they would like to ask subsidiary questions after any response.
- The chair should check regularly throughout the call that all participants can hear and are fully included in the call. On some platforms, conference calls can be recorded but, under GDPR practice, written permission must be secured from all meeting participants beforehand.
- Ensure that the Clerk to the Governing Body is in full receipt of all contributions to the call, regularly clarifying key points raised/ addressed.
- In a large meeting, broadband widths struggle so it may be more beneficial to have audio only (and limited use of video) to facilitate the meeting.

Governor/Trustee Monitoring

During these exceptional circumstances, most monitoring activities will cease, but not disappear entirely. The way you do this will be by telephone or email, being mindful of creating any extra pressures on school leaders. View it as a way to keep in touch with what is going on. While schools are partially closed you will want to keep up to date on:

- Arrangements and risk assessments regarding Reopening directives from DfE
- How your school is continuing to safeguard its pupils, especially vulnerable pupils and pupils with an EHCP? How your school is continuing to provide an educational offer for all pupils?

It is best for one governor or trustee (probably the chair) to be the link between the school and the board to avoid overburdening leaders with emails, however well-meaning. The chair can keep other board members informed via email. Be sure to have a plan in place to continue the communications should the chair become unavailable.

SAFEGUARDING

The Department for Education (DfE) has published interim safeguarding guidance for the COVID-19 period. The guidance is relevant to all schools. Keeping Children Safe in Education (KCSIE) remains the overarching statutory safeguarding guidance that schools must follow. The important duties of governing boards set out in part 2 of Keeping Children Safe in Education (KCSIE) to safeguard and promote the welfare of children continue even when schools and colleges are operating in a way that is fundamentally different to business as usual. The purpose of the interim guidance is to support governing boards, proprietors, senior leadership teams and designated safeguarding leads (DSL) to keep their children safe during the period that schools and colleges are operating in a way that is very different to normal. Monitoring of safeguarding of children both in and out of school remains a vital part of the board's role. Please follow the link to an overview of the board's responsibilities during this time.

Please note that the consultation into proposed revisions to KCSiE in September 2020 has been suspended and no information is available as to when this will be resumed or when any revisions to current guidance will be made. Boards may also wish to check that their policies around bereavement are up to date. Child Bereavement UK has produced some resources to help with this, and we have provided links below.

- Child Bereavement UK
https://www.childbereavementuk.org/?gclid=EAIaIQobChMI1OL82taK6QIVDbDtCh1jug1SEAAYASAAEgKa7PD_BwE
- DfE Covid-19 Safeguarding Guidance
<https://www.gov.uk/government/publications/covid-19-safeguarding-in-schools-colleges-and-other-providers/coronavirus-covid-19-safeguarding-in-schools-colleges-and-other-providers>
- Dfe Keeping Children Safe in Education 2019
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Impact of The Pandemic on Disadvantaged Pupils

The Sutton Trust has published a briefing paper looking at how the crisis is likely to impact on disadvantaged young people through their time in education and into the workplace. The paper states 'the closure of schools is likely to have a considerable impact for all pupils, but the largest impact is likely to fall on those from the poorest families.' The Sutton Trust will be carrying out further research looking at the challenges in greater detail and making policy recommendations on how best to lessen the impact of the pandemic on these young people. As governors and trustees, one of our consistent areas of focus is the educational attainment and progress of disadvantaged pupils, so this research will be of particular interest as we seek to ensure our strategic planning has a focus on closing the widening gap that is likely to emerge as a result of the crisis.

- Sutton Trust Briefing Paper
<https://www.suttontrust.com/wp-content/uploads/2020/04/COVID-19-and-Social-Mobility-1.pdf>

Paediatric First Aid

If children are aged 2-5 within a setting, Governing Bodies must use their 'best endeavours' to ensure one person with a full PFA certificate is on-site when children are present. If after using best endeavours they are still unable to secure a member of staff with full PFA to be on site then they must carry out a written risk assessment and ensure that someone with a current First Aid at Work or emergency PFA certification is on site at all times children are on premises. 'Best endeavours' means to identify and take all the steps possible within your power, which could, if successful, ensure there is a paediatric first aider on site when a setting is open, as per the usual EYFS requirement on PFA.

Looking to secure full PFA training for staff that includes the specific risk factors and techniques required for the care of young children including but not limited to choking, seizures, and issues related to sleeping. Annex A of the EYFS statutory framework sets out the criteria for effective PFA training.

After these actions have been carried out and if it is still not possible for someone with a full PFA certificate to be on site at all times children are present, Governing Bodies **must** undertake the following actions in order to remain open:

- Carry out a written risk assessment to consider and mitigate the likely occurrence of a serious incident.
- Ensure at least one person with a current First Aid at Work or emergency PFA certification is on site at all times children are on premises and must accompany children on outings. Paragraph 3.65 in the EYFS continues to apply and outings should only be undertaken if it is safe to do so. Governing Bodies must take account of any Govt advice in relation to the COVID-19 outbreak.

The written risk assessment should consider all relevant factors with the aim of enabling the setting to ensure they can provide the safe care needed by children of critical workers and vulnerable children during COVID-19 outbreak, including:

- The number of children on the premises
- The staff to child ratios
- The types of activities undertaken with the children on the premises
- The likely need for first aid based on the needs of the children attending the premises
- First aider knowledge among staff on the premises: and
- The mitigations available to reduce the risk of such an incident

Governing Bodies will need to keep the written risk assessment available in the setting throughout the COVID-19 breakout. This does not need to be sent anywhere but must be available on request.

Governing Bodies could help members of staff who have a First Aid at Work or emergency PFA certificate to help bridge the gap between their current qualification and full PFA by looking to secure online training to cover elements required for the care of young children.

HSE provides [guidance on choosing a first aid training provider](#).

As set out in HSE guidance, any training in relation to paediatric CPR and choking should be in line with the [Resuscitation Council's guidance](#) and [NHS England guidance](#).

Safeguarding and welfare

All aspects of the safeguarding and welfare section of the EYFS framework still apply, including requirements relating to child protection arrangements. Governing Bodies will want to consider whether any refresh or review is needed of their child protection arrangements, policy and procedures, in light of the COVID-19 outbreak.

Schools must continue to have a practitioner designated to take lead responsibility for safeguarding. It is acceptable for the safeguarding lead to not be based on-site if this is not practical, for example they may be working from home, or be based at another setting, as long as they are still available to provide support, advice and guidance to staff.

See the [statutory guidance on keeping children safe in education](#) for more information.

Maintained Nursery Schools and nursery classes in maintained schools caring for children aged three and over (See EYFS para 3.37)

Current requirement:

- There must be at least one member of staff for every 13 children

- At least one member of staff must be a schoolteacher as defined by section 122 of the Education Act 2002
- At least one other member of staff must hold a full and relevant level 3 qualification

Change for COVID-19: Governing Bodies should use their “reasonable endeavours” to ensure that at least one member of staff is a schoolteacher as defined by section 122 of the Education Act 2002.

In instances where this is not possible, providers should follow the requirements for providers where there is not someone with a suitable level 6 qualification working directly with the children (i.e. there must be at least one member of staff for every eight children, at least one member of staff who holds at least a full and relevant level 3 qualification and providers should use their “reasonable endeavours” to ensure that at least half of other staff hold at least a full and relevant level 2 qualification).

Where at least one member of staff is a schoolteacher, providers should use their “reasonable endeavours” to ensure that at least one other member of staff holds at least a full and relevant level 3 qualification but meeting this will not be a legal requirement.

Training for Governors and Trustees

The benefits of face to face training are hard to replicate in online sessions but training providers will be looking to see which sessions could still be offered remotely. Meanwhile, most face to face training events up to the end of May will have been postponed. Subscriptions will include online training and if you are staying at home during this period, this is an ideal opportunity to catch up on some of the topics available there. Sessions for 2020/21 are already available to book so you can look ahead and book sessions for the new academic year. Most training providers will aim to put on further sessions in autumn 2020 in order to ensure there is enough availability for governors/ trustees unable to attend training in the summer term.

Further information can be found at: <https://www.junipercpd.org/essex-gov/cpd/default.asp?ec=2&sid=> or on the National Governance Association website here: <https://www.nga.org.uk/Training-and-Development.aspx>

Keeping in Touch and Governor contact

During these exceptional circumstances, most monitoring disappear entirely. The way you do this will be by telephone or email, being mindful of creating any extra pressures on school leaders. View it as a way to keep in touch with what is going on. While schools are partially closed the following matters should remain utmost priorities for ongoing governance of your school:

- Safeguarding
- Health and safety
- Headteacher and staff wellbeing

And to a lesser extent

- How your school is continuing to provide an education

It is best for one governor or trustee (probably the chair and the board to avoid overburdening leaders with emails, however well-meaning. The chair can keep other board members informed via email.

ADMISSIONS

It is important parents continue to have the right to appeal any school admission decisions. To enable this, the DfE have made regulatory changes that came into force on 24 April 2020 and will remain in place until 31 January 2021. The new regulations give admission authorities the flexibility to manage appeals whilst ensuring families are supported and not disadvantaged by current measures to protect public health.

The guidance can be found here:

<https://www.gov.uk/government/publications/school-admissions-appeals-code>

EXCLUSIONS

Whilst we have not been advised of any exclusions during the current closure (and would anticipate no future exclusions during the schools-closed time), there implications for exclusions when schools reopen; this is currently being strategized by the Education Access team.

The DfE has published guidance for Governing Bodies on appeal hearings which includes exclusion appeals and IRP.

<https://www.gov.uk/government/publications/covid-19-school-closures/guidance-for-schools-about-temporarily-closing#exclusions>

Updated School Complaints Guidance

The DfE has published an update to its complaints guidance confirming that it does not expect schools to handle new or existing complaints while they are closed. Schools should, however, still engage with parents and pupils where they can. Complaints can be considered once the government confirms schools can safely reopen.

Data Protection

The Information Commissioner's Office has produced a list of Frequently Asked Questions for organisations to refer to during this time.

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RECRUITMENT

It is, as yet, unclear when schools will be reopening but it is important that schools ensure they have sufficient staff for their return and for September 2020.

Some reasons you may need to advertise for staff:

- An identified vacancy prior to the school being closed
- A known future leave of absence: e.g. a maternity leave
- A new resignation (staff still have up until the 31st May (30 April for headteachers) to resign from their current position) *
- If you are an expanding school or will have other specific needs (e.g. a pupil requiring one to one support), new staff may be required for the new academic year.

Advertising

- Essex Jobs (<http://www.essexschoolsjobs.co.uk/>) continues to run as usual.
- The Government's free teaching jobs site <https://teaching-vacancies.service.gov.uk/>
- Local newspapers are continuing to run advertising sections online during this period, although they tend to charge per post.

Clearly, it is more challenging to appoint staff during this time, but it is important that you do not leave recruitment of teaching and support staff until the last minute.

**In a jointly agreed statement the ASCL, LGA, NAHT, NASUWT, NEU and NGA have confirmed that there will be no change to the resignation dates but have urged schools to be flexible where possible and for staff to give as much notice of their intentions as possible.*

1. Advice to Governing Bodies regarding recruitment of a Headteacher or Deputy Headteacher for a September 2020 start.

Essex Local Authority's view in respect of Headteacher appointments is that governing body selection panels would be unable to run the full programme they would usually undertake for the most senior appointments and that this will diminish confidence in the process.

The LA strongly advises governing bodies of LA Maintained Schools to delay recruitment to headteacher and deputy headteacher substantive posts until such time schools are fully open and able to support a robust recruitment process. This is likely to mean a start date of January 2021 for these senior posts.

Governing bodies of LA Maintained schools should discuss headteacher recruitment process with School Effectiveness Partner (SEP) and Diocesan Adviser (where appropriate) to consider a revised schedule for the process when more is known about the re-opening of schools.

The selection panel should hold over any applications they have received following the shortlisting meeting. Candidates would not need to re-apply but would have the opportunity to make additions to their supporting statement or any other part of your application.

SEPs will discuss alternative interim arrangements with the Chair of Governors where existing headteachers are leaving at 31 August 2020. In the majority of cases there could be an interim arrangement from within the school, discussed with the SEP and Chair of Governors.

Other options could include the SEP brokering a headteacher from a local partnership school or the current headteacher may consider delaying retirement.

For any deputy headteacher appointments, the headteacher can access advice from the SEP about recruiting to any vacant positions or considering any internal interim arrangements from senior leadership level. The resignation date for senior leaders or deputy headteachers applying for headteacher or deputy

headteacher vacancies for September 2020 is 31st May 2020. A schedule for the process can be reviewed when more is known about the re-opening of schools.

2. How to recruit for teaching and non-teaching vacancies during this time

During this period, it is important that you continue to ensure that you keep yourselves and others safe so it would not be appropriate to carry out a normal face-to-face school visit or interviews.

Internal recruitment

In cases where internal candidates are applying for posts, the same robust procedures should be applied as set out in this guidance.

Schools visits

Candidates should be encouraged to explore the school Website and candidates could be offered the opportunity to talk to someone not on the selection panel about the school, to get a feel for the ethos and culture.

Interviews

It is possible to carry out interviews involving a panel using conferencing tools such as Skype (www.skype.com) which your school may already have, Microsoft Teams (<https://www.microsoft.com/en-gb/microsoft-365/microsoft-teams/download-app>) or Zoom (<https://zoom.us>) which is free for each 40 minute conference call. Your SEP is able to help you prepare for a conference call interview and answer any questions you may have.

You can also email tasks to candidates that can be completed and emailed back within an allotted time slot. For new or acting headteachers, your SEP can help you to consider what tasks might help you choose the right person but there are some ideas below:

NQT - Task: *Plan a lesson on for Year ...* (theme provided by the panel).

Panel may then want to give the candidate 10 minutes to talk about their lesson at the beginning of the interview. The panel should explore key aspects: e.g. how it motivates, ensures the intended learning outcome is met, builds on prior learning, what learning might take place next etc. The panel may want to explore how the NQT would differentiate the learning for the less able or more able.

Teachers - Task: *Provide a 5-day learning plan to teach... in year....*

The panel should explore the plan with the candidate: e.g.

- common predicted misconceptions that the teacher would expect to address
- how would the teacher hook learners in?
- what would the teacher do if their plan was too easy / too difficult?
- how would the teacher build a balance of knowledge and skills through the plan?
- explore how the plan meets NC requirements
- what prior knowledge would you expect pupils to have?
- what would you expect pupils to know and be able to do by the end of the plan?

Support Staff – Task: *Provide a "what I would do" response to a case study for relevant roles*

Provide the candidates with a scenario relevant to the role in advance of the interview and ask them to talk through how they would respond to the scenario given.

Office and Administrative Staff

Provide the candidates with a scenario relevant to the role in advance of the interview and ask them to talk through how they would respond to the scenario given.

Things to Remember When Carrying Out an Interview via Conference Call

- Prepare well in advance. Ensure the panel has read all documentation about the candidate and has agreed what questions they will be asking.

- Ensure the candidate knows what to expect from the virtual interview
- Always ensure you include questions to explore the candidate's attitude towards and knowledge of safeguarding, including child protection and well-being.
- Carry out a practise conference call with the panel prior to starting any interviews.
- For a video conference call ask the panel to consider their backdrop and clothing prior to the call to ensure the panel look professional.
- Have a lead person who manages the call and invites people to speak.
- Explain how the conference call interview will work to everyone at the beginning of the call.
- Each panel member should state their name (It's ... speaking ...) each time they speak.
- Ask all panel members to MUTE unless they are speaking.
- The panel should wait for the interview chair to ask if they would like to ask subsidiary questions after an applicant's response.
- The chair should check regularly throughout the call that all participants can hear and are fully included in the call.
- Prepare an additional conference call (after the interview call) with the panel to discuss the interviews.

But I can't see them in action?

Unfortunately, you are not able to watch a candidate teach or interact with pupils during this period. So, you need to use interviews and evidence, as well as your professional instinct, to decide if they are the right candidate. You may want to speak to employers or ask for reports about their teaching (NQTs) to find out a bit more about the quality of their work, as well as calling for references. Additional safeguarding questions have been included at the end of this document should you require them.

Safer Recruitment

All appointments should continue to be subject to the normal recruitment checks.

- References: Many people are working remotely and may be able to provide a reference. References may not be able to be provided through their normal official channels (e.g. on letter headed paper) but can be accepted from official email addresses. References should be from the Headteacher as a previous employer, not from any another member of staff in the school. For any headteacher references if needed during this time these should be from the Director of Education, requests should be made via School Communications at Schools.Communication@essex.gov.uk
- DBS checks should be carried out as normal. There have been some temporary changes to DBS checks, permitting remote document checking for urgent checks: <https://www.gov.uk/government/news/covid-19-changes-to-dbs-id-checking-guidelines>
- Right to Work checks will need to be checked prior to the person starting work. There have been some temporary changes to right to work checks permitting remote document checking in the first instance, subject to normal checking when possible: <https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks>
- Identity checks can also be carried out remotely, subject to normal checking when possible.
- Other checks can be carried out remotely (i.e. scanned documents) or on-line as normal.

All appointments should be offered subject to full normal checks/verification of remote checks being completed prior to the start date.

Can we offer a temporary contract given the circumstances, to ensure they are the right candidate?

Contracts should be permanent unless there is a good reason not to, and "to see how they perform" does not constitute a good reason. Schools should use robust induction, probation and performance

management/capability procedures – and if the appointee’s performance is poor, it can be terminated through probation/capability even if permanent.

It is also unlikely that an employee who has applied for a permanent job will accept a temporary position.

Additional Safeguarding Questions

Questions probing knowledge of policy and procedure:

- Describe to us the key aspects of the safeguarding policy in your current school.
- Give me an example of when you have had a safeguarding concern about a child. What happened?
- Tell us about a time when you have had to challenge the views of someone more senior than yourself in relation to safeguarding concerns. What was the outcome?
- Describe the procedures that need to be in place to protect children.

Questions probing values and ethics:

- How do you feel when someone holds an opinion that differs from your own? How do you behave in that situation?
- What are your attitudes to child protection? How have these developed over time?
- What are your feelings about children who make allegations against staff?
- Have you ever had concerns about a colleague with regards to his or her behaviour or attitude towards the children in his or her care? How did you deal with this?
- What do you think makes a school safe and supportive?

Questions probing emotional maturity and resilience:

- Tell us about a person with whom you have had particular difficulty in dealing with. What made it difficult? How did you manage the situation?
- Tell us about a time when you have been working with children and your authority was seriously challenged. How did you react? What strategies did you employ to bring things back on course? With hindsight, how might you have improved your response?
- Give me an example of where you had to deal with bullying behaviour.

Questions probing motivation for working with children:

- What do you feel are the main reasons that have led you to want to work with children?
- What has working with young people/children taught you about yourself?

Not only when asking questions about safeguarding, but throughout the interview process, interviewers should be attuned to answers that are vague or unrealistic. In particular, interviewers should look out for answers that show no or little understanding or appreciation of children's needs or expectations; that fail to recognise the particular vulnerabilities of children from troubled backgrounds; inappropriate language about children; unclear boundaries with children; and answers that imply adults and children are equal.

It can be particularly difficult for an inexperienced staff member to maintain proper boundaries where the age differential between staff and service user is small, for example, as a worker with young people, or a young NQT working with sixth-formers. It may be worth designing a question around this issue if it is relevant for your school or setting.

APPRAISAL and PAY

Schools should continue to follow their performance management and pay procedures and exercise discretion in taking pragmatic steps to make appropriate adjustments to take account of the current circumstances.

The DfE position is here: <https://www.gov.uk/government/publications/covid-19-school-closures/guidance-for-schools-about-temporarily-closing#pay>.

Context

Teachers

There has been no change to the requirements set out in the Teachers Pay and Conditions Document and the Appraisal Regulations which maintained schools must follow – that there is an annual appraisal review, on which pay decisions are made effective from 1 September.

At the time of writing, no decisions have yet been made on inflationary increases for teachers for September 2020 and the timescale is not certain.

Support Staff

The annual cycle in most schools runs from April to March. However, some have moved this to a September- August cycle. This should continue with performance pay decisions taking effect from 1 April or 1 September depending on the cycle.

A final offer has been put to the unions on inflationary increases for “Green Book” (Support) staff and we await confirmation that this has been accepted.

Determining the right approach

Headteachers and Governing Boards/Trusts should agree a consistent and reasonable approach to appraisal reviews and pay decisions for teachers for September 2020 and for support staff reviews, where these have not been completed, having regard to the considerations set out below and any other relevant local factors.

The most reasonable approach will be to base decisions on the period when schools were open, making necessary adjustments to expectations of progress. In all but exceptional cases (see under-performance below), it will be reasonable to assume that staff will have remained on target for expected performance and should therefore receive pay progression in accordance with the school’s Pay Policy.

Pay Committees should focus on ensuring parity in pay decisions across all staff. It is hoped that some degree of normality will resume from September, however virtual meetings (via video call (e.g. Microsoft Teams, Zoom) or the telephone)) can be held if necessary, to complete the schools’ pay review within normal timescales.

General and individual communications should be issued to staff clarifying the approach to be taken.

How to manage Appraisal

- Managers should aim, wherever possible to have interim/final reviews with their staff to assess their progress and any outstanding matters, so that these can be supported where practical and/or picked up when normal operations resume. The opportunity for quality one to one discussions is particularly important at this difficult time. Such discussions can take place by telephone or video call as

appropriate. The plans for reviews should be discussed with staff in advance to enable a mutually convenient time and so that practical arrangements can be made.

- It will be important that the cycle is put back on track as soon as possible. Consideration will need to be given to the timing of the new appraisal cycle for support staff and teachers and adjustments made where necessary. While priorities in the School Development Plan [SDP] will remain relevant, adjustments may need to be made to provide for “recovery” from the lockdown period and these updated plans will determine appropriate objectives for the coming year.

Considerations – procedures

- As has always been the case, periods of ill health or pregnancy related absence from work should be disregarded for appraisal purposes and assessments should be based on time at work/prior performance.
- Attendance/working will have been variable due to a range of other factors such as medically recommended isolation, child and elder care issues, ability to work from home, rota arrangements etc. and staff should not be disadvantaged by these exceptional circumstances. Any associated adverse judgements could lead to potential claims by employees, including of discrimination.
- Normally when circumstances change during an appraisal cycle, objectives should be adjusted accordingly. This is unlikely to be practical in the current circumstances.
- Specific guidance has been issued in relation to NQTs in their Statutory Induction Year <https://www.gov.uk/government/publications/coronavirus-covid-19-induction-for-newly-qualified-teachers/covid-19-induction-for-newly-qualified-teachers-guidance>

Considerations – assessing performance

- Monitoring and support opportunities, essential to supporting individual performance, will have been disrupted, potentially impacting individuals’ ability to meet objectives and/or develop their practice.
- Although there should not be an overemphasis on data driven performance, the normal robust assessment data may not be as available, as in other years.
- Ability to attend work/work from home will have affected individuals’ ability to meet their objectives, as will the nature of the work available for them to undertake. Staff should however use this opportunity to undertake CPD/research to support their professional development and managers should build in this expectation to working at home arrangements. Managers may also want to consider how teachers are supporting their pupils who are at home in terms of online lessons/support.

Under-performance

There may be staff who were subject to a monitoring period under performance management (“informal capability”) or to a formal capability process when the current crisis began. In many cases this process will have stalled due to difficulties with conducting meetings, in providing the necessary support and monitoring and in terms of available work and management time.

The ability of such staff to demonstrate the required improvement, and of managers to assess whether they would have improved sufficiently by the end of the appraisal cycle, are difficult and will depend on a range of factors such as the stage of the procedure reached, the extent to which the employee is working during the lockdown, and what they are doing, and the availability of support and training.

- Where a formal warning has been issued under the capability process, it may be reasonable to withhold pay progression.
- In cases where performance concerns have been clearly demonstrated, and reasonable improvement not shown prior to the lockdown, a deferred decision may be reasonable (i.e. resume process in September and defer pay decision to December, backdating where appropriate.)
- Where an individual is at the early stage of an informal process and has not been given notice that pay progression is at risk, withholding pay progression is unlikely to be reasonable.

Schools will have to take a view of what is reasonable in the context of each case and be prepared for such decisions to be tested. In these cases, schools should ensure that any decisions are clearly documented (including the reasons for such decisions) and all appropriate supporting documentation should be retained. In all circumstances, decisions should be communicated to staff in a timely manner.

HEALTH & WELL-BEING

Mentally Healthy Schools Resource Pack

In response to the coronavirus epidemic, Mentally Healthy Schools have pulled together links to a variety of resources that can be used to ensure pupil mental health and wellbeing is being maintained during this uncertain time. This includes links to free resources from organisations such as the Anna Freud Centre, Place2Be and Young Minds with a range of activities such as methods for coping, how parents can talk to young people and illustrations. The resource also includes a number of helplines that staff and parents can use if they themselves need support or advice, especially important as schools undertake a phased reopening.

Free School Meal Vouchers Now Available

The government has made free school meal vouchers available for schools to order. DfE guidance is clear that schools are still expected to provide free school meals to eligible pupils during the coronavirus outbreak. Governing boards should be ensuring that their schools have processes in place to do so. Schools can continue to provide meals on-site or deliver food parcels to eligible pupils. The voucher scheme is an alternative, allowing schools to order supermarket vouchers through an online portal. The voucher is worth £15 per free school meal eligible child per week and can be sent to parents as an 'eCode', or as a gift card in the post if they cannot access the internet. Free School Meal Guidance:

https://www.gov.uk/government/publications/covid-19-free-school-meals-guidance?utm_source=7a893262-6c99-45aa-ba26-a4b3d605b8a4&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

LA support for the management of Critical Incidents

Under the current Covid19 pandemic circumstances, unfortunately, we will all be aware of the increased likelihood of critical incidents affecting our children and young people, schools and their communities. The local authority have a comprehensive and proactive support mechanism by which to ensure timely and expert support to schools and governing bodies during such distressing events, which is outlined below.

What Governing Bodies should do if a school reports a critical incident to you, including a death within their school community

Governing Bodies to be mindful of circumstances. Governing Bodies, ideally the chair, to ask schools how they are and be supportive. Check if Schools Comms are aware, if they are school advisors need take no further action other than to offer emotional support to the caller.

If Schools Comms are not aware then follow the steps below.

- Check that they have accessed Infolink for relevant resources:
https://schools.essex.gov.uk/admin/Critical_Incidents/Pages/Critical%20Incidents%20and%20School%20Closures.aspx



- Complete the Notification Form, which is on the Infolink page (link above) with the school.



- Send the form to school comms at: schools.communication@essex.gov.uk copying in the school too. Schools only need to ensure Schools Comms has the form then they will coordinate the support and communication out to relevant ECC teams.

If the school have asked for support someone will be in touch within 24 hours. If schools want to talk about the support available, they should call Schools Communication Team: 03330 139880 (office hours 9am-5pm).

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OfSTED

As a result of the measures imposed by the government Ofsted have suspended routine inspections and have also paused the publication of reports. At the beginning of March 2020, Ofsted launched a consultation which made four main proposals for revisions to post-inspection arrangements. The consultation proposed to provide greater consistency in post-inspection arrangements across the work of Ofsted; allow all inspected providers 5 days to review their draft report and submit any comments about issues of factual accuracy and the inspection process before the report is finalised; consider and respond to formal complaints before the inspection report is published and retain the current arrangements for internal reviews into complaints handling, including the scrutiny panel. The outcomes of the consultation will be published shortly on the OfSTED website. <https://www.gov.uk/government/organisations/ofsted>

ASSESSMENT

Exam Cancellation – How GCSE’s, AS and A Levels Will Be Awarded in Summer 2020

Ofqual has set out details for schools, students, parents and carers on how GCSEs and A levels will be awarded following the cancellation of this year's exams. Schools will be asked to provide centre assessment grades for their pupils, with Ofqual stating these should be “fair, objective and carefully considered judgements of the grades schools and colleges believe their students would have been most likely to achieve if they had sat their exams and should take into account the full range of available evidence”. Follow the link below to see the details.

The government has confirmed that it will not publish any school or college level educational performance data based on tests, assessments or exams for 2020. The guidance linked to below explains how school accountability will now operate for 2019 to 2020. The Government states ‘We will not hold schools and colleges to account on the basis of exams and assessment data from summer 2020 and that data will not be used by others, such as Ofsted and local authorities, to hold schools and colleges to account.’

- Commons Written Statement on Exam Cancellation
<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2020-03-23/HLWS170/>
- Coronavirus COVID-19 School and College Accountability 2019/20
<https://www.gov.uk/government/publications/coronavirus-covid-19-school-and-college-performance-measures/coronavirus-covid-19-school-and-college-accountability>

Key Stage 1 SATs To Be reviewed

From this September, all new primary school pupils will take a new reception baseline assessment (RBA) which will result in the remodelled curriculum assessments (known as SATs) taken at key stage 1 by 2022/23. The RBA consists of a one-to-one exercise done in around 20 minutes by a teacher within the first six weeks of reception and is said to be similar to the ‘on-entry’ checks that many schools already carry out. Nick Gibbs, school standards new teacher-led check will replace the SATs taken at the end of Year 2 to give a better understanding of a child’s starting point when they arrive at school and reduce the number of assessments in primary schools

The Department for Education (DfE) has stressed that “there is no need for teachers or parents to prepare pupils for the assessment” which is said to be reinforced by the fact that the raw scores will not be teachers or parents and that data will only be used to measure at the end of key stage 2.”

Early Years Foundation Stage

[The Early Years Foundation Stage \(EYFS\) statutory framework](#) sets the standards that all early years providers must meet to ensure that children aged 0 to 5 learn and develop well and are kept healthy and safe.

To support early years providers who remain open to vulnerable children and children of critical workers during the coronavirus (COVID-19) outbreak, **the Government has temporarily disapplied and modified certain elements of the EYFS statutory framework.**

This will allow providers greater flexibility to respond to changes in workforce availability and potential fluctuations in demand, while still providing care that is high quality and safe.

<https://www.gov.uk/government/publications/early-years-foundation-stage-framework—2/early-years-foundation-stage-coronavirus-disapplications>

This guidance outlines the temporary changes that came into force on 24 April 2020 and will last throughout the COVID-19 outbreak or until government stipulates otherwise. The long end date of the legislative changes is shown in regulations as 25 September 2020, but these will be reviewed on a monthly basis and disapplications and modifications may be lifted earlier, for instance if government advice on self-isolation and social distancing is amended.

EYFS Learning and development requirements

The change:

During the COVID-19 outbreak early years providers should use reasonable endeavours to meet the existing learning and development requirements, instead of this being something they 'must do'.

What this means in practice:

The most important thing is that children of critical workers and vulnerable children are cared for within settings. As far as possible, children should also benefit from a broad range of educational opportunities.

The EYFS learning and development requirements comprise seven high level areas of learning that ordinarily must shape education programmes in settings, and seventeen Early Learning Goals (ELGs) which summarise the knowledge, skills and understanding that all young children should have gained by the end of the reception year. Whilst providers should try and meet existing requirements as far as is possible during the COVID-19 outbreak, we recognise that these are extraordinary times and there may be occasions where it will not be possible to provide activities and experience across all seven areas of learning for all children all of the time.

EYFSP Assessment

The change:

The Early Years Assessment Stage Profile (EYFSP) will not need to be undertaken in the academic year 2019/20.

What this means in practice:

The EYFSP is usually undertaken in the final term of the year in which a child turns 5 and involves teachers assessing each child's level of development against each of the seventeen ELGs. The results are usually shared with parent/carers, Year 1 teachers and the Local Authority and form national statistics. There will be no statutory requirement for schools to undertake the EYFSP in 2019/20.

Schools are still free to complete EYFSP assessments for children if they are able to, and to share with parents and carers and Year 1 teachers at an appropriate time, but they are not required to. If they do choose to assess children, they do not need to share data with their Local Authority and Local Authorities will not be required to moderate any assessments that are carried out in 2019/20.

Further information from the DfE can be found below:

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Fearly-years-foundation-stage-framework--2%2Fearly-years-foundation-stage-coronavirus-disapplications&data=02%7C01%7C%7Ccb9414f9df4e448f3c6508d7e8f315d9%7Ca8b4324f155c4215a0f17ed8cc9a992f%7C0%7C0%7C637234003049210249&sddata=%2FVC3GHEECvd%2F7hwVPiSV8bk epX0zjYUjU8ip%2FNzxTGo%3D&reserved=0>

We await further guidance from the DfE regarding the issuance of End-of-Year reports for all students; there has not been any change to current legislation at this time.

Remote Learning

During the continuing lockdown and partial closure of schools, the Government has made it clear that normal education across the country has been suspended. However, Essex schools have made it a priority to organise some form of home learning for their pupils and this will prove invaluable for children and young people, both in helping them manage the period of isolation and supporting their return to school and full-time education.

DfE guidance April 2020: Are schools expected to provide education as normal to pupils who are in attendance?

We understand that these are extraordinary times. The most important thing is that children of critical workers, and vulnerable children, are supervised and properly cared for at education settings. Schools have flexibility to provide support, activities and education in the way they see fit at this time. No school will be penalised if they are unable to offer a broad and balanced curriculum during this period.

Parental Expectations

Although it is important to continue to emphasise the importance of learning, it is also necessary to be realistic in our expectations of what pupils are likely to achieve at home. The circumstances of children vary widely and most pupils will not have the same opportunities to share ideas and collaborate on work. For many parents and carers, they face the challenge of managing their children's education whilst trying to maintain their own workload. There may be several children in a family, each with their own needs, and the family may be sharing space, time and technology. Pupils may also have concerns about coronavirus or have been impacted by it directly, which may make it harder for them to concentrate on learning. On 19th April, the Government issued further guidance for parents/carers which can be found here:

Children aged 2-4:

<https://www.gov.uk/guidance/help-children-aged-2-to-4-to-learn-at-home-during-coronavirus-covid-19>

Primary School Children:

<https://www.gov.uk/guidance/help-primary-school-children-continue-their-education-during-coronavirus-covid-19>

Children with SEND:

<https://www.gov.uk/guidance/help-children-with-send-continue-their-education-during-coronavirus-covid-19>

Despite the difficulties of this period, most children will have the opportunity to explore human connections and experiential learning that typical day to day life does not often afford. The chance for families to bond further and 'co-explore' during this time should not be any less of a focus than academic study.

DfE Guidance: What are the expectations on schools regarding staying in touch with parents whose child is at home?

We want to support schools and parents to ensure children and young people's education can continue. To help our most disadvantaged young people access online learning, devices will be ordered for children who would otherwise not have access and are preparing for exams (in year 10), receive support from a social worker or are a care leaver.

Where care leavers, children with a social worker at secondary school and children in year 10, do not have internet connections, we are providing 4G routers to them so that they can learn at home. And, the country's major telecommunication providers will make it easier for families to access selected educational resources by temporarily exempting these sites from data charges.

We recognise that many schools have already shared resources for children who are at home and are grateful for this. Further support includes:

- a list of [educational online resources](#) which have been identified by some of the country's leading educational experts to help pupils to learn at home
- enhanced education provision from the BBC to include daily lessons, starting from 20 April 2020
- a package of support by the Oak National Academy, a sector led initiative to support teachers educating their pupils remotely during the summer term

Schools should work with local authorities to monitor the welfare of vulnerable children who are not attending school, and other pupils they might wish to keep in touch with, for safeguarding purposes.

Approaches

Schools are employing a range of approaches to support pupils learning at home, for example:

- developing class pages and resources on the school website and signposting pupils to these pages;
- signposting pupils to online lessons and resources, including Oak Academy and BBC Bitesize;
- keeping in regular touch with pupils and their families, to give support and reassurance;
- making plans for remote learning delivered through live webinars;
- sending home printed learning packs;
- sharing learning activities on the school's Virtual Learning Environment (VLE)
- continuing to deliver lessons to pupils remaining in school, with pupils at home dialling into the lessons through various online tools.
- EYFS pupils - <https://www.easypeasyapp.com/> free until 31st May or Tapestry as needed;

Some of these facilities may already be set up by schools (particularly in secondary provision) and so established methods can continue; this may be much more of a challenge, or impossible, for some schools.

Even prior to the Government's announcement of support, some schools have been able to support families with the provision of IT equipment and even internet access, through a variety of means, allowing all children to access online provision. Whilst clearly this is excellent practice, many schools will not be able to provide this level of access. Importantly, the provision of such IT support does not necessarily remove the barrier or challenge to home learning that some families face, specifically challenges related to SEND and Disadvantaged children.

The DfE guidance is clear that there is no expectation that teachers should stream live or provide pre-recorded videos. The Government announced further support in this regard on 19 April 2020 and this guidance can be found here: <https://www.gov.uk/guidance/get-help-with-technology-for-remote-education-during-coronavirus-covid-19>

We are aware that some schools may be providing feedback to children in a variety of ways, ranging from responding to emails, supporting parents/carers in marking work at home, providing individual written feedback, to online group tutorials. Expectations must be reasonable in terms of the demands of staff, acknowledging that they themselves may be juggling home schooling their own children.

Work related to safeguarding and welfare of all children on a school's roll, must take priority, in line with the guidance outlined in the Children and young people's Response Plan. The oversight of children's engagement with home learning packages will form a key part in the welfare checks of all children on a school's roll.

The Education Endowment Foundation has published a number of relevant guidance reports – in particular, *Working with Parents to Support Children's Learning* which schools may find useful and can be found here: <https://schools.essex.gov.uk/pupils/pupil-premium/Pages/default.aspx>

Schools must determine which home learning approach best fits their circumstances and clearly outline the approach and expectations to families, whilst ensuring appropriate support and checks are in place.

Supporting vulnerable pupils, particularly PPG and SEND

For the most vulnerable, the value of relationships is paramount in supporting well-being and learning at this time. Feedback from learning undertaken provides vital motivation; this feedback is most beneficial when both parents/ carers and pupils are able to input into the feedback. For those with SEND this can help to identify further differentiation that may be required to ensure that the learning is accessible.

Examples of strategies schools have implemented so far to support PPG pupils include:

- Identification of key contact for PPG pupils – form tutor/ pastoral link to ensure relationships are maintained.
- Work focussing on consolidation and extension of learning with a clear focus on developing vocabulary and transferrable skills to ensure the gap between PPG and non-PPG is not widening at this time.
- Setting work from recommended age specific textbooks which are purchased and sent to PPG pupils removing the reliance on internet/ PC access throughout the day - with agreed points to upload photographs of work completed for teacher assessment.
- Reading of a class text online can also secure relationships and engagement. Copyright has been freed up on lots of texts, so teachers can record themselves reading.
- Loaning of school IT equipment and purchasing internet access for PPG families.

The Sutton Trust has compiled a COVID-19 and Social Mobility Impact Brief: School Shutdown and this can be found here: <https://www.suttontrust.com/our-research/covid-19-and-social-mobility-impact-brief/>

Safeguarding home and remote learning

Schools will already have measures in place in line with the initial guidance issued by Jo Barclay. Schools will be following best practice to ensure safe remote learning based on their existing systems and safeguards.

The following is intended as a 'checklist' of key points. Although not exhaustive, it may be useful by schools in reviewing their current approach to ensure it mitigates the risks to pupils and staff as far as possible:

- Assessment of risk should have been undertaken and reviewed regularly;
- There should be a code of conduct for staff and pupils using online platforms, for example those with message boards; - it may be necessary to add an appendix to the current Staff Code of Conduct if it does not already cover this
- During online activity teachers should be in a neutral area, as should pupils (e.g. pupils should not be in their bedrooms) and all parties should be appropriately dressed. Pupils should be reminded how to keep themselves safe online. Pupils and teachers should use school-allocated email addresses, not personal ones, or use usernames and passwords – which must not be shared with others;
- School should remind students of who they can contact at school for help or support;
- Pupils' personal information such as their location, date of birth or phone number should be kept private;

- Staff should already be familiar with the signs of abuse and how they should act if they suspect this, or receive information that suggests a pupil is at risk of harm – the school's Child Protection policy (plus the interim Child Protection Policy to cover the closure period) could be re-issued to staff now with a request that they acknowledge receipt and confirm they have read it;
- The security measures and protection on existing programs and of new programs schools may consider using at this time should be checked to ensure they are fully up to date;
- If there are home school agreements in place covering the use of the internet these should be revisited to include the above points and all reminded of their role in keeping children safe online.

In addition, to ensure the wellbeing of children is not adversely affected, staff must take the usual care when producing learning materials, taking into account the difficulties individual children may have if a topic is personally difficult for them or may trigger a response which would need one to one support from a member of staff. It is important to note that children may be more vulnerable at this time due to the direct impact of Covid-19 on themselves and their families. Schools should ensure that activities sufficiently signpost to trustworthy sources of support available to pupils should they wish to discuss a topic further or get advice and help. Schools will be aware that without this in place, children may explore unreliable sources for information, support and guidance.

Where schools are loaning equipment, basic but effective hygiene should be followed i.e. wiping equipment down.

DfE Guidance: Children and online safety away from school and college

All schools and colleges should be doing what they reasonably can to keep all of their children safe. In most cases, the majority of children will not be physically attending the school or college. It is important that all staff who interact with children, including online, continue to look out for signs a child may be at risk. Any such concerns should be dealt with as per the child protection policy and where appropriate referrals should still be made to children's social care and as required the police.

All schools and colleges should consider the safety of their children when they are asked to work online. The starting point for online teaching should be that the same principles as set out in the school's or college's staff behaviour policy (sometimes known as a code of conduct). This policy should amongst other things include acceptable use of technologies, staff pupil/student relationships and communication including the use of social media. The policy should apply equally to any existing or new online and distance learning arrangements which are introduced. Schools and colleges should, as much as is reasonably possible, consider if their existing policies adequately reflect the new reality of so many children (and in some cases staff) working remotely online. As with the child protection policy, in some cases an annex/addendum summarising key COVID-19 related changes may be more effective than re-writing/re-issuing the whole policy. The principles set out in the [guidance for safer working practice for those working with children and young people in education settings published by the Safer Recruitment Consortium](#) may help schools and colleges satisfy themselves that their staff behaviour policies are robust and effective. In some areas schools and colleges may be able to seek support from their local authority when planning online lessons/activities and considering online safety.

Schools and colleges should ensure any use of online learning tools and systems is in line with privacy and data protection/GDPR requirements.

The DfE issued further guidance on safeguarding and remote education during coronavirus (COVID-19) on 19th April and this can be found here: <https://www.gov.uk/guidance/safeguarding-and-remote-education-during-coronavirus-covid-19>

Support

School Effectiveness Partners are available to fully support schools with all aspects of developing, implementing and reviewing remote learning provision. Schools should contact their SEP for any advice and guidance; where specific issues arise with SEND provision, the SEP will liaise with Quadrant SEND teams who are also able to support.

A prompts and considerations checklist is included as an appendix to **support** schools.

Appendix: Prompts and considerations for remote learning provision:

These are areas schools may want to consider when planning provision:

- How designated staff (could be class teacher, LSA, SENCo, Learning Mentor, or another) are keeping in touch with all pupils/families – this might be by class, family, vulnerability group etc.
- How the approach is clearly communicated with families, with regular updates when needed.
- How the work is being set for pupils at home (this may vary according to year group, accessibility and school context, systems that have been previously set up or have been recently introduced).
- How often the school will update home learning resources.
- The system to help school know whether pupils are accessing the work.
- Whether any work set will be marked. If so, how this will be achieved.
- What feedback will be given to pupils, if any, including opportunities to give praise for work well done.
- The system in place to respond to pupils' questions and concerns about work that has been set.
- How the school is supporting pupils to stay safe online.
- What systems the school is using to make sure that those pupils who do not have access to the internet, wi-fi or a computer/laptop/tablet can access home learning.
- How the school is trying to engage those families who do not appear to be accessing any home learning opportunities/tasks/work set.
- Systems in place to make sure that SEND pupils have access to appropriate learning activities at home.
- How Teaching Assistants/Support Staff are involved in home learning, if this is part of the school's operation.
- The mechanisms in place to support the pupils' well-being (including mental well-being) during this period of school closure.
- How to use Pupil Premium funding in innovative ways to support disadvantaged pupils with home learning.
- The support the school can access to support home learning:
 - the School Effectiveness Partners;
 - other schools, including those in any partnerships;
 - online learning;
 - social care workers.

Alternative Provision

The 1:1 tuition and other alternative providers have moved, where possible, to an online offer and we have asked them to undertake welfare calls as part of their offer. Take up of the education offer by pupils has been mixed with some young people being unwilling to engage in learning. Circles Farm remains physically open but is observing strict social distancing and hygiene measure.

Education Access is not accepting new referrals on medical grounds at present as schools are already offering online which is all we can offer in the current crisis. Our focus is on safeguarding those pupils accessing alternative education.

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FAQ GUIDANCE FROM JUNIPER

On general matters related to Covid-19, schools should follow Government and Public Health England [advice](#) and Local Authority advice which is updated regularly. Schools should contact Schools.Communication@essex.gov.uk (or home Local Authority) for information and advice.

We are in an unprecedented situation and this HR advice is based on the information available, which is limited in some areas, and our professional judgements.

Employees (staff on contracts of employment)

1	A member of my staff has contracted the Covid-19 Virus	<p>They are sick and entitled to contractual sick pay under their contract of employment. They should complete a self-certificate as soon as possible.</p> <p>Where a teacher can reasonably show that the virus was contracted in the course of their employment, they may be entitled to full pay which is not sick pay.</p> <p>It may be difficult to demonstrate where an employee contracted the virus.</p> <p>It is unlikely that they will be able to provide a Fit Note from Day 8 as usually required, as GPs are not seeing patients.</p> <p>Employees can now obtain an isolation certificate https://111.nhs.uk/covid-19 and should be asked to submit a copy to the school. This should be kept on the personal file.</p> <p>Staff should notify the school when they are fit to work.</p>
1a	A member of staff is showing symptoms of Covid-19 and is self-isolating in accordance with medical/government advice https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-advice/	<p>The employee <u>must not</u> attend the workplace for at least 7 days and in line with NHS advice (see link at question 1). If they are well enough, and able, they can work from home.</p> <p>If they cannot work from home, they should obtain an isolation note and submit a copy to the school. This should be kept on the personal file. https://111.nhs.uk/isolation-note/</p> <p>Staff are absent under the “contact with infectious diseases provisions” under the Terms and Conditions for Teachers and Support Staff (Burgundy and Green Books). The provisions for each are slightly different:</p> <ul style="list-style-type: none"> • Burgundy Book – sick pay in line with their contractual entitlement* • Green Book - normal pay (not sick pay) <p>*NB sick pay in these circumstances is not counted for any future sickness entitlement and for most will be full pay.</p>
2	A member of my staff is self-isolating on medical/government advice because they are living with someone who is	<p>The employee <u>must not</u> attend the workplace for at least 14 days and then in line with NHS advice (see link in first column).</p>

	<p>showing symptoms of coronavirus https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-advice/</p>	<p>They should be asked to complete a self-declaration – template available.</p> <p>Wherever possible staff in this group should work from home as they are not themselves ill.</p> <p>If they cannot work from home, they should obtain an isolation note and should submit a copy to the school. This should be kept on the personal file. https://111.nhs.uk/isolation-note/</p> <p>Staff are absent under the “contact with infectious diseases provisions” under the Terms and Conditions for Teachers and Support Staff (Burgundy and Green Books). The provisions for each are slightly different:</p> <ul style="list-style-type: none"> • Burgundy Book – sick pay in line with their contractual entitlement* • Green Book - normal pay (not sick pay) <p>*NB sick pay in these circumstances is not counted for any future sickness entitlement and for most will be full pay.</p> <p>However, given the current position of full and partial school closures, and the fact that teachers will largely be working from home if self-isolating, it is reasonable to ensure teachers remain on full pay during the duration of their isolation (i.e. not reducing those with limited service to half pay if self-isolation extends beyond their sick pay entitlement).</p> <p>Once the employee has completed the recommended period of self-isolation they will be returning to work unless it is confirmed that they have contracted the virus, in which case sick pay, in accordance with 1 above, will apply.</p>
<p>3</p>	<p>I have employees in the “at risk group” i.e. who:</p> <ul style="list-style-type: none"> • Are aged 70+ • have underlying health issues, as listed by the Government https://www.nhs.uk/conditions/coronavirus-covid-19/advice-for-people-at-high-risk/ • are pregnant <p>See also 3c – extremely high risk groups</p>	<p>This group are advised to only leave home for essential purposes and follow strict social distancing guidelines. Therefore, such staff should work at home wherever possible.</p> <p>See separate guidance on pregnancy.</p> <p>There are currently no fixed timescales on how long these measures should apply.</p> <p>These staff will fall under the conditions in 2. Above for pay.</p> <p>Staff in this category should be asked to complete a self-declaration – template available. This should be kept on the personal file.</p> <p>Schools should update the Pregnancy Risk Assessment to confirm the employee has gone into self-isolation.</p>

3a	We have employees in the “at risk group” who wants to attend for work. What is the position?	The general advice applies, that they should not leave home unless essential and so long as the strictest social distancing measures can be applied.
3b	We have a member of staff who wants to self-isolate to protect a person in their household who is in the “at risk” group. What is the position?	<p>The Government advice is that those living with at risk groups, even the most vulnerable groups (see 3c) do not themselves need to operate “shielding” but should follow the general advice, including strict social distancing measures.</p> <p>Therefore, wherever possible schools should enable staff in this group to work from home and only if they are <u>absolutely essential</u> to maintaining the required school provision should they be asked to attend work (and follow Government Guidelines about social distancing at home).</p> <p>There are currently no fixed timescales on how long these measures should apply.</p> <p>Schools will have to look at how best to distribute work as evenly as possible between those at school and those working from home.</p> <p>Staff should be asked to complete a self-declaration – template available.</p> <p>Pay will be in line with that set out in 1-3 above.</p>
3c	<p>We have a member of staff who falls into the extremely vulnerable group. https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19 What is the position?</p>	<p>Individuals classed as extremely vulnerable will receive a letter from the NHS and should “shield” for at least 12 weeks from receipt of the letter.</p> <p>This means they should not leave the house for any reason and <u>must not</u> attend work. Where possible they should work from home.</p> <p>Staff should be asked to complete a self-declaration – template available.</p> <p>Pay will be in line with that set out in 1-3 above.</p>
4	I have employees who are self-isolating because they are worried but are not covered by the conditions in 2. and 3. above (i.e. not on medical or Government advice).	<p>Technically such staff are on unauthorised absence and should not be paid. They should be advised to come to work.</p> <p>However, it will be very difficult to distinguish those who are self-isolating on advice/for genuine reasons and those who are not – as there will be little chance of getting medical evidence.</p> <p>Schools will have to do their best to explore the circumstances of them being off and advise/act accordingly.</p>
4a	I have an employee who is living with an NHS worker and does not want to attend work to protect them. What is the position?	This situation does not meet the criteria for self-isolation and as key workers themselves, they should attend work if required and should exercise social distancing at work and at home as far as possible.

		They could be deemed to be on unauthorised absence as in 4 above if they refuse, however schools should only be requiring staff to attend when needed, and most often this means on a rota basis, so should aim to accommodate working from home for these staff wherever possible. Schools should have particular regard to the individual circumstances e.g. there is a much more significant risk to the person they live with, to them and to the school for someone living with a Doctor/Nurse on the front line dealing with Covid patients, than there is for some other NHS workers.
5	I have staff who regularly work additional hours – what is their entitlement?	If hours are contractual (i.e. expected) and/or regular – they should be included in the calculation for sick pay / pay during self-isolation / full pay in the event of closure (See also 11. (casual staff) and School Closure Section). Ad hoc additional hours need not be paid during any absence.

Child/Elder care

6	I have employees absent because their child has symptoms related to Covid-19 or has the Virus	If their child is sick, the parent/employee has to self-isolate. In this case they will fall under the conditions in 2 above (self-isolation). Where a school becomes aware that an employee is at risk, due to contact with someone at home who is showing symptoms they should insist that the person self-isolate at 2 above.
7	Staff are not attending for work due to childcare breakdown – what is the position?	Schools should explore all available options such as flexible working, working from home, annual leave etc. for those that have private childcare i.e. not Nursery or School provision which are remaining open for Critical Workers. The Government has confirmed that school staff are Critical Workers and schools are not closed for vulnerable children and critical worker children. Staff are therefore in breach of contract if they refuse to come to work during term-time if required to do so and/or because they refuse to put their children in available provision, (if not in a self-isolation category or sick themselves) and schools should deal with this in the usual way. The member of staff will be on unauthorised unpaid absence and could face Disciplinary action. Education staff are classified as critical workers and as such should access provision for their children in schools, if they need supervision of their own child/ren and are required to attend for work. In cases where children have two parents, especially where one is a critical worker, the family is expected to manage their arrangements to enable the critical worker to work where required. Schools are however, unlikely to need all staff to attend and the Government has clarified that Critical Workers should only send their children to school if necessary. A flexible and pragmatic approach is therefore required on needs basis.

		<p>Where working at home is an option, it is expected that schools will be flexible with staff who are working from home whilst looking after children. Only where staff refuse to do any work should they be considered as on unpaid leave of absence.</p> <p>(see also School Closure Section).</p>
8	I have an employee who is off to look after elderly relatives.	<p>Normal leave of absence rules apply (see 7.), unless the relative is sick and the employee is self-isolating because of contact with them (so self-isolating rules apply).</p> <p>Again it may be difficult to distinguish those who are isolating because of contact with a sick person and those who just “want” to look after a relative and schools will have to do their best to ascertain the exact position.</p>

Schools Reopening – a phased approach

As part of their re-opening plans and Risk Assessments, schools will need to assess the number of staff required and available to be in school. The availability of staff will be a significant factor in the level and amount of provision that schools can deliver.

Set out below is a summary of the advice on who can and cannot attend the workplace. Schools will need to ascertain the position of each member of staff to feed into their plans and the Local Authority has distributed a staff declaration form to Headteacher for this purpose as well as the FAQ below.

When considering whether individuals can/should attend, schools should not apply a blanket approach and will need to consider and where necessary risk assess, the specific circumstance of individual members of staff. A reasonable and pragmatic approach will need to be taken - where staff cannot attend, they should wherever possible work from home – in the case of teachers, supporting distance learning for those years groups not attending school.

Support HR scenarios for schools

Staff with confirmed Covid-19 Virus	Must NOT attend work	They must self-isolate until they are well	<p>Employees should obtain an isolation certificate https://111.nhs.uk/covid-19 and should be asked to submit a copy to the school. This should be kept on the personal file.</p> <p>Staff should notify the school when they are fit to work.</p>	They are entitled to contractual sick pay under their contract of employment.
Staff showing symptoms of Covid-19 https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-advice/	Must NOT attend work	They must self-isolate for at least 7 days and then in line with NHS advice	<p>If they cannot work from home, they should obtain an isolation note and submit a copy to the school. This should be kept on the personal file. https://111.nhs.uk/isolation-note/</p>	If they are working from home, they will be paid as normal. If not, they are absent under the “contact with infectious diseases provisions” under the Terms and Conditions for Teachers and Support Staff (Burgundy and Green Books).

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<p>Staff living with someone who is showing symptoms of coronavirus</p>	<p>Must NOT attend work</p>	<p>They must self-isolate for at least 14 days and then in line with NHS advice</p>	<p>Once the employee has completed the recommended period of self-isolation they will be returning to work unless it is confirmed that they have contracted the virus.</p> <p>As key workers they, and their household are eligible to be tested for the virus if they have symptoms and should be tested where possible.</p> <p>https://www.gov.uk/guidance/coronavirus-covid-19-getting-tested#essential-workers</p>	<p>The provisions for each are slightly different:</p> <ul style="list-style-type: none"> • Burgundy Book – sick pay in line with their contractual entitlement* • Green Book - normal pay (not sick pay) <p>*NB sick pay in these circumstances is not counted for any future sickness entitlement and for most will be full pay.</p>
<p>Staff who fall into the <u>extremely</u> vulnerable group and have received a shielding letter from the NHS Link: shielding</p>	<p>Must NOT attend work</p>	<p>They must self-isolate for 12 weeks from receipt of the letter.</p>	<p>They should work from home where possible and provide the school with a copy of their shielding letter (if not already received)</p>	
<p>Staff in the third trimester of pregnancy</p>	<p>Should NOT attend work</p>		<p>They should work from home where possible and provide the school with a copy of their MATB1 (if not already received)</p>	<p>As above until maternity leave commences in line with normal maternity provisions.</p>
<p>Staff in the clinically vulnerable group (but not extremely vulnerable as above)</p> <ul style="list-style-type: none"> • Are aged 70+ • have underlying health issues, as listed by the Government <p>https://www.nhs.uk/conditions/coronavirus-covid-19/advice-for-people-at-high-risk/</p>	<p>Should be enabled to WORK FROM HOME wherever possible.</p> <p>If they cannot work from home, they should be offered the safest available on-site roles.</p>		<p>They should stay 2 metres away from others wherever possible, although the individual may choose to take on a role that does not allow for this distance if they prefer to do so.</p> <p>If they have to spend time within 2 metres of other people, settings must be carefully assessed and a discussion should take place with the employee about whether this involves an acceptable level of risk. We recommend such discussions/assessments are recorded in writing.</p> <p>Schools should think about the specific roles/contexts available for individuals to work in. For example, roles not in the classroom can</p>	<p>Pay as normal if working from home or attending work. Otherwise pay in accordance with conditions as above.</p>

<ul style="list-style-type: none"> • are in 1st or 2nd trimester of pregnancy 		<p>social distance more easily and in classrooms, some age groups will be better able to apply social distancing.</p>	
<p>Staff living with someone in the <u>extremely</u> clinically vulnerable group</p>	<p>Should ATTEND WORK ONLY IF STRINGENT SOCIAL DISTANCING measures can be adhered to guidance-on-shielding-and-protecting-extremely-vulnerable-persons</p>	<p>Schools should think about the specific roles/contexts available for individuals to work in. For example, roles not in the classroom can social distance more easily and in classrooms, some age groups will be better able to apply social distancing.</p> <p>Where stringent social distancing is not possible, schools should not require staff to attend and staff in this group should work from home wherever possible.</p>	
<p>Staff living with someone in the clinically vulnerable group (but not extremely vulnerable)</p>	<p>Should ATTEND WORK Assess each case</p>	<p>"normal" measures as for all staff.</p>	
<p>Staff living with front line NHS workers</p>	<p>Should ATTEND WORK Assess each case</p>	<p>"normal" measures as for all staff.</p>	
<p>Staff with children (see also FAQ below)</p>	<p>Should ATTEND WORK, unless no viable childcare provision is available.</p>	<p>Schools should explore all available options such as flexible working, working from home, annual leave etc. for those that have private childcare i.e. not</p>	<p>Normal Pay for work and working from home.</p>

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	<p>School staff are essential workers and should use their entitlement to school/early years/nursery/childcare/childminders.</p> <p>Assess each case</p>	<p>Nursery or School provision which are remaining open for Essential Workers.</p> <p>In cases where children have two parents, especially where one is a critical worker, the family is expected to manage their arrangements to enable the critical worker to work where required.</p> <p>Otherwise, staff are in breach of contract if they refuse to come to work during term-time if required to do so and/or because they refuse to put their children in available provision, (if not in a self-isolation category or sick themselves) and schools should deal with this in the usual way. The member of staff will be on unauthorized, unpaid absence.</p>	<p>Unpaid if refusing to attend when able to do so – employees should be notified in writing that their pay will stop in these circumstances.</p>
Staff looking after elderly relatives	<p>Unless in the same household <u>and</u> extremely vulnerable (see above) should ATTEND WORK</p> <p>Assess each case</p>	<p>"normal" measures as for all staff.</p>	<p>Normal Pay for work.</p> <p>Unpaid if refusing to attend.</p>
Staff who returned from long term sick during lockdown	<p>Should ATTEND WORK</p> <p>Assess each case</p>	<p>Where staff returned during lockdown they declared themselves fit to work and should attend as required. If staff become unfit to work, they must follow normal sickness absence reporting and certification requirements.</p> <p>Where such staff are on, or might otherwise have had a phased return, it will be necessary to review their position and adjust their working accordingly. The phasing may be able to be managed by a mix of attendance and working from home.</p>	<p>Normal pay for working and working from home.</p> <p>Sick pay for any periods of reduced working (phased return)</p>
Staff who indicate they are too	<p>Should ATTEND WORK unless covered by a doctor's Fit Note.</p>	<p>This is an anxious time for everyone and resilience and robustness will be tested. Effective communication</p>	<p>Sick pay if on certificated sick leave</p>

anxious/concerned to attend		<p>will be key. Staff will need to discuss their specific anxieties with their line manager and schools will need to do what they can to support and reassure staff. An important part of this will be involving them in preparations, risk assessments and measures.</p> <p>In some cases staff will not have a fit note, but their mental wellbeing may be a significant cause for concern. In such cases appropriate advice should be taken from the GP/Occupational Health.</p> <p>Otherwise, someone who does not fall into one of the other specific categories, which permits them not to attend, should attend work and refusal to do so will mean they are on unauthorised, unpaid leave.</p>	Unpaid if refusing to attend.
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General Staffing FAQ

1.	Can staff be asked to undertake different roles?	Yes. Flexibility is essential at this time and staff may need to be re-deployed to meet needs. Any temporary re-assignment of roles/tasks must be within the area of competence of the individual.
2.	Can Teaching Assistants/LSAs cover classes ?	<p>Yes. The Government has confirmed that LSAs can cover classes under the supervision of a teacher, where insufficient teachers are available.</p> <p>Schools will need to assess, as part of their overall Risk Assessment, what activities the groups of children will be undertaking and the skills and competencies of the staff available.</p> <p>There have been some temporary amendments to the qualification requirements for staffing in Early Years where reasonable endeavours do not enable current rules to be followed: early years foundation stage coronavirus disapplications</p> <p>Pay levels will depend on the activity being undertaken. If LSAs are covering classes and planning, preparing, marking, assessing and/or delivering lessons, they should be paid as HLTAs.</p>
3.	Can we change working patterns of staff to meet needs ?	Yes. It may be necessary and would be reasonable to temporarily adjust working times and this will be part of the planning you discuss and agree with staff to enable provision to be delivered. Schools will have to take individual circumstances into account and ensure staff get

		appropriate breaks, but it is expected that staff will co-operate with reasonable adjustments.
4.	Are staff still able to work one-one with pupils ?	Yes. Clearly the practicalities of this will form part of the risk assessment the school will undertake, considering social distancing, available accommodation and any particular risk factors for the individuals involved (staff and pupils).
5.	Can we use agency/supply staff/casual staff?	Yes. Schools will need to access whatever resources they can/need in order to deliver provision. In light of guidance about minimising the circulation of staff (i.e. assigning specific staff to one groups of pupils), schools will want to discuss with agencies/supply teachers/casuals: <ul style="list-style-type: none"> • A regular consistent commitment to cover a particular group and period • What other work they are undertaking and what, if any, additional risks this may pose (eg we would not want a supply teacher visiting two different schools in the same day) Agencies which have furloughed workers will need to end furlough before they can allocate assignments.
6.	Can we recall foreign nationals who returned to their home country ?	Yes. You should recall them asap to give them time to make necessary arrangements (eg book flights). Bear in mind that there are indications from the Government that those coming from abroad will have to self-isolate for two weeks so will not be available to attend work immediately upon their return. Staff from overseas who have immigration concerns should follow government guidance about visas and immigration . Extensions are being granted for those whose visa expires up to 31 May 2020.
7.	We have staff with second jobs, can they still come into school ?	Yes. The specifics of each case must be looked at and adjustments made as necessary. For example, schools would not want someone coming straight from another workplace into school without an opportunity wash thoroughly and change their clothes.
8.	What happens if a member of staff or pupil attending school develops symptoms?	In line with Government Guidance the individual should be isolated and go home. Staff and pupils are eligible for testing if displaying symptoms and should access a test. Where the child, young person or staff member tests positive, the rest of their class or group within their childcare or education setting should be sent home and advised to self-isolate for 14 days. The other household members of that wider class or group do not need to self-isolate unless the child, young person or staff member they live with in that group subsequently develops symptoms.
9.	Is the school liable if a member of staff contracts Covid-19 from a pupil?	Obviously the priority in considering opening schools, is to put in place all possible measures, including risk assessments to minimise the risk of infection. There are no guarantees, schools can simply do their best to follow the guidance available and as above consider the circumstances and risks in respect of individual staff. Plans will include, in line with Government Guidance, steps to be taken if a pupil or member of staff shows signs of symptoms or tests positive (in the latter case, all the students and staff in their group should go into isolation for 14 days). In most cases, someone who contracts the virus will be off sick, receive sick pay and then get well and return to work. In the regrettable case of a death as a result of the virus, this may lead to a claim (through your insurers). It is impossible to determine the outcome but the schools written risk assessments and plans will be key important factors.

		<p>In addition, there is concern about potential action by staff and the Trade Unions for example for breaches of duty of care and if a detriment is suffered as a result of refusing to attend a perceived unsafe workplace.</p> <p>This is clearly an unprecedented set of circumstances and we are not in a position to provide any certainty around such claims where schools are acting on instructions to open. All we can say is that the general duty upon employers is to take all reasonable measures, following the guidance.</p>
10.	What do we say if staff want to wear PPE ?	<p>The Government guidance is that PPE is not recommended in schools other than in very specific circumstances i.e. where care of a child normally requires PPE (e.g. as they require intimate care) and where a member of staff is looking after a child displaying symptoms while they are waiting to leave the premises.</p>
11.	Are teachers still entitled to PPA time?	<p>PPA remains a contractual entitlement but we would expect teachers and schools to take a pragmatic view. It is unlikely that there will be a necessity for the full normal range of planning, preparation and assessment and in some cases staff will not have a full "teaching" timetable, such that PPA can be undertaken in non-contact time (working from home).</p> <p>Where a teacher is reverting to a full teaching timetable, schools should be providing them with non-contact time to plan, prepare and assess as required.</p>
12.	We are recruiting new staff – can we invite them in for interview if we observe social distancing?	<p>This is a matter for schools but our advice is that it is not appropriate to invite candidates into school for interview, and certainly not to show perspective candidates around the school, given that general societal rules still apply - that people should not be meeting up with other people outside their household or going to other people's "houses" even if 2-metre rule can be applied. We would think it particularly important for schools to minimise non-essential people entering the premises - they are not public spaces like shops where it is essential for people to physically go.</p> <p>One of the main elements missing from remote (telephone/video) interviewing is the ability to see candidates teach, but even if a face to face interview were held, candidates could not be put in front of pupils to see them teach so there is no particular gain.</p>
13.	Can we have staff meetings ?	<p>Schools should take a pragmatic view, bearing in mind the general advice that social contact should be kept to a minimum. It is generally advised to avoid gathering groups of staff physically together wherever possible and particularly whole staff gatherings should be avoided.</p> <p>Meetings should wherever possible be held remotely, bearing in mind also that not all staff will be able to attend the premises anyway.</p> <p>Wherever possible staff (and pupils) should be operating in "bubbles" (ie the same group of pupils and staff together), minimising contact between these groups.</p> <p>If it is essential for meetings to take place these should be in smallest possible groups, in the largest space possible, where social distancing can be maintained.</p>
14.	Can we have one to one face to face meetings with staff ?	<p>Schools should take a pragmatic view, bearing in mind the general advice that contact should be kept to a minimum. Discussions can take place on the telephone or via video link.</p>

		It is recognised that face to face dialogues will be necessary for many reasons, in which case social distancing measures should be observed, rooms well ventilated etc.
15.	Can we proceed with face to face formal hearings (e.g. disciplinary) ?	<p>Bearing in mind the general guidance about contact and minimising unnecessary meetings/people attending the premises, it is not advised to resume face to face hearings at this time.</p> <p>As previously advised, where parties agree, hearings can be progressed via video conferencing.</p>

Existing HR FAQ for schools

1.	We have an employee who is due to go on maternity leave but has been advised to self-isolate. What is the position?	<p>The same rules apply as for other staff (see 2.) up until the day they have started their commencement of maternity leave. Schools may need to be flexible on the receipt of MATB1s and accept the employees stated Expected Date of Childbirth.</p> <p>For clarity you cannot require someone to commence their maternity leave early unless they have a <u>pregnancy related</u> illness from four weeks before the Expected Date of Childbirth.</p>
2.	A pregnant employee wants to change the date her maternity leave is to start, given that she will not be attending work due to isolation.	Employees can change the date they wish to start their maternity leave subject to giving the required notice. Notice required is 28 days prior to the original date given by the employee for their maternity leave to start, or 28 days before the new date whichever is sooner.
3,	Home Working	<p>Where employees are working from home schools will need to:</p> <ul style="list-style-type: none"> • be clear about methods of communication to, from and between employees • remind staff about the need for security and confidentiality of information/papers that may be taken home • ensure IT systems are robust and secure <p>More detailed guidance is now available on home working.</p>
4.	We have staff on fixed term contracts which are coming to an end in August – how do we manage this?	<p>You need to follow the usual guidance on ending fixed term contracts. In most cases it may not be possible to have face to face meetings, in which case you will need to explain the situation by telephone/letter.</p> <p>Schools are advised against seeking to terminate fixed term contracts early because of the current position. The reason for the termination must be valid, and if in response to a diminished need due to the Covid-19 situation, this will be redundancy. In these cases, it may be viewed as treating fixed term workers less favourably if you only identify them as being at risk.</p> <p>In any case, schools should be mindful of the need to maintain a flexible workforce during this period. As more staff have to self-isolate or become ill, you may need others to assist in maintaining provision.</p>

<p>5.</p>	<p>What is the position with current employee relations issues such as disciplinary and capability cases?</p>	<p>In theory, these could proceed, with procedures being actioned through email, telephone, letters etc. with the consent of both parties. It will depend to some extent on where you are in the process.</p> <p>However in reality, there will be many barriers to contemplate e.g. union engagement (no face to face meeting), isolation, health, childcare etc. Schools should communicate with relevant staff confirming where necessary that procedures have been put on hold, but will be resumed as soon as practicable.</p> <p>It is expected that staff will only be suspended in the most serious of cases and that therefore the appropriateness of alternate work arrangements will already have been discounted. The risk assessment should still however be reviewed as previously agreed and where appropriate the suspension can remain in effect and schools should confirm the position in writing. Where staff are on “special arrangements as an alternative to suspension” these should be periodically reviewed and amended as appropriate.</p> <p>Please liaise with your HR consultant on such cases.</p>
<p>6.</p>	<p>We are in the middle of a restructuring / redundancy process – what is the position?</p>	<p>In theory, these could proceed, with procedures being actioned through email, telephone, letters etc. It will depend to some extent on where you are in the process.</p> <p>However in reality, there will be many barriers to continuation e.g. meaningful consultation and selection (with no face to face meetings), isolation, health, childcare etc.</p> <p>Schools should communicate with relevant staff confirming where necessary that procedures have been put on hold, but will be resumed as soon as practicable.</p> <p>Please liaise with your HR consultant on such cases.</p>
<p>7.</p>	<p>How do we manage staff in their probation period?</p>	<p>It may depend on what stage you are at in the process. If near the end, and the final meeting has taken place you may be able to proceed with confirming or not confirming the probation (seek advice from your HR link in the case of not confirming).</p> <p>However in other cases, in the current climate it is unlikely to be possible to effectively operate probation in terms of monitoring and support. We recommend therefore that probation is frozen and picked up once we return to normal operations.</p> <p>Schools will need to write to staff confirming the extension to the period, the stage they are at (eg 12 week review) and where previous meetings have already taken place, the current position (e.g. progressing well or areas of concern/for development).</p> <p>A model letter is available under the Probation section of the HR Website (letter 7).</p>

8.	<p>We employ someone part-time who also works for the NHS, and they have been asked to work additional hours for the NHS.</p> <p>Or</p> <p>We employ someone who used to work for the NHS and is being asked to return. What is the position?</p>	<p>The first question is about the school’s need for them to perform work. If they are required, then they must fulfil their contract with the school. If they are not needed by the school they could be granted unpaid leave of absence from the school to undertake more NHS work.</p> <p>Clearly they can and should not be paid by both employers at the same time.</p> <p>You should confirm the arrangements in writing, keep them under review, and be clear that they are obliged to resume their duties at/for the school at such time as the school requires.</p>
9.	<p>What is the situation with NQTS and their Statutory Induction?</p>	<p>The DfE has issued a statement on mitigating the impact of COVID-19 on the current cohort of NQTS: https://www.gov.uk/government/publications/coronavirus-covid-19-induction-for-newly-qualified-teachers</p> <p>Please see advice from the Essex Appropriate Body: https://schools.essex.gov.uk/staff/NQT_Induction/Documents/Update%20TRA%20Coronavirus%20170320.pdf#search=NQT%20Statutory%20Induction</p> <p>Schools not using Essex, should refer to their own Appropriate Body for advice.</p> <p>Please direct further queries to your Appropriate Body, not HR.</p>
10.	<p>Will there be any change to resignation dates for teachers?</p>	<p>There is no proposal to change the Burgundy Book resignation dates for teachers. Schools are being asked to exercise flexibility around resignation dates which may include schools accepting resignations after the normal dates where teachers are affected by Covid 19.</p> <p>In addition, teachers are being asked to provide as much notice as possible if they are intending to resign. A <u>jointly agreed statement</u> between ASCL, LGA, NAHT, NASUWT NEU and NGA on Burgundy Book notice periods for teachers and school leaders has been released.</p>
11.	<p>Are there are any changes to pre-employment checks during social distancing?</p>	<p>There have been some temporary changes to Right to Work and DBS checks, permitting the use of scanned documents.</p> <ul style="list-style-type: none"> • https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks • https://www.gov.uk/government/news/covid-19-changes-to-dbs-id-checking-guidelines
12.	<p>Are Pensions affected by absences related to Covid-19?</p>	<p>The Local Government Association (LGA) has produced a guide which covers LGPS members most frequently asked questions about the impact of Coronavirus (Covid-19) on their pension benefits. https://www.essexpensionfund.co.uk/media/5333/covid_qa.pdf</p> <p>The Teachers’ Pension Covid-19 update can be accessed here: https://www.teacherspensions.co.uk/news/public-news/2020/03/coronavirus-update.aspx</p>

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MODEL VIRTUAL GOVERNANCE POLICY

Policy on Governor/Trustee Virtual Meeting Attendance

Introduction

Maintained schools

The School Governance (England) (Roles, Procedures and Allowances) Regulations 2013 make provision for governing boards of maintained schools in England to: “approve alternative arrangements for governors to participate or vote at meetings of the governing body including but not limited to by telephone or video conference”.

Academy trusts

Article 126 of the model articles of association state;

126. Any Trustee shall be able to participate in meetings of the Trustees by telephone or video conference provided that:

- a. he has given notice of his intention to do so detailing the telephone number on which he can be reached and/or appropriate details of the video conference suite from which he shall be taking part at the time of the meeting at least 48 hours before the meeting; and
- b. the Trustees have access to the appropriate equipment if after all reasonable efforts it does not prove possible for the person to participate by telephone or video conference the meeting may still proceed with its business provided it is otherwise quorate.

Local governing bodies (LGBs)

The proceedings of meetings of LGBs are determined by the trust board (article 100) therefore virtual attendance at face to face meetings and virtual meetings as described in this policy can be enabled by the trust board on adoption of this policy.

In relation to this the governing/trust board of [school/trust] has determined the following arrangements will apply. These arrangements apply to meetings of the full governing/trust board and to committee meetings.

Virtual Attendance at Face to Face Meetings

- Where a governor/trustee wishes to attend a meeting of the governing/trust board by either telephone or video link the chair and clerk must be notified at least 48 hours in advance of the meeting to ensure that appropriate arrangements can be made where possible.
- The governor/trustee will be asked their reasons for not attending the meeting in person and their attendance virtually will be subject to the approval of the governing/trust board at the beginning of the meeting, though this approval will not be withheld without good reason. Where approval is withheld the reason for this will be minuted, and the governor/trustee informed immediately.
- Governors/trustees attending the meeting either by telephone or video conference will be entitled to vote on any issue providing they have been ‘present’ for the whole agenda item which the vote relates to.
- Where a secret ballot is required this will be facilitated where possible (e.g. by taking a telephone call off speaker phone and the governor/trustee sharing their vote verbally with the clerk). Where this is not possible the governor/trustee will be required either to vote publicly or abstain.
- Governors/trustees attending the meeting virtually will contribute to the quorum for the meeting. If the technological link is lost, they will cease to contribute to the quorum, but this will not prevent the meeting continuing in their absence unless it has become inquorate.
- The meeting will be chaired by a governor/trustee who is present in person.
- If, after all reasonable efforts, it does not prove possible for a governor/trustee to participate by telephone or video conference the meeting may still proceed with its business provided it is otherwise quorate.

Virtual Meetings

- It is expected that unless there are exceptional circumstances the three statutory full governing /trust board meetings and termly scheduled committee meetings will be face to face meetings. However additional and extraordinary meetings can take place via telephone or video conference call as long as the usual quorum of governors/trustees is 'present' on the call.
- Where a meeting is taking place virtually every effort will be made to enable all governors /trustees to access the meeting.
- Where a meeting is taking place virtually the usual statutory notice arrangements will apply and all papers to be considered will be circulated at least seven days in advance of the meeting, except where the chair has exercised his/her right to waive the usual notice in an emergency situation.
- Virtual meetings will be minuted in the same way as other meetings, either by the clerk being present virtually or by a governor /trustee, other than the headteacher / principal / CEO, and these will be presented for approval to the next meeting of the full governing/trust board.
- Virtual meetings should not be recorded by any governor/trustee or the clerk without the approval of the governing/ trust board and for a specified purpose.

Review of this Policy The policy will be reviewed at least annually, but any governor /trustee with any concerns about its operation can request that it is reviewed at any time.

Policy approved by the Governing Body / Trust Board on _____
Review date _____

Pros and cons to consider during the review:

Pros and cons

Pros

- You can set up a meeting quickly
- You don't all need to travel to a certain place to meet
- Members of your board in different regions and countries can meet at short notice. This could be particularly helpful when you're meeting to approve something quickly, such as a tender

Cons

- Tone is harder to convey leading to poorer quality conversations between governors
- Chairs struggle to manage the flow of the conversation owing to time delays
- Your board could overlook someone if they're not physically in the room, leading to the remote attendee not having a say
- The remote attendee can unwittingly disrupt the meeting due to delays
- It could be hard to make sure the conversation is confidential

Mitigate the cons

- Have a clear process in place for what to do if and when these problems arise
- If you intend to embed teleconferencing into your processes, invest in reliable teleconferencing services or equipment
- Clarify that the governor/trustee attending remotely still needs to meet the expectations around confidentiality

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REOPENING OF SCHOOLS

On 10 May the Prime Minister announced a roadmap towards recovery, including plans for the phased return of some children to school from the week commencing 1 June.

<https://www.gov.uk/government/publications/actions-for-educational-and-childcare-settings-to-prepare-for-wider-opening-from-1-june-2020/opening-schools-for-more-children-and-young-people-initial-planning-framework-for-schools-in-england>

The initial prioritisation for returning pupils is Reception, Year 1 and Year 6 at primary; Year 10 and Year 12 at Secondary. This is a significant challenge for schools and their governing bodies. The Local Authority endorses the DfE guidance on emphasising the need for local decision-making to be based on the Health and Safety Risk Assessment arrangements for the wider opening of your school. The Local Authority distributed Risk Assessment templates to schools on 15th May 2020. The guidance reinforces the need for the risk assessments to be completed in discussion with governors, staff, unions and the local authority, and to plan in accordance with the agreed assessment of risks and control measures. The DfE have created a [planning framework](#) to help school leaders and trusts to prepare and decide arrangements for more children returning to school.

DFE guidance states: 'Schools and trusts will need to make their own judgments on how to plan for the safe opening of their settings based on their knowledge of their school community and premises'.

Therefore, it is imperative the governing body/ Trustees formally support and consult with school leaders on the school's Health & Safety Risk Assessment in preparation for reopening. **The Health & Safety Risk Assessment for reopening needs to remain a fluid document that is monitored and reviewed very regularly.**

Example of LA Risk Assessment template for schools

The Local Authority has provided summary guidance for primary schools based on the publication of the DfE documentation which can be accessed here:

<https://www.gov.uk/government/publications/preparing-for-the-wider-opening-of-schools-from-1-june/planning-guide-for-primary-schools>

A summary of DfE guidance 'Planning guide for primary schools'

- Schools are not required to use the guide and may choose to follow alternative approaches to preparing for wider opening, or to use some sections of the guidance alongside other approaches.
- 'We hope that some of these suggestions will be helpful to headteachers who are leading this important work, to support their own decision-making'.
- The guide sets out other options for schools if they are unable to cater for all of the vulnerable children, children of critical workers, nursery children, reception pupils, year 1s and year 6s with their available staff or in their available space.
- The guidance concedes that it may not be possible to open immediately to all the target cohorts either due to staffing shortages or due to accommodation issues.
- It stresses the importance of schools and trusts working closely with parents, staff and unions 'as they normally would', when agreeing the best approaches for their circumstances, and of working with their local authorities 'to determine what services they require and agree on any specific arrangements during this period'.
- It emphasises that the guide does not supersede any legal obligations relating to health and safety, employment or equalities 'and it is important that as an employer you continue to comply with your existing obligations'.
- It says, if a school cannot get enough staffing cover in place, and if an arrangement which enables eligible children to attend consistently at another local school is not manageable, then the school should prioritise groups of children for places as follows:
 - Early years settings - 3 and 4 year olds followed by younger age groups
 - Infant schools - nursery (where applicable) and reception
 - Primary schools - nursery (where applicable), reception and year 1

There does not appear to be a published rationale of the DfE statement that '*Schools should not plan on the basis of a rota system, either daily or weekly.*' Schools should clearly take note of the DfE's wish in this regard but should also be guided by the other statements in the guidance, such as:

- 'Schools are not required to use the guide and may choose to follow alternative approaches to preparing for wider opening, or to use some sections of the guidance alongside other approaches'.
- 'We expect schools and trusts to work closely with parents, staff and unions as they normally would, when agreeing the best approaches for their circumstances, with their local authorities to determine what services they require and agree on any specific arrangements during this period.'
- 'This guide does not supersede any legal obligations relating to health and safety, employment or equalities and it is important that as an employer you continue to comply with your existing obligations'.
- The Local Authority understands that the rationale for a full time offer is to reduce the infection transmission risk by keeping children and staff in the same 'bubble' for the week. However, the DfE acknowledge that initially for some schools (particularly infant and smaller primary schools) this may not be possible.
- Initially, if schools still cannot provide a full offer to the prioritised year groups, schools can consider a partial offer if this is supported by the risk assessment. The risk assessment must be clear about how classrooms will be cleaned for a changeover of pupils at the end of the day. A separate morning and afternoon offer is not advised for cleaning purposes.
- Schools will be expected to plan to scale up any partial offer to a full time offer (again using the prioritisation order of year groups).

If schools are unable to initially to have a year 6 offer, then the Local Authority would support schools to provide an alternative transition offer in partnership with the respective secondary schools.

It cannot be emphasised enough that the Risk Assessment will drive school leaders' and governing bodies'/ trustees' decisions and must be shared with staff. The Local Authority is aware that some employment unions have now issued a checklist to assist staff with asking questions about the preparations for re-

opening and this has been shared with their members. The Local Authority have ensured that the checklist aligns with the Risk Assessment template we shared with all schools on 15th May.

SECONDARY SCHOOLS

At the time of writing, we await further DfE guidance on the reopening of Secondary Schools, prioritising Y10 and Y12 yeargroups, as outlined in the DfE guidance to schools on 10th May 2020.

"From 1 June 2020, we expect that secondary schools and colleges will be able to offer some face to face contact with year 10 and year 12 pupils. This will not be a return to full timetables or pupils back in school or college full time, rather some support to supplement pupils' remote education."

(DfE May 2020)

The Local Authority is working with the Association of Headteachers of Secondary School in Essex (ASHE) to consider the principles upon which reopening can occur.

SPECIAL SCHOOLS

DfE guidance issued regarding Special schools, special post-16 institutions and hospital schools is that these schools should work towards welcoming back as many children and young people as can be safely catered for in their setting from 1 June. These schools may want to prioritise attendance based on key transitions and the impact on life chances and development, and to consider creating part-time attendance rotas so that as many children as possible can benefit from attending their setting. Special settings should work with local authorities and families to ensure that decisions about attendance are informed by existing risk assessments for their children and young people, which should be kept up to date.

Special schools, special post-16 institutions and hospital schools will work towards a phased return of more children and young people without a focus on specific year groups.

<https://www.gov.uk/government/publications/covid-19-school-closures/guidance-for-schools-about-temporarily-closing>

Again, like primary and secondary schools, all aspects of risk should be assessed by school leaders and a comprehensive Health & Safety Risk Assessment for reopening agreed before reopening.

Finally, we include a precis of the guidance distributed both by the DfE and the National Governance Association on 13th May 2020:

- The final decision on whether to invite pupils back will rest with schools and academy trusts. Schools should only invite those pupils back when and if their assessment of the risk is that it is safe for both children and staff to do so.
- Re-opening a school is an operational decision which is taken by school leaders. Any decision made by school leaders will need to take into account the DfE guidance, applying it to the school's individual context.
- There is an expectation that leaders will consult governors who have a role of employers and who have a duty of care for children.
- A full risk assessment is required by the headteacher before making any decisions. It is wise for the headteacher to bring this risk assessment to the governing body for approval.
- It is reasonable for governors to expect the headteacher to have gathered and considered the views of staff and parents. With parents, it is reasonable to expect that their views about responding to an invitation for their child to attend school. These views and information will help to form options.
- There is an expectation that a school leader discusses the options with the chair and the vice chair of the governing body, using them as sounding boards for this very difficult decision.

- In a multi academy trust, headteachers should contact the chair of the committee/local governing board - as well as trust's central executive.
- The governing body, and chairs in particular, may be asked to support the communications to the whole school community – staff, parents and more widely if needed.
- Chairs will be asked to co-sign letters from the headteacher/CEO. This illustrates the importance of the governing body being behind the leader's decision.
- There is a role for governing bodies in constructing, with their senior leaders, confident communications which fit with their school's values and ethos, putting the welfare of pupils at the heart of decision making.
- These are extremely difficult decisions to take. School leaders and chairs of governing bodies should maintain regular contact for this next phase of getting all children back into school. Working together, governors can offer guidance and support for schools.
- All information is subject to change by the government and any further developments.

SEND – Reasonable endeavours

Some aspects of the law on education, health and care (EHC) needs assessments and plans are changing temporarily to give local authorities, health commissioning bodies, education settings and other bodies who contribute to these processes more flexibility in responding to the demands placed on them by coronavirus (COVID-19).

A [notice from the Secretary of State for Education issued under the Coronavirus Act 2020 to modify section 42 of the Children and Families Act 2014](#) (duty to secure special educational provision and health care provision in accordance with EHC plan). The duty on local authorities or health commissioning bodies to secure or arrange the provision is temporarily modified to a duty to use '**reasonable endeavours**' to do so.

The Coronavirus Act 2020 provides for various emergency powers for the Secretary of State for Education. One is that where it is appropriate and proportionate in all the circumstances relating to the incidence or transmission of coronavirus (COVID-19), he may by notice temporarily modify any duty imposed on a person by section 42 of the Children and Families Act 2014 (duty to secure special educational provision and health care provision in accordance with EHC plan).

This duty would then be treated as discharged if the person has used 'reasonable endeavours' to discharge the duty. The [Secretary of State has issued such a notice, to be in force from 1 May to 31 May 2020](#) (inclusive). The Secretary of State can issue a further notice if need be.

The notice does not absolve local authorities (for special educational provision and social care) or health commissioning bodies (for health care provision) of their responsibilities under section 42: rather they must use their '**reasonable endeavours**' to secure or arrange the provision. This means that local authorities and health bodies must consider for each child and young person with an EHC plan what they can reasonably provide in the circumstances during the notice period. For some individuals, this will mean that the provision specified in their plan can continue to be delivered; but for others (because of the impact of coronavirus (COVID-19) on local authorities or health commissioning bodies) the provision may need temporarily to be different to that which is set out in their EHC plan.

1. Usually there is an '**absolute duty**' on Local Authorities and Health Commissioning Groups to provide what is written in an EHC plan. This has been changed as the Government recognises that with most children and young people at home, and many services working in different ways, it may not be possible to deliver what is written in an EHC plan. This means that your child's provision may differ *temporarily* from what is set out in their EHC plan. The change to this 'absolute duty' is effective for one month and then is reviewed to decide whether it needs to continue. When the COVID-19 crisis comes to an end, the modifications to the law will end and once again there will be an 'absolute duty' to provide what is written in your child's EHC plan. We want the best support for all children and young people that is **reasonable and possible**, and we will work with you to make a plan about how we can do this.
2. The second change is to **timescales** in processes such as EHC Needs Assessments and EHC plans. As we are all aware, the NHS is under considerable pressure and the workforce is being redeployed to care for both COVID-19 patients and the most vulnerable. Social Care teams are supporting the people in our communities who most need their support and are supporting families through this crisis. It may not be possible, given these circumstances, to receive advice or replies from teams in the usual timescales and there may be delays. We understand the frustration that this may cause and if there is a delay we will make sure that we keep you informed at every step so that you understand why there has been a delay.

The Local Authority has written to all parents of a child with an Essex EHC Plan and will continue to support schools in the provision of pupils with an EHCP in line with the recent changes in DfE legislation.