

UK Withdrawal from the European Union

The Education People on behalf of Kent County Council

Frequently Asked Questions for Early Years and Childcare Providers

Q. What is the issue?

A. Following attempts by the government to get their EU Treaty agreed by Parliament, the government agreed an extension to UK membership of the EU until 31 October 2019. Unless a third extension is agreed with the EU, the UK will leave the EU on this date, regardless of whether any ameliorative measures or agreements have been put in place. Following the UK withdrawal, there may then be a period of disruption to trade, transport and services, especially if there is no agreement between the UK and the EU concerning future trading arrangements. There are new challenges by this extension, not least of which are the increased likelihood of poorer weather conditions, shorter days, seasonal illnesses and the run up to Christmas.

KCC has therefore produced some guidance for early years and childcare Free Entitlement providers (herein called providers) to help them prepare for this possible scenario.

Q. What do I need to do now?

A. The guidance to providers offers some ideas on preparatory work that will help them maintain business continuity in the event of disruption. The advice is for all providers to work their way through the suggestions.

This exercise would be useful even if the disruption does not materialise as many of the measures have value to ameliorate challenges during other types of emergency.

Q. If on a day where there is significant disruption, I haven't sufficient staff to provide a full service to all the children, what do I do?

A. It is important to be aware of the impact on the community. Just one example is, if a provider closes, it might potentially result in a considerable number of working parents having to leave their place of work to look after their child. These parents may be in an occupation that provides a vital service to the community (e.g. nurses, carers, bus & lorry drivers, social workers, or even teachers themselves). This exacerbates the challenge to the community. During periods of staff shortage due to an emergency, before setting managers decide to close, they could consider.

- An early years setting adopting the 1-13 ratio for 3-4-year olds where they have an Early Years Professional and deploying staff across the rest of the provision
- Asking out of school childcare staff to come in to cover if level 3 or just provide for working families and make up the session for others during other days of the year

Q. What about the safeguarding of our children?

A. Providers should continue to follow their usual safeguarding procedures and ensure all staff and volunteers are familiar with them.

In order to comply with Keeping Children Safe in Education, arrangements will need to be in place to ensure that, even in the event of staff shortages, a trained Designated Safeguarding Lead or deputy is available at all times to discuss safeguarding concerns.

All staff and volunteers also need to be reminded that if in exceptional circumstances a DSL is not available, it should not delay appropriate action being taken and they should seek advice themselves from the Education Safeguarding Service <https://www.kelsi.org.uk/child-protection-and-safeguarding/safeguarding-contacts> or the Front Door on 03000 411111.

Q. Under what circumstances should I consider setting closure?

A. The decision to close a setting is the responsibility of the owner/manager and should be taken following a risk assessment. However, providers should be mindful that any decision to close has an impact on business continuity and the maintenance of essential services. Parents and carers of children may be working in other public and emergency service sectors (including settings, schools and hospitals). If a setting is closed, the parent or carer may be forced to remain away from work to look after their child. This will further deplete the workforce of essential services. Therefore, we would advise settings to remain open, if practical and safe to do so.

If your decision is to close the setting make sure that all children have a safe and reliable way to get home, keep children in a safe place until parents/carers arrive and account for all children.

Q. What if staff cannot get home?

A. Staff members situations will be unique, so you should definitely speak to individual staff to establish whether there are any informal local arrangements that they could use in extreme situations. Options include staying with family, friends or colleagues and if none of these are available, consider alternative accommodation possibilities.

For certain providers, the option of sleeping at the setting could be considered depending on your insurance arrangements and your risk assessment. You should speak to your Human Resources partner now, to request advice on the implication. However, due to the diversity of operations across the sector, many providers will be in rented or leased accommodation and such a course of action may not be feasible.

Q. How do I manage staff absences?

A. In the same way that you manage staff absence during any other emergency. You will have to satisfy yourself that the member of staff has made every effort to get in to work. Depending on people's roles. It is reasonable to request that staff undertake some form of work even if not in the provision.

Q. How do I manage child absences?

A. All children's absences should be clearly recorded on the registers in the same way that you manage children's absence normally

Q. If I record a child as absent, will this affect my funding?

A. Settings should note down the reasons for the child not attending e.g. traffic jam, parent unable to get to work, etc. Depending on the circumstances you may be asked, if possible, to offer families an alternative date for childcare.

Q. What services might be affected?

A. This is difficult to say for certain, although it may help to consider direct and indirect effect. A direct consequence of disruption at the ports and tunnel terminal could cause congestion that might make it difficult for food, fuel and other supplies to be delivered to the providers in a timely manner. An indirect consequence of disruption could see a reduced availability of food, fuel and other supplies, because the amount coming into the country isn't enough to match demand.

Q. How can I ensure that my suppliers have a sufficiently robust Business Continuity Plan. What should I do?

A. You must discuss this with your supplier(s). If following discussion, you are still not reassured, then you should consider whether you need to have another supplier on standby. If you identify any areas of Business Continuity that you cannot reconcile, you should contact your Childcare Sufficiency Officer (group providers) or Childminding Adviser (childminders)

Q. What do we do if our food suppliers are not going to be able to get to the provision today?

A. This is something that needs to be planned for now. Speak to the service provider and ask them this question. Ensure that your service contract allows the capability for you to purchase food 'off contract' if the contractor is unable to fulfil their obligations. You may wish to speak to local suppliers to ascertain whether their stock levels would be sufficient to accommodate your needs in an emergency

Q. We have been informed that our provider cannot offer hot lunches to us today. What should we do?

A. Although it is preferable for children to have hot food, especially as we move into the winter months, there is no legal obligation to do so. It is therefore acceptable for a provider to provide a cold alternative. The obligation to do so remains with your contracted food supplier. Every effort should be made to ensure cold food adheres to dietary requirements, particularly around intolerance, allergy and religious observance. A less desirable, but still workable solution if you have a day or two notice is to ask parents and carers to provide a packed lunch for their child. You should be prepared to source sufficient food for those children who attend without a packed lunch.

You should consider an emergency option whereby you source sufficient food yourselves and look to reclaim any expenditure from your usual supplier.

Q. How will public transport be affected?

A. If the disruption is significant, passenger carrying transport will be affected both operationally and logistically. Heavy traffic will increase the time it takes for minibuses, buses and coaches to get to their destinations. It may also be that buses and/or drivers are not in the correct place at the end of the day, leading to further delays. There is no specific risk to fuel supply due to Brexit, however public perception may result in temporary 'panic buying'. If there are fuel shortages, then this may affect public and other forms of transport. However, if the National Emergency Plan for Fuel (NEP-F) is enacted, it is likely that public and private transport would be prioritised.

Q. We use oil for heating and hot water. Will oil supplies be affected?

A. Fuel oil is delivered by road, so there would be more risk to availability if traffic disruption becomes significant. A suggestion would be that if you think that you will need more fuel in the next three months, you arrange for a delivery before 31 October.

If you do find that you do need a delivery after 31 October, you might talk to your supplier about delivering at quieter times, e.g. late evening or night.

Q. Will it affect Water supplies?

A. This would be very unlikely. Currently the water suppliers are reporting that rainfall has been close to normal levels this year and it is unlikely that water supply will be affected.

Should water supply become compromised during the winter, the water companies can prioritise and provide a supply by tanker or bowser. As at any other time, you should talk directly to your water supplier:

Southern Water	0330 303 0368
South East Water	0333 000 0365
Affinity Water	01303 298 800

Q. Will it affect Gas supplies?

A. This would be very unlikely. Gas comes into the UK mainly via pipe from the North Sea or Europe, with a smaller amount (9%) by seaborne tankers.

A small number of providers use bottled gas that is delivered by road, so there would be more risk to availability if traffic disruption becomes significant.

We would advise that you re-order before 31 October and a little more than usual. Once you have a higher stock level of fuel, you should maintain it for the duration of winter. If you do find that you do need a delivery after 31 October, we would suggest that you talk to your supplier about delivering at quieter times, e.g. late evening or night

Q. Will it affect Electricity supplies?

A. This would be very unlikely. UK electricity is generated mostly in the UK, although some of it is dependent on imported gas.

Q. We have a number of vulnerable children who may be more adversely affected by the challenges that may occur. What advice is available to support these children?

A. Providing detailed advice for all the possible sets of circumstances that could foster vulnerability in children would be unwise, as all children are different. What would be best is to involve these children and their parents or carers, as early as possible. It may be that providing a full clear explanation of what might happen would go some way to reduce anxiety. Consider also, whether it is appropriate to involve medical specialists and social workers. Once you have done all that can be done, conduct a risk assessment using some of the scenarios and examples included in this FAQ.

Q. Our provision is near a motorway. Will we see traffic build up near us?

A. KCC Highways, Kent Police and the Highways Agency have undertaken extensive planning to mitigate the disruption caused by delays at the channel terminals. Several plans are in place that can implement contraflows, fixed parking areas, tourist traffic management and other measures. The plans are dynamic and can be escalated or downgraded depending on how much traffic is trying to get to/from the channel terminals.

If implemented, the plans might see freight traffic being managed on motorways, similar to that seen during Operation Stack. The motorways would be affected, initially the M20, where local traffic will have access via contraflow. Later phases include considering using the Manston airport site or the M26, although these would be only implemented if earlier phases are at capacity.

Q. Our provision is near a main route to the terminals, or a road that could be used by freight trying to get around the traffic management plan. What can we expect?

A. Providers should advise staff and parents to take additional care when trying to cross roads as there may be more vehicles in the area than usual. Parked vehicles reduce visibility so crossing between vehicles should be avoided. Use Zebra, Puffin and Pelican crossings wherever possible. Many freight vehicles will tend to keep their engines running, even when stationary for long periods. For many trucks this is unnecessary, but refrigeration units do need to keep their engine running.

The District Councils monitor air quality. See www.Kentair.org.uk for an immediate picture of the air quality in your area. It is hoped that additional air quality monitoring will be implemented before 31 October. If you notice that the air quality is deteriorating, then it is probably best to move all personnel inside. Once inside the building, substance exposure is reduced by about 90%. To reduce the risk of exposure even lower, check all windows, doors and trickle vents are closed and turn off mechanical ventilation or air conditioning to reduce air circulation.

Q. Our provision is near to an area where lorries are parking. What additional measures should I consider?

A. The main planned lorry park is at Manston, although several other sites may be used if needed. Whilst arrangements will be communicated to support lorry drivers in complying with the traffic management plans, it is quite likely that lorries will find many other unofficial places to park, particularly at night-time. Many of these parked lorries could be in completely unsuitable places. Monitoring parked lorries is the responsibility of the Police or Highways departments, depending on the location.

Q. What if, in spite of our best efforts, we are ultimately forced to close due to disruption caused by Brexit?

Management Information (MI) has agreed that funding will not be withdrawn for single day closures in line with paragraph 8.11 of the Kent Provider Agreement: *“Closures due to circumstances beyond a provider’s control should be notified to MI and the Childcare Sufficiency Officer otherwise funding may need to be returned”*. For longer periods of closure, a setting must, again, explain the circumstances to the Childcare Sufficiency Officer and MI in order to ensure continuity of funding.

Q. I have a teacher/ member of staff who is an EU Citizen. Will their teaching or other relevant qualification be valid?

A. Yes, if their qualification has been recognised in the UK or they have applied for a recognition decision before 31 October. The current system of reciprocal recognition of professional qualifications between the EU, EEA EFTA and Switzerland and the UK will not apply after 31 October, although the Government would seek to get this re-instated as soon as possible. This does not affect those who have already had their qualifications recognised. There will be no retrospective change for people who have already had their EU, EEA EFTA and Swiss professional status and qualifications recognised and been awarded Qualified Teacher Status.

Q. I am finding it a challenge to recruit new early years teachers and/or early years practitioners. Can I still recruit a teacher from the EU?

A. Yes, if the teacher/practitioner has already acquired or applied for qualified teacher status or confirmation their qualification is full and relevant in the UK. Academies can employ teachers without UK qualified teacher status but are advised wherever possible to seek QTS teachers. If you are unable to meet these constraints, then you may have to wait until a new system of qualification recognition reciprocity has been set up by the government.

Q. Will the children of EU nationals be eligible for Free Early Years Entitlements?

A. Brexit does not impact the availability of 30 hours or Tax Free Childcare for EEA nationals who meet the current eligibility criteria. Any future changes will be in line with the future immigration system and will depend on our future agreements with the European Union. The right of Irish nationals to access education in the UK will continue to be protected under the Common Travel Area arrangements.

Q. With who should I /can I discuss this?

A. Initially, you should discuss this with your senior management team, staff and members of your Management Committee/Governors. There will also be some actions that you will need to discuss with parents. There is nothing in this FAQ that is sensitive, although we would not advise that this FAQ is sent to parents as the subject can be very emotive.

General Brexit information

Q. You say, “there may be a period of disruption”? How likely is this?

A. It is difficult to determine in advance of the 31 October, but nearer the time, the likelihood and level of any disruption will become clearer.

If the government agree a withdrawal agreement with the EU, a transition period of 20 months will begin, during which time things will in the main, continue as they are.

If the UK leaves without a deal, it is likely that there will be many last-minute fixes put in place to alleviate some of the challenges. Nevertheless, Government advice stipulates that contingency planning for a “no deal” scenario should plan for a possible 3 months of disruption.

Q. What are the possible impacts on the Country?

A. Currently the UK membership of the European Union allows for free movement of people, goods and services between mainland Europe and the UK. Many international trade deals, to which the UK is party to, are EU agreements. Leaving the EU could remove some or all of these arrangements which may require UK or continental ports to implement more robust customs inspections and import/export checks. There is then the possibility that this could cause supply chain delays, shortages, increased cost of consumables and increased difficulty in accessing services, although the government advice is that this is unlikely.

Q. What are the possible impacts on Kent?

A. Port of Dover and the Channel Tunnel terminal at Folkestone are two of the country’s primary access and egress points for people and goods. If there are delays, then freight traffic may be placed in a holding pattern, called Operation Brock. This plan would see parts of the Kent motorway network and Manston being used as contraflow and holding areas to manage freight traffic build up. The impact of this is threefold.

1. There is the potential to make movement around the county by road much more challenging, even impossible.
2. There might be shortages of food, fuel or services, due to the ability of providers to deliver them.
3. The impact of both the above on the ability of staff to attend work.

Q. When will all this happen?

A. As stated, the Government is planning to keep disruption to a minimum by seeking arrangements with the EU. If there are no arrangements or such measures are in place, then the disruption could begin on 1 November, the day after UK leaves the EU. The contingency planning undertaken by response agencies, suppliers and businesses is intended to reduce any negative effects of leaving the EU.

Q. Are there any other issues that could exacerbate the challenges at the terminals?

A. In the past, there has been disruption at the Channel ports due to protests and blockades from fishing vessels, port staff, farmers and ship crews. There is also a long running protest about a variety of issues that has seen motorway and major road

blockages that impact on the free movement of freight in the area. Although there is no knowledge of such protests being planned after the UK leaves the EU, it is sensible to factor in the possibility. There is a possibility that passenger traffic may also be affected if there are changes to the way in which tourists cross the channel, including an increase in the time it takes to conduct passport checks.

Q. How long will it go on for?

A. The Government is suggesting that the disruption could last three months. However, it would be reasonable to assume that there will be peaks and troughs in the level of the disruption.

Q. I have a query that is not covered by this FAQ. Who can I speak to about this?

A. Your Childcare Sufficiency Officer (group providers) or Childminding Adviser (childminders)