

UK Withdrawal from the European Union

FAQ for Kent Schools

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 updated their original guidance for schools to help them prepare for this possible scenario.

Q. What do I need to do now?

A. The guidance to schools provides some ideas on preparatory work that will help a school maintain its business continuity in the event of disruption. The advice is for all schools 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 education to all the pupils/students, what do I do?

A. It is important to be aware of the impact on the community. For example, if a 2FE primary school closes, it would likely result in several hundred 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, Police Officers, 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 head teachers decide to close, they should consider two alternative courses of action.

First consider suspending normal teaching and instead adopt a 'carer' role, with classes being supervised. The decision on safety is made by the head teacher through a risk assessment and formal decision.

Secondly, consider closure of separate year groups. To use a primary school example again, if you have no Year two teachers but a full team of every other year, then consider just closing the Year 2 class or arrange for the Year 2 class to work with the Year 1s.

Q. If we have to move to a carer role, rather than a teaching role, due to insufficient staff, what are the staff : pupil/student safety ratios?

A. When considering legal safety ratios for a purely caring role, there are no staff : pupil safety ratios. The safety of the pupils/students should be assessed by a formal risk assessment. The important exception to this is when a Year R class has pupils under the age of five. If a class has pupils under the age of five, then

there cannot be more than 30 children per qualified teacher in the class. In addition, two members of staff are the minimum.

If there is formal teaching underway then class size legislation for year R, year 1 and year 2 will still apply.

Q. What about the safeguarding of our pupils?

Schools 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 school closure?

A. The decision to close a school is down to the head teacher. This decision might be taken if, following a risk assessment, the head teacher determines that not only would normal schooling be impossible, moving to a carer role is not possible either. However, head teachers must be mindful of the 'School attendance - Guidance for maintained schools, academies, independent schools and local authorities, September 2018', which states that it is the legal obligation for all head teachers to do whatever they can to remain open, or as open as possible.

Q. What should I do if the school transport is delayed or cancelled, with pupils/students waiting at the school?

A. You should keep the pupils/students inside the school until alternative travel solutions can be put in place. This task falls to the transport provider but implementing alternatives might take some time. You will have to consider ensuring sufficient staff remain on site to care for stranded children. You might also have to consider providing food and drink for any children that are not able to get home.

If transport is not forthcoming, you will have to consider other methods, including asking parents whether they can pick up, and whether they might agree to pick up friends or classmates and take them home as well. Early planning is key to this working, although you should keep safeguarding in mind and take all reasonable steps to ensure the safety of your students/pupils when considering alternative arrangements.

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 extremis. Options include hotels, B and Bs or places for staff to sleep, such as staying with colleagues, friends or family.

The option of sleeping at the school 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.

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. It is reasonable to request that staff undertake some form of work even if not in school.

Q. How do I manage student/pupil absences?

A. In the same way that you manage student/pupil absence in any other emergency. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739764/Guidance_on_school_attendance_Sept_2018.pdf for more information, but most absences should be recorded as Code Y. From the guide:

Code Y: Unable to attend due to exceptional circumstances

This code can be used where a pupil is unable to attend because:

- *The school site, or part of it, is closed due to an unavoidable cause; or*
- *The transport provided by the school or a local authority is not available and where the pupil's home is not within walking distance; or*
- *A local or national emergency has resulted in widespread disruption to travel which has prevented the pupil from attending school.*

Q. But if I use code 'Y' for a pupil who is not in school, will this affect my attendance figures?

A. The Department for Education have confirmed that pupils/students that are coded 'Y' for non-attendance, will not be counted in the school's attendance figures. However, they do advise that for any days when code 'Y' is used, the school maintain a record of the reasons that absent pupils report as the reason for non-attendance. It would be sensible for this practice to be used for any instance where code 'Y' is used, including harsh weather, boiler breakdown, flood, etc.

This is referenced in the Guidance on School Attendance (link above).

Q. What school services might be affected?

A. This is difficult to say for certain as every school is unique. You should consider every service you use, and it may help to consider the delivery of services under the headings of direct and indirect effect.

A direct consequence of disruption at the ports and tunnel terminal could be traffic congestion that might make it difficult for food, fuel and other supplies to be delivered to the schools 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. Going from past experience, I don't think that my suppliers have a sufficiently robust Business Continuity plan. What should I do?

A. You must discuss this with the supplier without delay. 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 the Area Education Officer.

Q. What do we do if our food suppliers are not going to be able to deliver to the school? We only keep enough food for one day.

A. This is something that needs to be planned for now. Speak to your food service provider and ask them this question. You might need to ascertain whether your service contract allows the capability for you to

purchase food 'off contract' if the contractor is unable to fulfil their obligations, notwithstanding the supplier being in breach of contract. You may then wish to speak to other suppliers to ascertain whether their stock levels would be sufficient to accommodate your needs in an emergency.

KCC (through Gen2) has been liaising with the larger service providers. Many suppliers and their partners have re-negotiated and restructured contracts to mitigate risk, where possible. This includes fixing longer term prices, where possible, to minimise impact of cost spikes during Brexit period. They are also working closely with suppliers to identify key EU sourced products and find suitable alternatives from the UK to remove the risk of increased logistical costs and are leveraging supplier partnerships and expertise for the best possible outcomes. In addition to more strategic planning, providers have put contingency plans in place, including increasing product stocks and ring-fencing certain product volumes for their own use. They have established dedicated working groups to monitor Brexit developments and meet regularly to discuss key risk categories and products and how to mitigate risk.

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

A. Although it is preferable for pupils and students 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 school to provide a cold alternative. The obligation to do so remains with your contracted food supplier. You should ascertain as far as possible that any cold food adheres to the pupil/student 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. However, all Schools within the local Authority area must be aware of the need to ensure children who are eligible to receive a free school meal can receive one. Again, you should be prepared to source sufficient food for those children entitled to free school meals and additional food for those pupils/students who attend school 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 and school coaches 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 school transport. However, if the National Emergency Plan for Fuel (NEP-F) is enacted, it is likely that public and school 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 prioritise schools and provide a supply to a school 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 schools 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. How will this impact on school examinations?

A. With the extension moving the EU exit date from March to October, this issue is now a much-reduced risk. DfE guidance indicates that although this issue has been raised with examination bodies, it is unlikely that changes to Examination procedures and conditions will be considered at this time.

Q. Our school is flying a party of Year 11 students to Switzerland for a skiing trip in November. What should we do?

A. Switzerland is not in the EU. There should be no issues about flying to Switzerland, as long as the correct paperwork has been completed. Temporary arrangements have been agreed by the EU to enable travel by UK bound flights through their airspace from third party countries, although latest government advice is now that regardless of the terms of the UK departure, flights to, from or over EU countries will not be affected in the event of the UK leaving the EU without a formal deal. The likely challenge will be at UK airports where you might experience longer queues and delays.

Q. In December, our school is sending a coach of Year 6 pupils to Boulogne for a day trip. We are travelling by ferry. What should we do?

A. It would be premature to suggest cancelling or postponing the trip, but if you do make a decision to go, then you should prepare for longer delays than usual. Ensure that the staff and pupils/students are properly equipped for the trip.

The government has provided guidance for what additional paperwork coach drivers should have:

<https://www.gov.uk/guidance/prepare-to-drive-in-the-eu-after-brexit-bus-and-coach-drivers>

You should query your transport provider to ensure that their coach and driver are compliant.

One very important issue is passports. If a passport has less than six months validity remaining on the date of travel, it will need to be renewed in advance. People with passports of less than 6 months may be refused exit or entry

Consider cancellation insurance to avoid issues with parents in the event that the trip cannot go ahead at the last minute.

Q. We have a number of vulnerable pupils/students 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 exacerbate vulnerability in pupils/students would be unwise, as all children are different. What would be best is to open dialogue with 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 school 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 school 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. The main two concerns are the increased risk of accident as bikes, cars and trucks take risks on their journeys that they might not normally take, and the possibility of reduced air quality due to stationary traffic.

Schools should advise staff, parents and students/pupils to take additional care when trying to crossroads. Parked vehicles reduce visibility so crossing between vehicles should be avoided. Schools should advise using 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 staff and

students inside the school. Once inside the school 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 school is near to an area where lorries are parking. What additional measures should I consider?

A. The planned lorry park is on the Manston site. 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 inappropriate places. Monitoring parked lorries is the responsibility of the Police or Highways departments, depending on the location. If you have any concerns, you should inform the Police by phoning 101.

Q. I have a teacher who is an EU Citizen. Will their teaching 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 2019.

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 2019, 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. 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 teachers. Can I still recruit a teacher from the EU?

A. Yes, if the teacher has already acquired or applied for qualified teacher status in the UK. Depending on their funding agreement, 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 pupils of EU nationals be allowed to apply for a place in a UK school?

A. Yes. Any child living in the UK can apply for and access a school place irrespective of migration status. This will continue after our exit from the EU. The KCC school admissions processes do not take into account either immigration status or nationality and so schools must not deny a child a place on the basis of their nationality or migration status.

The right of Irish nationals to access education in the UK will continue to be protected under the Common Travel Area arrangements.

Q. Can EU Nationals get Free School Meals?

Receipt of certain benefits might also qualify families for free school meals. Parents will need to check if their child can get free school meals by looking at the GOV.UK website.

Q. With whom should I /can I discuss these measures?

A. Initially, you should discuss this with SMT, staff and 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. The Port of Dover and the Channel Tunnel terminal near 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.
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 students/pupils, staff and contractors to attend school.

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, strikes and blockades from fishing vessels, port staff, farmers and ship crews. There is also a long running protest in France about a variety of issues that has seen motorway and major road blockages in France and elsewhere, that would impact on the free movement of freight.

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. Talk to your Area Education Officer, or email: schoolsemergencyplanning@kent.gov.uk