



**Children, Young People and  
Education Directorate**

Sessions House  
County Hall  
MAIDSTONE  
Kent ME14 1XQ

Phone: (03000) 416991  
Ask for: Matt Dunkley  
Email: [matt.dunkley@kent.gov.uk](mailto:matt.dunkley@kent.gov.uk)

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Dear Colleague,

In no time at all we are at the end of another term. Even though this period has been one of uncertainty and many frustrations, I know you will feel the most testing period is yet to come, as next term schools start to welcome back more pupils, in line with the government phased relaxation of lockdown.

As daunting as this may seem, I think we should all take time to reflect on what has been achieved over the last 8 weeks; schools have maintained provision for the children of critical workers and their most vulnerable learners, delivered home learning to over 200,000 children and young people, collaborated with the LA to produce robust guidance and planning tools to assist educational settings in their forward planning. This is no mean feat and it is a credit to all school leaders.

I have a number of important issues to cover in the final letter of term 5 which I hope you will find useful.

Over recent days I have been made aware that many of you have been contacted by unions, setting out their stance in respect of the Government's proposals to increase the numbers of pupils attending schools and in many cases they have made explicit requests for information. Whilst it is important for all schools to maintain an open dialogue with the unions and it is wholly legitimate for unions to request information in respect of your school, you are not obliged to complete the various templates and questionnaires requested. I understand the pressures you are already under and to expect schools to respond to differing requests constantly will only create an unwelcome distraction as you manage your schools through this period.

You will all have access to the guidance issued by Government and the Local Authority and be undertaking your risk assessments with the safety and welfare of your colleagues and pupils at the forefront of any planning you do.

I would therefore advise you offer unions sight of the plans you have already produced in preparation for the 1<sup>st</sup> June and beyond, rather than try to accommodate all individual requests for information.

I can also assure you that there is regular communication between colleagues from within CYPE and KCC Human Resources with unions to discuss these issues.

Additionally, I am aware than many Headteachers have queried the issue of liability with their Area Education Officers following receipt of correspondence from unions. Therefore, I feel I need to clarify the position for schools from the Local Authority's perspective.

For a child, the school owes a duty of care to the pupil in both loco parentis terms, and as a visitor to site. On the former, the parent has made the decision to send the child in and is therefore consenting. They will be as aware of the national issues and debates as the school. Therefore, their case would need to be one of negligence, that the school had fallen short of the standards that could reasonably be expected of it in the circumstances.

For staff, any claim would likely be, as suggested by unions, related to failures under Health and Safety at Work legislation to provide a safe working environment and appropriately consider and mitigate known risks. Any such claim would be made against the employer. Please remember that in Community and VC schools, by virtue of legislation, the Governing Body acts as the first employer, with KCC being the second employer, thus claims may well be made citing both employers. Governing Bodies, Academy Trusts and KCC all have corporate status and your school will have appropriate indemnity insurances in place. Therefore, it is essential communication within the school is clear and Governors are fully aware of the decisions being taking within the school.

If schools can demonstrate they have used best endeavours to adhere to Government and KCC guidance and engage fully in trying to implement appropriate safeguards through risk assessments etc, then their defences will be strong, and the Local Authority would support a school where a claim is brought forward.

It is also important to continue to remind ourselves, the unions and staff that schools across the Country have remained open, and have managed this situation with considerable professionalism since March.

We also need to think about how straightforward it would be for a claim to actually stand up. It is likely to need to prove with some degree of certainty that the person in question actually contracted COVID through working at the school/attending school.

Our message to all headteachers is you have been, and will continue to, manage this situation with safety of staff and pupils as the principal

consideration. We are here to support you plan now and will continue to support you through this crisis.

There have been a number of amendments made to the Return to School Guidance. The table at the bottom of this letter (under my signature) highlights the changes that have been made. The guidance remains on the KELSI Coronavirus page and can be accessed via this link.

<https://www.kelsi.org.uk/news-and-events/news/primary/coronavirus>

Over the last few weeks, the picture has been mixed across the county in respect of the number of Children and Young people in care accessing school provision. However as schools look to admit additional pupils in line with current Government guidance we are working closely with foster carers for all children and young people who fall into the relevant year groups, to assist them in supporting the child or young person in their care to return to school.

We are acutely aware that this may cause anxiety with some foster carers and so I am writing to each of them to explain the situation and to thank them for their co-operation.

We also understand the challenges this next step may pose to schools in certain cases and during these difficult times. Therefore, VSK will liaise with the Social Workers of these children to discuss how they can be prepared for a return to school which will not look or feel the same as the last time they were in school. In turn we would expect the Social Worker to liaise closely with you to ensure you are happy with any arrangements that may need to be made. One suggestion to help some children and young people who need support adapting to change of routines to understand what school will look like on return and to adjust to this, is to provide them with a virtual tour before they return.

We know everyone is likely to be struggling with their mental health during these unprecedented times, not least our children and young people whose lives have been turned upside down due to the lockdown measures in place. As schools, the vital role you play in looking after our children's wellbeing is even more important during this time. You are a trusted source of information for young people and their families and that's why we are asking you to take part in our NHS social media campaign designed for schools to let the children, young people and families of Kent know about the services and support available to them.

The NHS want young people to know it is still here for them and we need you to help spread this message. Your DSLs should previously have received this information.

By clicking on the link below you will find a briefing that sets out the Social Media campaign and what you can do. The campaign has been designed to cover 4 weeks, however, you can be flexible about which posts you share on

which days. The week up to 24<sup>th</sup> May was “week 2” Mental Health Awareness week, so there is still time to get messages out to the young people of Kent.

[https://www.kelsi.org.uk/\\_data/assets/pdf\\_file/0006/108951/Here-For-You-Social-Media-Campaign-school-briefing.pdf](https://www.kelsi.org.uk/_data/assets/pdf_file/0006/108951/Here-For-You-Social-Media-Campaign-school-briefing.pdf)

I hope you all manage to get some form of break over the next week as we wait for further clarity from Government on the next steps for schools. As always, we shall endeavour to keep you updated in a timely fashion as more information becomes available.

Yours sincerely



Matt Dunkley CBE  
Corporate Director, Children, Young People and Education

#### Updates to Return to School Guidance

Where? (Section and subheading)	Change Made
Operational Issues Health and Safety	Addition of information about Health and Safety Policies and HSE classroom checklist
	Introduced information regarding sourcing PPE and PPE Specifications
	Introduced advice regarding shared space
Reporting to parents measures – Primary and Secondary Curriculum	Updated with the guidance published 21 <sup>st</sup> May, with links included
Emotional Wellbeing	STLS Service and Educational Psychology Service have this week updated and developed specific resources to support reintegration
	new Staff Wellbeing Section resource has been developed
	new resource focusing on <a href="#">vulnerable students</a> has been included
<a href="#">Governance</a>	Resolved link to Webinar by Browne Jacobson