

**Diocesan Schools Commissioners
Directors of Religious Education**

DSC and DRE Letters are issued solely to enable you to carry out your education functions on behalf of your diocesan bishop. They often contain information of a sensitive nature and must be respected as private communications and not be shared with any third parties external to the diocese without CES consent.

COVID-19 Update

I refer to Commissioners' Letter 38.20 dated 8 April 2020.

Dioceses and schools have, no doubt, continued to receive information from many sources about the impact of COVID-19 and we have been responding to queries raised by Dioceses on an ongoing basis. Our regular update meetings with the Department are continuing and we will report on guidance that we think is particularly important as and when we think that is useful.

This note provides a roundup of the issues we have raised with the DfE recently and the advice that we have been providing to dioceses based on the intelligence gathered from the issued guidance and our regular briefing meetings.

Complaints

The Department has updated its "Best practice guidance for school complaints procedures 2020" to confirm that it does not expect schools to handle new or existing complaints whilst they are closed. Schools are still expected to engage with parents and pupils where this is possible but complaints do not need to be considered until the government confirms that schools can safely re-open.

https://www.gov.uk/government/publications/school-complaints-procedures?utm_source=76ac3854-1e69-45af-8968-aea62da7a695&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

Funding Questions

We have been asked for guidance about whether schools can access the Coronavirus Job Retention Scheme in scenarios where they have staff whose wages are funded by commercial activities such as lettings or catering income rather than public funds. We asked

the Department for advice on this matter and guidance was published late on Friday. The relevant guidance can be accessed by following this link:

<https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care>

The basic principal is that no organisation should profit from the financial support available and the scheme should therefore only be accessed if the support available is required. Organisations which continue to receive government funding should not furlough staff whose salaries that funding could typically be considered to fund. For schools where there is also an element of private income which ceases or has been reduced it may be appropriate to furlough staff who would typically be paid from that private income subject to 5 conditions:

1. The employee works in an area of the organisation where services are temporarily not required and where their salary is not covered by public funding
2. The employee would otherwise be made redundant or laid off
3. The employee is not involved in delivering provision that has already been funded
4. (Where appropriate), the employee is not required to deliver provision for a child of a critical worker and/or a vulnerable child
5. The grant from the scheme would not lead to financial reserves being created

Prior to using the furlough scheme schools should first seek to make the necessary savings from their existing budget or consider options to redeploy staff before furloughing them. Only after all other potential options have been fully considered should support be sought through the scheme. Schools may wish to review the illustration provided in the guidance. It is important to note that the guidance states that schools are not expected to consider each stream of private income separately, but should instead consider their total income from private sources as a proportion of their total overall income when determining what claim to make to the scheme.

The Department is considering appropriate measures to monitor use of the scheme in order to detect any duplication of funding and it is also working on an online tool to support schools in working through the guidance.

As we stated in our last update, we have been asked by Dioceses for guidance about what schools should be doing in relation to paying their contractors. The guidance linked to above refers to Cabinet Office Procurement Policy Note (PPN 02/20) when agency staffing arrangements are being considered. We are continuing to seek clarity in relation to the PPN from the Department and await further information. We will keep you informed as further guidance on this becomes available, we have been assured by the Department that guidance is currently being drafted and should be available towards the end of the week.

Budget Forecast Updates

The ESFA has advised today that the BFRO return due in May is no longer required to be submitted however the three year forecast is still expected but will be expected in June rather than July. The updated guidance can be found here:

<https://www.gov.uk/guidance/academies-budget-forecast-return>

Recruitment

The Department has not yet issued any further guidance on the question of notice periods. We have chased our colleagues in the Department and we will provide advice to you as soon as we are able to.

Admission Appeals

The relevant regulations have not as yet been laid, the expectation is that they will be published at the end of this week. We will report further as soon as more information is available.

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