

CES Updates and Round UP 8th April 2020

This note is to provide a roundup of the issues being raised with the DfE and the advice that we have been providing to dioceses based on the intelligence gathered from the issued guidance and our regular briefings with the DfE. Those briefings are now taking place weekly and KiT meetings with the DfE Faith Team are taking place on a fortnightly basis. In addition to that, the CES has been engaged in consultation around the Coronavirus Act 2020 and regulations that may arise from it. The CES has also been in discussion with the Welsh Government.

Recruitment

We have had questions from Dioceses concerning the recruitment process and whether it can continue in the current circumstances, and if it can, how it should best be managed. In particular, we have been asked what is going to happen in relation to notice provisions which require that notice needs to be provided by April 30th for head teachers and May 31st for teaching staff.

The current advice from the Department is that schools are responsible for managing their workforce and will need to continue to assess their staffing needs and recruitment requirements. When conducting recruitment activity, schools should have regard to the government's guidance on social distancing which means that face to face interviews will not be possible. Interviews will need to be held virtually or will need to be delayed as appropriate. The Department has agreed to look into the question of notice periods and come back to us with appropriate guidance.

It is worth noting, that it is possible for employers to accept less notice than is provided in an employee's contract of employment but we appreciate that in schools this could cause problems in that it may make it difficult for schools to recruit to fill positions if a consistent approach is not adopted across the board. We will provide further guidance on this issue as soon as it is available. The LGA has published some useful guidance on employment issues and you may wish to refer to that for further guidance on employment related issues: <https://www.local.gov.uk/covid-19-employment-law-faqs>

Admission Appeals

As can be seen from the attached note, the Secretary of State and Welsh Ministers have power, by regulation, to change the requirements around the timing, place and conduct of Local Authority meetings. The meetings referred to in the Act include school admission appeal panels. We expect that regulations will be laid to disapply requirements relating to the conduct of school admission appeals and that guidance about the application of the regulations will also be provided. We anticipate that the regulations and guidance will support admission authorities to hold panels by telephone, video or paper.

Therefore, our advice for the moment is that admission authorities should think about what virtual and/or paper-based processes they will be able to put in place when these regulations are published. It is important that admission authorities think about how accessible any process might be to parents and our advice is that it might be prudent to offer parents an option so that they are able to agree the means that is most accessible for them. Once the regulations and guidance are published we will circulate further information.

Governance

You will have seen the guidance issued by the Department in relation to governance. Governors should not be meeting in person and should be conducting any business that is urgent using virtual meetings. It is important to ensure that any communications with governors, whether by way of virtual meetings or email communication, are secure and we would advise governing bodies to agree a basic protocol setting out how such meetings will be run. Browne Jacobson has produced some useful FAQs for governing bodies which address some of the main concerns.

<https://www.brownejacobson.com/education/training-and-resources/blogs/2020/03/coronavirus-faqs-for-schools-and-academies>

Funding Questions

We have been asked for guidance about what schools should be doing in relation to paying their contractors. The guidance on .gov states “Schools will continue to receive their budgets for the coming year as usual regardless of any periods of partial or complete closure. This will ensure that they are able to continue to pay their staff and meet their other regular financial commitments”. This guidance and the Cabinet Office Procurement Policy Note (PPN 02/20) would suggest that schools should continue to pay those financial commitments that they have budgeted for but arrangements will need to be reviewed on a case by case basis in order to determine what arrangements can be made. We are aware that there may be some disparity between the Cabinet Office guidance and what is expected of schools and/or the advice that is being provided by local authorities. We have asked the Department for further clarity on this point and await further information. We will keep you informed as further guidance on this becomes available.

You should also note the guidance published yesterday setting out the financial support the DfE is putting in place to support schools during this time. Schools will continue to receive their core funding allocations for the 2020-21 financial year regardless of any periods of partial or complete closure. Exceptional funding is being provided for specific items judged likely to be necessary to allow schools to provide appropriate support to children continuing to attend schools under the current arrangements. Eligibility criteria to access the funding are set out in the guidance, *School Funding: exceptional costs associated with coronavirus (COVID-19) for the period March to July 2020*, which can be accessed here: <https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-schools/school-funding-exceptional-costs-associated-with-coronavirus-covid-19-for-the-period-march-to-july-2020>