

Additional LGA Guidance on schools opening 20 May 2020

The government has announced that primary schools in England should be planning to open more widely **from 1 June 2020**. **This LGA guidance deals only with primary schools.**

[The DfE published their planning guide for primary schools on 14 May 2020.](#)

The [LGA published workforce guidance](#) on 15 May 2020.

On 20 May 2020 the LGA released the following press statement:

LGA STATEMENT: SCHOOLS REOPENING PLANS

Cllr Judith Blake, Chair of the Local Government Association's Children and Young People Board, said:

“Councils have worked with all schools to keep them open throughout the coronavirus pandemic for vulnerable children and families of key workers. We know how vital it is for a child's development to be in school, particularly for the most vulnerable children.

“Councils are keen to support their local schools to get children back as soon as possible. However, the safety of children, their families and staff will always be the top priority.

“As there are different COVID-19 infection rates around the country, schools and councils must be able to work together to decide how and when schools open to more children. Some areas may want to work faster than others.

“Councils also need crucial testing data to be shared with them, to help enable greater confidence for teachers and parents around school openings, and powers to manage outbreaks in places like schools, care homes, businesses and communities if new COVID-19 clusters emerge.”

LGA Guidance on key issues:

This issue is extremely complex; therefore, we are providing additional LGA guidance reflecting some of the key issues that our members have asked.

Local authorities will want to refer to the updated DfE guidance “[Actions for schools during the Coronavirus outbreak](#)” which sets out the responsibilities and actions that schools and local authorities are now expected to take. The guidance makes it clear that the government expects that “maintained, academy and independent schools should work with local authorities to ensure provision is available for priority and eligible groups.”

1) Increased pressure on local authorities:

The LGA acknowledges that the guidance regularly refers schools to look to their local authorities for help and support with complex issues during this time. This underlines the desired approach in that there is room for local decision making which

has to be based on what works for the schools including staff, parents/carers and pupils within each local authority. The DfE sets out guidance, but ultimately the risk assessments and decisions taken in responding to extending school provision have to be taken by the schools themselves – with all the information and facts close to hand, a full audit trail recorded and as much support as practicable from local authorities.

2) Who is ultimately responsible for this decision?

The above referenced DfE guidance “[Actions for schools during the Coronavirus outbreak](#)” sets out what schools and local authorities are responsible for. School leaders will obviously be planning how they can respond to the guidance and will be talking to their governing body, trust board, local authority and local trade unions as they develop plans. In which case, schools are doing the local logistical planning while the local authority has a responsibility to ensure they are also comfortable with the plans (based on the risk assessments).

Some local authorities have indicated a slightly longer timetable is needed for the safe re-opening of schools in their area. The DfE guidance said “from” 1 June, and to that end if another week or so makes it much easier to plan and consult, the LGA recommends you take that time.

In addition, the LGA advises that all schools (and local authorities) start from a place of planning positively to open from 1 June, but that if the planning process demonstrates that it is not possible to open from that date, then they should be supported in that decision.

3) Health and safety, employment and equalities legislation

The [DfE planning toolkit for primary schools](#) reminds us all that the guidance “does not supersede any legal obligations relating to health and safety, employment or equalities and it is important that as an employer you continue to comply with your existing obligations, including those relating to individuals with protected characteristics.”

The LGA strongly recommends that all authorities ensure they comply with current relevant legislation. Schools and local authorities should look to follow [PHE advice on social distancing](#), and the situations when masks and PPE is necessary. The DfE have told us that PHE have agreed their guidance documents around opening.

4) Communicating with parents/carers

Clear and regular communications are obviously crucial. Maintaining social distance may not always be possible but that in line with DfE guidance, steps are being taken to manage primary school children in small cohorts with the minimum of additional contacts possible.

5) Insurance liability questions

The LGA is recommending that local authorities check their public liability insurance to confirm, that Covid-19 cases are covered, and legal leads may want to satisfy themselves that the local authority has done all it can to mitigate legal as well as other risks. The LGA advises schools and local authorities to share risk assessment plans with their trade unions and to ensure there is a clear audit trail on prioritising

safety and considering all risks when reaching decisions.

6) **Covid-19 and its potential impact on the BAME community, and others who may be at additional risk:**

The LGA have included particular consideration of potential impacts of Covid-19 on BAME communities in our call for increased local flexibilities – to allow space for this issue to be considered and ensure that all involved are as comfortable as possible with any plans for extending opening. It may be that specific risk assessments are undertaken to additionally limit the risk to some members of the BAME community until we can better understand those concerning statistics from the ONS. This should be included as part of individuals' conversations and risk assessments. Schools will need to make their own judgements on other members of staff who may also be vulnerable, not clinically extremely vulnerable – as far as resources allow.

7) **Staff attendance issues**

This is clearly a huge issue as part of the planning process and may end up influencing the decision about how ready a school is to extend its opening. School leaders should continue to maintain regular communication with all staff. Where a member of staff has anxieties about returning, this should be discussed on a one to one basis, allowing managers to provide as much reassurance and support as possible. We would recommend this issue is dealt with on a case by case and sympathetic basis, with any formal process only being used as a last resort.

In summary:

- Risk assessments carried out by schools, shared with local authorities.
- Risk assessments should be shared (by schools) with local trade unions.
- Risk assessments must adhere to H&S, employment and equalities legislation and PHE guidance.
- Schools need to provide clear communications to parents and carers within their school community and local authorities may be able to help with this.
- Local authorities should give schools and leadership teams the time and support they need to develop plans they are comfortable with.
- Where schools have tried but are demonstrating they have real difficulties with re-opening from the 1 June date, local authorities should continue to support schools.
- The DfE guidance says schools should open "from" 1 June, so schools and local authorities should take the time they need to get this right.
- All schools and local authorities should check their insurance policies and share plans in order to protect themselves against any future issues.
- Attendance issues should be dealt with sympathetically through regular communication.

We continue to have discussions with the DfE and the national Trade Unions, and will issue further updates as soon as possible.

Yours sincerely,

Sarah Ward
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