

REPORT FOR DECISION

DECISION OF:	Cabinet
DATE:	10 June 2020
SUBJECT:	Children & Young People – Resetting the Education Service in Bury / additional support
REPORT FROM:	Councillor Tamoor Tariq, Deputy Leader, Cabinet Member for Children, Young People and Skills
CONTACT OFFICER:	Karen Dolton, Executive Director Children and Young People
TYPE OF DECISION:	CABINET NON KEY DECISION
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report outlines the ongoing work within the Department of Children and Young People to support Schools in the safe return of children to school.
OPTIONS & RECOMMENDED OPTION	<p>Cabinet recommends:</p> <p>Subject to COVID secure health and safety provisions being met, that the target dates for Schools to return, are as follows:</p> <ul style="list-style-type: none"> • no later than 22 June for groups of Reception, Y1 & Y6 and • w/c 15 June for Year 10 <p>Other year groups will return no later than the new academic year, in line with national guidance</p>
IMPLICATIONS:	
Corporate Aims/Policy	Do the proposals accord with the Policy

Framework:	Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no financial implications arising from the report. Costs relating to the running of schools are funded from the Dedicated Schools Grant and funding has continued at anticipated levels. (LK)
Equality/Diversity implications:	
Considered by Monitoring Officer:	Yes - see legal implications as set out in the report. (JW)
Wards Affected:	ALL
Scrutiny Interest:	Overview and Scrutiny Committee

TRACKING/PROCESS

DIRECTOR:

Joint Executive Team	Cabinet Member/Chair Briefed	Ward Members (if necessary)	Partners
	X		
Scrutiny Committee	Other Committee	Council	Comms

1.0 BACKGROUND

- 1.1. This report provides a further update on the progress being made during the Covid-19 pandemic to reset the education service. It presents the conclusions of the latest Public Health England analysis of the Bury position, in a regional and national context.
- 1.2. The report reviews the latest national guidance on pupil return to school and proposes a local response to resetting the education.
- 1.3. The report highlights key issues and concerns which have been identified and it proposes mitigation to secure safe practices, whilst the service is being recovered over the coming weeks and months.

2.0 Preparing for Children to return to School

- 1.4. After the initial disruption of the pandemic, the education service in Bury has remained open to the children of critical workers and to vulnerable children. Schools remain responsible for the pupils on their roll, and each school is

making appropriate arrangements to support distance learning. Some schools have remained open during the half term and Easter breaks to sustain an educational and pastoral link with children and their families.

- 1.5. The Council has had careful regard to all national guidance, including that relating to the return of key groups of children to school. A Council decision to modify government advice on return dates and to provide an additional safety margin, was strongly supported by schools, and parents. There were a small number of complaints.
- 1.6. The additional time gained in Bury through a carefully calibrated return to school has proved valuable in equipping schools with robust risk assessment procedures, based on the Bury Risk Assessment Guidance, a template to support local risk assessment, and a checklist, with support from the Council.
- 1.7. There continues to be daily briefings to schools, daily management planning meetings; weekly school cluster meetings, weekly meetings with unions and associations, and of the Head Teacher Advisory Group. Representative parent groups have been consulted with as have the RSC, the diocesan authorities, and regional bodies including the GM group and specialist groups.

2. The Current Position

- 2.1. A summary of the latest advice from Public Health England on the local patterns, and incidence of Covid 19 gives the following information:
 - Taking all the above in consideration and given the variability of infection rates across the North West, Bury is likely to have an R of just below 1.
 - Bury currently appears to have a higher rate of cases than other areas of GM subject to earlier caveats and therefore changes to R could have relatively more impact.
 - Easing of lockdown appears to be increasing the R level in the NW. As can be seen from March R can go above 1 in a very short space of time and once it does it can take many months and significant measures to bring it down again.
 - The extent to which the R can be held at below one is dependent on how comprehensively our population and organisations within our Borough adhere to guidance and adopt a safety first approach.
 - Whilst current systems for testing, contact tracing and outbreak management have capacity to deal with some increases in cases and outbreaks, further work is needed before the systems can be fully embedded and capable of managing a surge in cases.
- 2.2. The latest guidance statement from central government recognises the significance of local variations in the incidence of the pandemic and it helpfully, if belatedly echoes the Bury Council decision to delay implementation of the return of additional pupils.
- 2.3. The Government's previously stated ambition was for primary schools to begin to re-open to reception age pupils, and those in year one & six, from 1 June 2020, and for all primary age children to be able to return to school by the end of June 2020. For Secondary schools, the ambition was for year 10 students to be able to access face to face tutoring by the 15 June 2020.
- 2.4. On 9 June 2020, the Secretary of State for Education announced changes. Whilst it remains the ambition that schools re-open to a greater number of

children, the expectation in respect of specific year groups, and the return of all primary age children by end of June 2020 has now been relaxed.

- 2.5. In practice, what this means for Bury schools, is that they will continue to plan to accommodate an increased number of children returning to school. This will inevitably mean a balance between the need to see an increase in the number of vulnerable children, including those with education, health and care plans, and potentially an increase in demand for places for the children of key workers, with the ability to then accommodate specific year groups.
- 2.6. Each school's risk assessment will determine the capacity that can be accommodated, how this would be organized to ensure social distances and enable social bubbles to be created to avoid mixing cohorts unnecessarily, and the timing by which this could be achieved.
- 2.7. This is likely to show that primary schools will begin to re-open to an increased number of children from Monday 15 June 2020, but there will be no single model across all schools, but with different schools being able to accommodate both different numbers and combinations of cohorts.
- 2.8. Secondary schools will be able to re-open to their year 10 cohort in a safe manner with effect from 15 June 2020 as originally planned.
- 2.9. Looking forward, we must now concern ourselves with the extended period of time through to September 2020, during which the majority of both primary and secondary age pupils will have been absent from school, to ensure that they are effectively supported by their school, to access learning.

3. Analysis.

- 3.1. Our schools remain open, staff are mainly well, and are appropriately protected. The service is in good heart, although, understandably, colleagues are feeling the strain- particularly where schools have remained open during the Easter and half-term breaks. The local incidence of Covid 19 remains a cause for concern.
- 3.2. We assess the situation as follows:
 - The children of critical workers and vulnerable children continue to attend their local school or centre; and we should encourage an increase in their numbers.
 - Each school has a robust risk assessment to support its professional decisions on receiving pupils, its site management, effective hygiene, and appropriate cleaning arrangements.
 - The Local Authority is receiving a copy of each risk assessment and will work with colleagues in Health and Safety, and with a group of heads, to audit these.
 - Secondary Schools advise that they may be ready to support a partial return of Year 10 pupils from the week beginning 15 June 2020. There will be use of rotas, and phased attendance, where appropriate.
 - Primary Schools will use their discretion of when to open to additional pupils but should all aim to open to some additional pupils from the week beginning 22 June 2020. Again there will be use of rotas, and phasing where appropriate.

- Parents and Carers will exercise their own judgement regarding attendance.
- Pupils will continue to attend the Pru and the specialist hubs.
- Children will continue to attend special schools commensurate with the shielding regimes which have been put in place with the support of the health team; this to protect our most clinically vulnerable pupils.
- Many of our schools have conducted parental surveys to both gauge parental opinion, and to seek to build confidence in the risk assessment arrangements which have been put in place. We anticipate that at least initially, and until confidence is restored, there will be more places available than pupils attending.
- We continue to monitor the local impact of the government's five tests, the test and trace programme, availability of PPE, and availability of local testing.
- The local situation remains dynamic: and can change at short notice.

4. Legal Advice and Implications

The legislative position as an employer and provider of education in the borough is as follows;

Section 35 of the Education Act 2002 specifies that in relation to certain categories of schools, the Local Authority is the employer. This means that in relation to:-

- (a) community schools,
- (b) voluntary controlled schools,
- (c) community special schools, and
- (d) maintained nursery schools.

This means that any teacher or other member of staff who is appointed to work under a contract of employment at a school to which this section applies is to be employed by the local authority.

Health and Safety at Work Act 1974

Section 2 sets out general duties which apply to all employers. In particular:-

- (1) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

The Management of Health and Safety at Work Regulations 1999

3.— Risk assessment

(1) Every employer shall make a suitable and sufficient assessment of—

- (a) the risks to the health and safety of his employees to which they are exposed whilst they are at work; and
- (b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,

For the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions.

Under the **Education Act 2002 – s29 (5)** the governing body and head teacher of—

- (a) a community or voluntary controlled school;
- (b) a community special school; or
- (c) a maintained nursery school;

is required to comply with any direction given to them by the local authority concerning the health and safety of persons on the school's premises or taking part in any school activities elsewhere.

This means that in those circumstances where the Council as employer has concerns with regard to health and safety at a school or schools it has the ability to issue a direction to the school(s) in terms of its continued operation

Section 32 of the Education Act 2002 specifies that it is the Local authority which determines the dates when the school terms and holidays are to begin and end, and the governing body determines the times of the school sessions.

Also Section 175 of the 2002 Act sets out a clear duty for local authorities and governing bodies in relation to welfare of children:-

- (1) A local authority shall make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children.

5. CONCLUSION - Issues, Concerns and Mitigation

- 5.1. The decision of the Council to delay the return of additional pupils and to reset the education service in a careful measured manner has proved to be prudent. Government guidance has validated this decision.
- 5.2. The need now is to maintain our vigilance regarding health, safety and wellbeing; whilst supporting the appropriate return of additional pupils to their schools. Through daily and weekly monitoring with close communications with our key partners in education, we are maintaining a rigorous approach to pupil, staff and community safety.
- 5.3. The advice from Public Health England gives clear indications that locally, the level of risk remains of concern; and it suggests that we should maintain the highest levels of vigilance and safety during the reset.
- 5.4. We accept this advice and will continue to exercise maximum care in our stewardship of the service and the oversight of all schools and centres in Bury where our pupils and staff are either attending, or are likely to attend.
- 5.5. Government advice now endorses local discretion in supporting individual schools and centres to take local decisions on pupil return. We believe that these decisions should be taken by heads, based on robust risk assessment, supported by the local authority, and having regard to the Risk Assessment Guidance which we have prepared and issued.

- 5.6. The arrangements set out in the report to support the gradual return of pupils to their schools and centres are based on our progressive assessment of what is a dynamic situation. The position may change; and if it does so too will our local response.
- 5.7. There are a number of significant areas requiring us to provide thoughtful responses to intricate challenges. In each case only part of the mitigation lies within the authority of the council and its partners.
- 5.8. It is evident that there is a robust, resilient and determined focus among educational professionals to meet this challenge, and to recover the service for our children and young people.
- 5.9. Trust and Confidence: parents, carers staff and other school users will understandably want to be assured that we have in place systematic and rigorous measures to ensure health, safety and well-being. We have embedded our responses to this challenge in the detailed Bury Children's Services Recovery Plan. In addition, we continue to monitor the Test and Trace initiative, the availability of PPE and testing, the incidence of local infections, to implement scenario planning against a Covid 19 spike; and to maintain relevant and rigorous Risk Assessments.
- 5.10. Risk Assessments: each school and centre has a relevant risk assessment. This is developed having regard to the Bury Risk Assessment Guidance, template and checklist. The local authority supports schools in maintaining relevant risk assessments covering each of the fifteen main areas of risk.
- 5.11. In addition the local authority calls for and audits each risk assessment: this to test its rigour, quality and to proof the assessment tools and methodology. The results of these audits are reflected back to the service to ensure standardisation in quality; and relevance in what is a dynamic and rapidly changing situation.
- 5.12. Local Scenario Planning: is being rolled out against the eventuality of a Covid 19 spike in any area of the service. There is regular monitoring of local data trends, of PPE availability and supply, of testing, and of the Track and Trace initiative.
- 5.13. Resourcing the Reset of the Service and recovery in Standards: we know that many in our communities of vulnerable children will have not flourished during the pandemic lockdown.
- 5.14. Our focus is on well-being, on safeguarding and on safety as we begin to recover lost learning opportunities.
- 5.15. In this work we are assisted in having a strong partnership base to the service; with a real sense of collegiality between professionals. We are in this together- and will support each other through the recovery period.
- 5.16. We have been offered, and have accepted additional short-term support from our regional HMI, from the RSC and through some additional government funding. Basically, however we are a sufficient resource for our own service recovery and reset, here in Bury.
- 5.17. It is evident that there is a robust, resilient and determined focus among educational professionals to meet this challenge, and to recover the service for

List of Background Papers:-

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