

DIOCESE OF SALFORD

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Our Ref: SAS/AW

19th May 2020

Dear Colleagues

As you and I have written many times now, these are unprecedented and challenging times for the schools system and those who work with us and not forgetting our families too.

Over the last week, there has been a plethora of guidance from a range of sources but most notably from the department for education (DFE) who have released a number of key documents. All of them in the form of 'non-statutory guidance'. Additionally, a number of professional associations have released their own findings and advice; all are being given deep and serious consideration, but only for that guidance to be regularly superseded or updated. This also adds significant stress.

I wrote to you some weeks ago (as part of the weekly mailing) that we did not intend to replicate information that is already in the public domain. Local authorities have worked very hard with their schools, and diocesan education departments, to produce materials, guidance and practical help to better navigate this period of partial opening. The focus now is on what comes next and how we safely bring more of our children and families back into the school environment.

Some colleagues have asked for a diocesan view of what they should do next. This is set against a national debate between the government, scientific and health advisors, professional associations, the wider public and others. I think it would be helpful to set out the legal position of our schools in relation to opening schools for more pupil groups from 1st June.

From 22 March, statutory education for pupils 5-16 is currently suspended. This means these age groups do not legally have to attend school, although schools have remained open for certain vulnerable groups and the children of 'key workers'. I draw your attention to the guidance published by the DFE, most recently between 15th - 18th May. It is non-statutory guidance and does not have the effect in law of compelling the reopening of the school to pupils. Furthermore, this non-statutory guidance clearly states it is aspirational for schools to open for the listed year groups from 1st June.

The process the diocese education department expects schools to follow is that headteachers (and nominated governors where appropriate) carry out a thorough and comprehensive risk assessment which includes a dialogue with their local authority and insurers. The risk assessment should document any actions that have been or could be taken to mitigate any identified risk(s). This should be legitimately undertaken in a reasonable way which then allows the headteacher to recommend evidentially based conclusions. This must then be considered by the governing board/directors and a decision reached on the next steps to be taken (if any).

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Simon A Smith

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The expectation from the non-statutory guidance is that schools will do what is best for them with due consideration to their context and setting. There have been a full range of responses to recent guidance from local authorities and headteachers and chairs will need to be aware of local decisions that have been taken. At the time of writing, these range from local authorities taking a very firm stance to supporting very localised decisions around compliance with the non-statutory guidance. Typically, there is also significant regional variation between these two parameters.

Any school offer may be driven by questions around which groups of children (and in what order/combination), resources required (the staff/people you have available and those not available or at greater risk and financial resources), timeframes (not on 1st June, but from that date) and any additional support needed.

Diocesan advice therefore is that a legitimate and considered risk assessment must be undertaken and it is then for the governing board/directors to agree how the school will proceed with any broader parental offer.

The education team will continue to be strong advocates to the DFE and RSC Office from the Catholic community for the right, timely information in order to help us do the right thing. For you, it is vital that key decisions taken are evidenced, considered and reasonable but governing boards/directors must not shy away from their legal responsibilities of a duty of care to their pupils and employees. This means the courage to do what they believe to be morally and socially just within the legal frameworks that govern us.

I wish to finish by thanking you for everything you have done for your communities in the last few weeks; we have all come to learn just how difficult and emotionally draining this has been but it is also a chance to live out the gospel and be visible missionary disciples of Christ in all that we do.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S A Smith', with a stylized flourish at the end.

S A Smith
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