



CEO REPORT TO TRUSTEES
THURSDAY 11TH JUNE 2020

1. INTRODUCTION

This paper is written to support the Trustees in their roles and decision making in respect of a wider return to the year groups identified in the Prime Minister's announcement on Sunday 10th May and subsequent announcement, on 28th May, that the five tests are being met and that schools can, therefore, open more widely to children in nursery, reception, year 1, year 6, year 10 and year 12. The guidance is specific that for the older two year groups, remote learning will remain the main form of education delivery. The full statement is available [here](#). Slides to accompany the press conference are available [here](#).

A number of Trust Boards have already met and made this difficult decision given that primary schools were asked to start to open their doors from 1st June. Around 1/3 primary schools, nationally, opened their doors to these additional year groups, or at least some of them, last week. I know Trustees will want to make the best possible decisions at this time and will be understandably concerned about their liabilities.

Liability for health and safety sits with the Trust Board as the employer. So, the Board needs to assure itself that risk has been carefully assessed and will be actively controlled through our planning. If there were to be an incident that caused the Health and Safety Executive (HSE) as the regulator to investigate, the HSE would seek to establish that the Board had taken proportionate and reasonable actions. It is also important to note that the HSE has published a [statement](#) which confirms that the regulatory approach will take *proportionate* account of the risks and challenges arising from the pandemic.

We continue to follow DfE guidance, the SAGE advice, undertake thorough risk assessments, base our plans on risk mitigation, consult with our staff and unions and I believe it would then be hard to argue that we acted with anything other than reasonable care.

2. RECORDING YOUR DECISION

It is important that the Board has minutes that capture the robust nature of the discussion. The Board should be able to show due process in terms of decision making and that it has considered the risk and actions to mitigate the risk before reaching a decision.

3. SPECIFIC ACTIONS TO DATE

Risk assessments – completed and shared via internal communications with all staff and professional associations. These are also available on school/Trust websites for parents.

Clear messaging to Local Governing Board, parents and staff at regular intervals both at local academy level and Trust wide.

4. BROWNE JACOBSON NOTE ON DIRECTORS' LIABILITIES

It is very rare within a school setting for an individual to be prosecuted for breach of health and safety legislation. If claims are brought, they are typically brought against the corporate entity, in this case the Trust Board, not individuals.

In accordance with principles of good governance Trustees should look to adopt a reasonable and proportionate approach to the management of health and safety which might include:

- Taking reasonable steps to make sure our academies are following health and safety policy, procedure and Government or HSE guidance e.g. through regular discussion at board meetings and liaison with the academies.
- Working in close partnership with the Principals and their senior teams to support sensible health and safety management and to challenge as appropriate.
- Promote a sensible approach to health and safety advice where required.
- Ensuring employees have access to adequate training to enable them to carry out their responsibilities.
- Keeping the school opening process under careful and regular review.
- Ensuring that your decision-making process is collaborative and supported by comprehensive records with notes of the steps that are taken in reaching proportionate and reasonable decisions.

5. DECISIONS AND ACTIONS TO TAKE BEFORE OPENING OUR ACADEMIES MORE WIDELY

<p>Health and safety</p>	<ul style="list-style-type: none"> • Carry out statutory site checks, if required (DfE guidance here) – COMPLETED • Assess net capacity assessments/ audits for all sites to determine a safe level of occupation – COMPLETED/NOT COMPLETED • Commission deep cleaning of all sites – COMPLETED • Ensure classrooms and corridors are marked out and signage and safety barriers are put in place (DfE guidance on social distancing here) – COMPLETED • Assess what PPE is required and purchase thereof (guidance on PPE is included in this guidance) – COMPLETED • Agree and commission enhanced cleaning arrangements for each site – likely to include but not limited to toilets to be cleaned after each break and lunchtime, door handles, common equipment and vertical surfaces commonly touched cleaned more frequently, hand sanitiser at school entrance, lidded bins in every classroom double bagged and emptied frequently (guidance on cleaning in non-healthcare settings here and here) – COMPLETED • On a site by site basis, ensure a plan is in place for toilet use (one pupil at a time) and other common spaces e.g. lunch arrangements and outside space/break times – COMPLETED • Agree a policy and procedures should a child or adult fall ill on site, fall ill having recently been on site and/or if a number of people fall ill related to a particular site (DfE guidance on prevention and control here , NHS guidance on what to do if you or someone you live with has coronavirus here, guidance for households with possible coronavirus infection here and guidance on testing here) – COMPLETED • Ensure there is a critical path decision making process in case of the need for further closures, or scaling back operations, to address local infections COMPLETED • Assess transport-related health and safety risks and how these can be mitigated COMPLETED
<p>Pupils and parents</p>	<ul style="list-style-type: none"> • Assess parental confidence and reach evidence-informed assumptions of potential number of pupils returning to each school – assume the maximum number of eligible pupils to ensure your schools can cope even if you believe there will be fewer pupils – COMPLETED • Assess number of pupils with EHC plans returning and ensure arrangements are in place to keep them and the adults with whom they will be working, safe (DfE guidance on children with SEND here and guidance on risk assessments here) – COMPLETED

	<ul style="list-style-type: none"> • Assess the number of vulnerable pupils and ensure appropriate support is in place for them (DfE guidance on supporting vulnerable pupils here) – COMPLETED • Audit wider family services supporting mental health, bereavement, domestic violence etc in order to be able to signpost/refer families where required (Public Health England has published guidance on supporting children and young people’s mental health, Every Mind Matters and advice for groups with specific mental health needs) – COMPLETED
<p>Workforce and HR</p>	<ul style="list-style-type: none"> • Audit staff to determine workforce that can physically return to school and determine who needs a personal consultation i.e. those not shielding, self-isolating, pregnant, clinically vulnerable, showing symptoms or living with any of the above (government guidance on self- isolation, household isolation, social distancing and shielding and protecting people defined on medical grounds as extremely vulnerable) – COMPLETED • Assess staffing requirements to open each school safely, in addition to teaching and support staff, at least one head/ deputy, at least one person with first aid training, at least one person with up to date DSL training, cleaning staff and at least one office staff member – COMPLETED • Agree deployment and responsibilities of staff not physically returning to school – COMPLETED • Agree the in-principle policy for keeping staff who are returning to school safe e.g. rota, limiting contact with groups, provision of safety equipment like hand sanitisers, limiting moving around the school – COMPLETED • Determine whether those staff returning to school sites require updates on protocols and procedures and schedule appropriately – COMPLETED • Consider what arrangements might be put in place for staff wellbeing – both those staff returning to school sites and those working from home – COMPLETED • Consider any amendment to the procedure for staff absence reporting – COMPLETED

<p>Curriculum and timetabling</p>	<ul style="list-style-type: none"> • Agree the curriculum plan for pupils returning to school and those continuing to learn at home – COMPLETED • Plan how key workers’ children and vulnerable children provision will run alongside returning year groups (online learning resources here, Oak National Academy here, technology support here, guidance for parents on supporting home learning here, guidance for parents of children with SEND to support home learning here and EEF best evidence in remote learning can be found here - there is also a summary of findings and a toolkit to support home learning. DfE has also published case studies using various methods to adapt the curriculum for remote education to best meet the needs of pupils and adapt teaching practice for remote education and keep pupils engaged – COMPLETED • Ensure that there is a staffing plan and timetable for each school, including any special arrangements e.g. staggered starting and ending times of the school day, drop off and collection and/or break and lunch arrangements – COMPLETED
<p>Policies and procedures</p>	<ul style="list-style-type: none"> • Review at least the following policies and procedures: <ul style="list-style-type: none"> - Health and safety – COMPLETED/NOT COMPLETED No changes needed - Child protection and safeguarding – check that you have COVID-19 addendum to your child protection policy (general guidance here, guidance for children’s social care services here, safeguarding and remote education here) – COMPLETED AND APPROVED. Please note specific guidance re children’s social care has been incorporated into second addendum rather than a separate document) - Attendance (guidance on attendance during COVID-19 here) – COMPLETED - Behaviour – COMPLETED - Exclusions – COMPLETED • Consider whether enhanced safeguarding and welfare provision needs to be put in place – plan for the potential increase in disclosures and welfare needs including mental health – COMPLETED • Amend procedures for fire drills – COMPLETED • Assess whether any other trust and/or school-based policies and procedures need to be reviewed and amended – COMPLETED

<p>Supply chains and contracts</p>	<ul style="list-style-type: none"> • Reactivate and amend catering and/or cleaning contracts, including bringing staff out of furlough where necessary – COMPLETED • Reactivate supply chains – COMPLETED • Agree free school meals provision and work with your catering supplier to determine how and when food will be arranged and served (DfE guidance on FSM here) – COMPLETED • Agree approach to any scheduled or ongoing building works in relation to safety – COMPLETED
<p>Communications</p>	<ul style="list-style-type: none"> • Plan and agree communications to staff, including but not limited to: <ul style="list-style-type: none"> - Arrangements for keeping staff and pupils safe – COMPLETED - Staff deployment and attendance expectations – COMPLETED - Curriculum and timetabling – COMPLETED - Workload and wellbeing – COMPLETED • Agree systems in place for regular briefings for all staff (those returning to school and those continuing to work from home) – COMPLETED • Plan and agree communications to parents/carers, including but not limited to: <ul style="list-style-type: none"> - Keeping your child safe – COMPLETED - Attendance expectations – COMPLETED - Uniform expectations – COMPLETED - The curriculum – COMPLETED - Transport/dropping off and picking up – COMPLETED - Parents visiting only when strictly necessary, by appointment – COMPLETED • Agree the frequency of communications with parents or delegate to school-level – COMPLETED
<p>Educational impacts</p>	<ul style="list-style-type: none"> • Keep educational impacts under review – ensure a trust-wide plan is in place to assess educational impacts, specifically gaps in learning, and that the plans address these in the short and medium term – COMPLETED

<p>Regulatory environment</p>	<ul style="list-style-type: none"> • Consider the implications of Eileen Milner’s letter to Accounting Officers which advises on the requirements for financial returns, and the AFH requirements, during the COVID-19 crisis – COMPLETED • Agree a plan for internal scrutiny – ESFA has confirmed that it is at boards’ discretion whether remote checks are feasible and helpful in managing risk during COVID-19 – COMPLETED • Keep under review the statutory timescales for returns that have been paused or deferred - ESFA published guidance on reducing burdens which includes a full list of returns that have been cancelled, paused or deferred – COMPLETED
<p>Accountability environment</p>	<ul style="list-style-type: none"> • Scrutinise the executive’s arrangements for teacher assessments and the submission of grades for public examinations (FAQs on the decision around public examinations here. Ofqual has also published information about how GCSEs, AS and A levels will be awarded this summer, an update on summer 2020 GCSEs, AS and A level grades for students in year 10 and below and for private candidates and guidance for teachers, students, parents and carers – COMPLETED

6. ADDITIONAL HEALTH AND SAFETY INFORMATION

Reception Screens

Orders placed. Installations booked for Monday 15th and Tuesday 16th.

Control measures until installation:

- Continued implementation of social distancing and space management, as has happened during opening so far.
- Reducing general traffic by utilising different entrances to school as per school management plans.
- Management of number of visitors, by appointment only. Parents not permitted in reception.
- Reception staff not working for any length of time behind the desk until installation.

7. FINANCIAL IMPACTS

Whilst not forming part of today’s decision making, it is recommended that the following actions are delegated to forthcoming finance committee meetings (22/6/2020) so that Trustees have a clear understanding of the impact on Trust finances.

- Additional cost pressures due to Covid-19
- Whether the Trust is eligible for financial support (guidance has been issued)
- Review Reserve Policy in light of additional costs in 20/21
- Any impact this might have on our 3-year financial strategy
- Additional sources of income
- Review of policy and procedures, if applicable, related to fraud during this continued period of school closure.

8. PARENT COMMUNICATION

Following the outcome of the Trust Board meeting on 11/6/2020, communications will be sent out to all stakeholders with detailed plans being sent out individually by each school.

9. PUBLIC HEALTH ENGLAND

The most recent information published for the West Midlands is that the R rate was around 0.9 (5/6/2020). More granular detail to cover the locations of our schools is not available.

10. RECOMMENDATION

On the basis of our cautious safety-first approach and all the information contained in this report, the recommendation is that we are in a position to open more widely from 15th June. Given the different contexts of each school, notably the availability of staff at our primary schools, a school level response to this wider opening is recommended (see separate attachment for further details).