

"Swine" 'Flu Guidance for Independent Schools

Veale Wasbrough

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Guidance

1 Introduction

- 1.1 **Phase 5 alert:** On 29 April 2009 the World Health Organisation (WHO) raised its alert level to 5 as a result of the international spread of the swine flu virus. This indicates that the WHO considers a global pandemic to be imminent. There is no need for schools to take any drastic action at the present time. However, schools need to be prepared in case the swine flu virus spreads further and begins to significantly affect schools in the UK.
- 1.2 **This guidance note** has been produced specifically for independent schools.
- 1.3 **Government guidance:** This guidance note must be read in conjunction with the DCSF guidance (which is available from www.teachernet.gov.uk/humanflupandemic). In the event that the Government issues emergency plans for schools, these plans must be adhered to.

2 Swine Flu and the Symptoms

- 2.1 **Symptoms:** The symptoms of swine flu are broadly the same as those of ordinary flu, but may be more severe and cause more serious complications. The typical symptoms are:
- sudden fever, and
 - sudden cough.

Other symptoms may include:

- headache,
 - tiredness,
 - chills,
 - aching muscles,
 - limb or joint pain,
 - diarrhoea or stomach upset,
 - sore throat,
 - runny nose,
 - sneezing, and
 - loss of appetite.
- 2.2 **Current Advice:** The NHS currently advise that someone who has recently travelled to Mexico and has flu-like symptoms should stay at home and contact either their GP or NHS Direct on 0845 4647.

3 Keep up to date

- 3.1 **DCSF website:** Schools can keep up to date about the swine flu virus and its effect on schools in the UK by checking the DCSF website at www.dcsf.gov.uk.

4 Policies

- 4.1 **Pandemic Policy:** Schools should produce and publish a policy on what to do on pandemic of disease, including procedures for dealing with outbreaks. This can then be put into action if the swine flu virus does begin to seriously affect schools in the UK. This policy should be

made available to parents on request and should be distributed to relevant staff. In drafting the policy, it can be useful to liaise with a representative from the local authority in order to gather useful information about local procedures and to use Government guidance.

- 4.2 **The school's existing policies** should be reviewed to ensure there is consistency in procedures. In particular policies on illness, health and safety, staff sickness and First Aid should be reviewed.

5 Responsibilities

- 5.1 **Closing the school:** The Governors will ultimately be responsible for deciding when to close (and re-open) the School if the need arises. However this responsibility may be delegated to the Head.
- 5.2 **Other responsibilities:** Consider who will be responsible for contacting parents and staff if the school is to be closed, who will be responsible for arranging cover for teaching and non-teaching staff, who will keep up to date with Government guidance and the latest swine flu situation. Ensure adequate training is carried out.

6 Contacting parents

- 6.1 **Update contact details:** Make sure that the school has up to date contact details for all staff, pupils and their parents, legal guardians or other emergency contacts if relevant. If pupils' parents are overseas they should have an Education Guardian in the UK. If they do not, this must be arranged. Ensure that the school has the Education Guardian's contact details. Consider language barriers and find solutions to these difficulties, possibly by engaging translators' services.
- 6.2 **Contact plans:** Plans should be made regarding how parents will be contacted if the school does close. Options include phoning, radio announcements, automated phone message, email and text. The person responsible (please see section 4.2 above) should be fully prepared and should consider testing the plan in place.
- 6.3 **Template letters:** The school should consider drafting template letters to parents regarding the closing and re-opening of the school.

7 Parent Contract and insurances

- 7.1 **Parent Contract and insurances:** As part of its assessment and management of the risks associated with a pandemic of swine flu, schools should regularly review their terms and conditions of the contract for educational services (the Parent Contract) together with available insurances for losses resulting from business interruption.
- 7.2 **Parent contract:** Schools should ensure that the terms and conditions of the Parent Contract contain an obligation on parents to comply with its rules on the quarantine of pupils and the disclosure of medical information to the School.
- 7.3 **The payment of fees clauses** should state that there will be no refund or waiver of fees in the event that a term is shortened or the pupil is released home early, except at the discretion of the School in exceptional circumstances.
- 7.4 **Force Majeure clauses:** A failure or delay in providing educational services contracted for by the parents and which arises from a closure due to an outbreak of swine flu will normally be a breach of contract. Schools can prevent parents from treating themselves as excused from the contract by including "force majeure" clauses in their terms and conditions covering

certain events which are beyond the reasonable control of the parties. The effect of such clauses is to allow the contract to continue as before once the pandemic has past.

- 7.5 **Insurances:** The school should discuss with their insurers or broker the availability of cover for losses suffered from the interruption of business due to a pandemic of swine flu. Such cover may be available either as part of standard business interruption cover under a combined policy or as an extension to the standard cover provided.

8 Medical Room

- 8.1 Independent schools are legally required to have a medical room which can be used for the care of pupils who feel ill during school hours. Ensure that the room is well stocked and prepared for pupils with the symptoms of flu. Consider whether extra space will be required for effective quarantine of suspected victims and make the necessary plans or preparations.

9 Supplies and cleaning

- 9.1 Ensure that the school is suitably equipped with materials to prevent spread of infection, for example: soap; tissues and tissue disposal units. Ensure that there are adequate cleaning materials and that there is suitable staff to cover cleaning of the School. Be prepared for the need to provide additional cleaning measures.

10 Prepare for the provision of alternative education.

- 10.1 If the School has effective 'Force Majeure' clauses within the Parent Contract (see section 7.4 above) then there will not be a duty to provide alternative education for the initial Force Majeure period. However such a duty will exist in some circumstances and it is advisable to seek independent legal advice on this point. The school may wish to consider how alternative education could be provided if necessary such as the provision of homework and/or online education.

11 Information to Staff

- 11.1 Staff should be appropriately briefed and made aware of the pandemic policy. Staff should be informed that they should not come in if they suffer flu-like symptoms.

12 Staff Absence

- 12.1 Staff absence should be planned for and arrangements for cover should be considered. The School should ensure that the Staff Sickness Policy is adequate and up to date.

13 Boarding Considerations

- 13.1 As boarding schools are closed communities, infection rates are likely to be higher. Therefore boarding schools should ensure they have good contingency plans for closure.
- 13.2 Check education guardianship arrangements for children whose parents are abroad. Guardians should be made aware of their responsibilities in the event that pupils are not able to return home if the school closes.
- 13.3 Prepare for what to do if children cannot return home. This should take account of the need to run the school's boarding provision safely. There should be adequate supervision. The school should also make catering arrangements for pupils and staff who must remain on the school site.

- 13.4 Hygiene arrangements must become a priority, and all staff and pupils must be made aware of the importance of adopting these arrangements at all times.

This guidance note is intended to be of general application and should not replace expert professional advice tailored to your school's specific circumstances. Great care has been taken in the preparation of this guidance but Veale Wasbrough does not accept liability in the event of there being an omission or error.

