

ACCOMMODATING PUPILS OVER EASTER

Schools have asked for guidance relating to accommodating pupils over Easter if the current virus outbreak makes this necessary. BSA, assisted by WISC in Wales and SCIS in Scotland, has sought advice about particular matters of concern:

295 days – Some schools are worried they might fall foul of the requirement (England and Wales) that any school accommodating any pupil for longer than 295 days has to register as a children's home. Please note this does not apply if the school is open for 295 days, but if it has accommodated any individual pupil for longer than 295 days.

14 days in holiday time – In England there is an addition to the private fostering regulations which means that any school which accommodates its boarders (aged under 16) for "a period of more than two weeks" is entering a private fostering arrangement. [Children Act 1989 Schedule 8 paragraph 9 as amended]

The legislative framework differs between the three nations, so advice for England, Scotland and Wales is included below:

ENGLAND

Ofsted cannot give schools permission to breach the 295 day regulation but will be understanding of any special circumstances which have arisen and will not be expecting schools to make an application to register as a children's home.

With regard to accommodating pupils during the holiday, schools must report any potential arrangement to the Local Authority two weeks before it commences. Local authorities are able, under the legislation, to grant an exemption.¹

On both issues schools are strongly urged to get in touch with the relevant authority in good time.

WALES

WISC has obtained the following guidance from Welsh Government and Care Inspectorate Wales:

I have been advised by the Welsh Government that given the exceptional circumstances Care Inspectorate Wales (CIW) would not expect schools to register as children's homes should they exceed the 295 days for pupils unable to return home and having to stay in school due to the risks associated with the Coronavirus. This would only include these pupils and no others and Welsh Government would expect the schools to contact CIW to outline the arrangements in place.

¹ Children Act 1989 Schedule 8 Paragraph 9, sub paragraph 3 and 4

(3) That person shall, not less than two weeks before the first of those children is treated as a private foster child by virtue of this paragraph during the holiday in question, give written notice of his proposal to the local authority within whose area the child is ordinarily resident ("the appropriate authority"), stating the estimated number of the children.

(4) A local authority may exempt any person from the duty of giving notice under sub-paragraph (3)

On Monday (10th) I was also advised that on the advice of Public Health colleagues, as this is an evolving situation Welsh Government have been asked to issue a further update in relation to the coronavirus. The Welsh Government has written to Local Authority Directors of Education asking them to advise all maintained schools to regularly check the Public Health Wales website for the latest advice in respect of novel coronavirus. This is an evolving issue and as proprietors of independent schools in Wales it is important that they are also aware of this advice.

The relevant link is <https://phw.nhs.wales/topics/novel-coronavirus/>

SCOTLAND

For schools in Scotland intending to accommodate pupils over the Easter holiday, SCIS has received the following guidance from Care Inspectorate:

In such unusual circumstances/ 'emergency' situations, where it is in the welfare interests of the young people, we would not want to overly complicate things. We would request that the service reports this to us through an incident notification, detailing the numbers, the reasons for young people staying and all their contingency planning – eg staffing arrangements, risk assessments etc etc. They should also contact their caseholding inspector at the earliest opportunity to discuss these plans.

If any of the schools have a condition of registration explicitly detailing that use of accommodation may only be during term time, they would need to submit a time limited variation request. This could be processed quickly and should not disrupt contingency planning as long as it is assessed as safe.

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