

St Paul's Church of England Primary School Oswaldtwistle



‘Don’t let anyone look down on you because you are young but set an example for the believers in speech; in conduct; in love; in faith and in purity.’ (1 Timothy 4:12)’

Unavoidable Closure Procedures

September 23

Agreed by Governors: October 23

Background

When considering if a school should close temporarily, the Department for Education (DfE) have asked Local Authorities to emphasise to schools that they should endeavour to open their premises and provide a full curriculum, or failing this, that they should provide care for children to enable parents to go to work.

Legal Position

However, there are some exceptional and emergency circumstances that may arise when it is necessary to temporarily close the whole or part of a school. The decision to close will not be taken lightly. However, in view of the nature of unplanned and unexpected events, a decision based on a site specific risk assessment, may be required to be taken on the day of the closure.

The School Standards and Framework Act 1998, Section 38, provides that the conduct of the school shall be under the direction of the Governing Body and that the Headteacher is responsible for the management of the school. Therefore, the decision to close rests with the Headteacher and Governing Body, but schools must consider the Lancashire County Council guidance and should liaise with the Local Authority (and for denominational schools, the appropriate Diocesan/Church Authority).

What the Headteacher should do

The Headteacher must establish the nature of the problem. Whatever the reason for an unavoidable closure, the Headteacher should consult as quickly as possible with the:

- a) Chair of Governors (or in his/her absence the Vice Chair of Governors)
- b) appropriate County Council Officer (or Liaison and Compliance Team) and
- c) Diocesan/Church Authority representative (for denominational schools).

Advice should be sought to ascertain whether the problem can be resolved, thus avoiding any closure, or to ensure that any closure is as brief as possible. The use of one or more training days to ensure continuity of educational provision should be considered.

A decision to close the school (either as a full or partial closure) lies with the Headteacher following a site specific risk assessment. However, the decision to close must take into account Lancashire County Council's guidelines and the decision to close should only be taken following consultation with the relevant parties unless, owing to the emergency nature of the situation or for any other compelling reason, such an agreement cannot be secured. If after due consideration the school is deemed to be unfit to receive pupils, then it would clearly not be possible for the school to meet as intended. Assuming the Headteacher has acted reasonably, this should not place the Headteacher, Governing Body or the Local Authority in any breach of their obligations.

*Where there is **any** doubt concerning the health and safety of pupils and staff, then the Headteacher should err on the side of caution.*

When might a school need to close?

Premises Related Issues

- Breakdown of major equipment (e.g. boiler)
- Fire

- Flood
- Major damage
- Vandalism
- Safety (e.g. asbestos, gas leak, oil spillage)
- Failure of utilities (water, electricity or gas)

Environmental Health Issues

- Pandemics - Schools should be aware that if the reason for closure relates to a pandemic, there is a requirement on Local Authorities to provide information to the Government on a daily basis. This information is then collated to show the position nationally. Schools will be required to inform the Local Authority if they plan to close or partially close as a consequence of a pandemic (including the relevant closure and re-opening dates) and to provide information on the number of pupils/staff clinically diagnosed with 'flu (if known) at the time of the decision to close.
- Epidemics - Success in controlling outbreaks of infectious disease depends upon early recognition and prompt action. In most cases of common childhood infections, the Headteacher will need to ensure that the child stays away from school and be vigilant of further cases occurring. However, if more pupils than would normally be expected are absent from school with suspected or confirmed infections, particularly food poisoning, meningitis, hepatitis, scabies, measles, dysentery or with diarrhoea, vomiting or 'flu like illness, the Public Health England and the Environmental Health Department of the Borough/City/District Council should be informed. Only in exceptional circumstances would they recommend closure of the school.
- Infestations

Emergencies

- Extreme/ adverse weather - Where there is a danger to the pupils /staff at school, or in journeys to and from school, it may be necessary to close the school for the whole or part of the day.
- Bomb alert
- Police action - Directives may be given for schools to close, for example by the police, where there is imminent risk, for example, bomb alert, terrorist action, civil disturbance, chemical leak or spillage. Schools must ensure that they have a clear evacuation procedure that is known and understood by all staff, pupils and visitors. Directives may also be given under the Emergency Planning arrangements for alternative use of the school premises.
- Death of a pupil on the school site. - refer to the LA's specific guidance.
- Health and Safety - If there are any other health and safety problems where the Headteacher feels it may be necessary to close the whole or part of the school, contact the corporate Health, Safety & Wellbeing Team.

Personnel Issues

- Excessive staff absence.
- Industrial action.
- Funeral of staff member, pupil or governor.

(These are exceptional circumstances for the school to close, where the safety of pupils is jeopardised if sufficient supply cover cannot be obtained. In the case of a funeral for a member of staff, pupil or governor this is not normally viewed as a reason for closure. The Authority recommends that there is representation from the school at the funeral, but the closure of the whole school would not be appropriate.)

- Post-accident/incident trauma

Unplanned Events

- Council, General and European elections. - The 'Representation of the People Act 2000' regulates such matters, for example, requirements to close all or part of the school, use of separate entrances etc. For details of whether school is required as a polling station contact the Local Election Contact based in your City/District/Borough Council. The use of school premises for predictable or pre-programmed elections is not to be regarded as an acceptable reason for an unavoidable closure. The dates of elections should be built into the staff training

Possible Alternatives to Closure

(a) Are there any reasonable alternatives to a closure?

For example:

- partial closure of a Key Stage
- the availability of alternative accommodation (e.g. in the church hall or another local school)

(b) Can the Liaison and Compliance Team and Diocesan/Church Authorities assist?

For example:

- Alternative accommodation
- Pastoral/ counselling support from the Diocesan/Church Authority or the Critical Incident Support Team
- Lancashire Well-being Programme
- The provision of transport
- The provision of additional catering

What are not Unavoidable School Closures?

a) Staff Training Days (INSET) Unavoidable closures cannot be used to increase the number of staff training days. The number of training days are laid down by statute and therefore an amendment of the Education (School Day and School Year) (England) Regulations 1999 would be required.

b) Academic Review Days or Target Review Days or Pupil Planning Days Schools that hold an academic review day during school hours and count this day towards the required 190 days may be in breach of the Education (School Day and School Year) (England) Regulations 1999 and The Education (Pupil Registration) (England) Regulations 2006.

c) Phased entries of Reception Pupils The phased entry of reception pupils in primary schools may be in breach of the Education (School Day and School Year) (England) Regulations 1999 and Pupil Registration Regulations 2006, as the school has reduced the number of available teaching sessions.

d) Closures for School Refurbishments, relocations or change of Status The DfE has advised that planning to close a Local Authority maintained school to enable a refurbishment or relocation would not constitute an unavoidable cause for closure and consequently building projects should be planned to avoid such an eventuality.

Immediate Action following a Decision to Close - Who to Inform

Following consultation (including, whenever possible, consultation with the Chair/Vice Chair of Governors), the Headteacher should inform (as appropriate) those listed below of the decision to close and the length of closure. If the closure lasts for longer than 24 hours, the Authority (Liaison and Compliance Team) should be given the updated position on a daily basis.

- Liaison and Compliance Team - In event of closure, the Liaison and Compliance Team must be notified immediately and wherever possible before 10:00 am. If the closure lasts for longer than 24 hours, the school should inform the Liaison and Compliance Team of their circumstances on a daily basis.
- Staff - if unable to attend the school/required to report to school/or undertake appropriate alternative duties/Leave of absence
- Parents/Carers and Pupils - Where an enforced closure occurs on the day the Headteacher must ensure that adequate arrangements are made for the pupils to travel home safely and that adults are at home to receive them. This will require coordination by telephone/text to parents/ carers/ grandparents/ other relatives/ childminders/ friends etc. In some cases it may be necessary for the Headteacher to make alternative arrangements for pupils who are unable to return home, e.g. nearby school, church hall, etc. In some circumstances for schools to consider possible arrangements for providing suitable programmes of work for pupils. Where schools are aware of circumstances in which they have to declare an unavoidable closure in advance of the date in question, they should endeavour to notify parents/carers of this via letter, newsletter, by text message (e.g. group call) or telephone at the earliest opportunity. This should assist parents/carers to make alternative childcare provision." For further advice, Headteachers should talk to the Liaison and Compliance Team (or their Diocesan Officer, as appropriate).
- Diocesan/Church Authorities - Church Schools should keep the relevant Diocesan/Church Authority informed. Contact should also be made with the relevant Diocesan/Church Authority Officer where there are specific building issues.
- Catering Provider - Children in receipt of a free school meal should receive a meal or a packed lunch
- Police - Contact the local police station for their information.
- School Support Services - (If applicable) Cancel or rearrange any peripatetic teaching sessions, swimming, pre-arranged visits, school crossing patrols, etc.
- Capital Strategy & Programme Management Team - If alternative accommodation is required, schools should initially contact the Capital Strategy & Programme Management Team

Method of communication

The school text message service is used to notify parents of unforeseen closures. Information would also be put on the school website, Facebook page and local radio stations.

Follow up Action

1) Headteacher to complete Form NUC/1 (Revised October 2016). Form NUC/1 should be completed and include the reason for the closure; the year groups and number of pupils affected; if staff remained in attendance and consultation with the relevant bodies. Once completed, the form should be returned as soon as practicable to Liaison and Compliance Team at County Hall. This can be:

- via the Schools' Portal - Note: the unavoidable closure facility on the portal calendar should only be used to notify the Authority of a closure and not that a school has reopened on the day on which this occurs. Such an entry would misleadingly appear as a closure on the system. All entries made on the calendar transfer automatically onto the LCC website for general display
- by e-mail
- in hard format.

2) Formal Report to Governing Body - The Headteacher/Chair of Governors should ensure that the closure is reported at the next full meeting of the Governing Body. In receiving the report on the closure, the Governing Body should ensure that:

- The circumstances giving rise to closure have been resolved
- Arrangements made by the school in the event of unavoidable closures are reasonable and satisfactory in respect of pupils, parents/ carers, staff and the school community as a whole
- Steps have been taken to fulfil the requirements relating to the attendance of staff and pupils at the school in the academic year. Refer to:
 - ❖ the pupil attendance regulations and
 - ❖ [http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/f00221879/school-attendance guidelines on staffing in the event of a closure](http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/f00221879/school-attendance%20guidelines%20on%20staffing%20in%20the%20event%20of%20a%20closure)

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