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To Headteachers of all
Schools and Academies in Cheshire East

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Sent by email: 29 November 2023

Emergency School Closures due to bad weather or other unavoidable circumstance

Dear Colleagues

During severe weather conditions, such as extreme heat, flooding, storms, or snow, you should keep your setting open for as many children as possible. However, it might be necessary to close temporarily due to inaccessibility or risk of injury. You should do all you can to reopen as soon as possible.

Where settings are temporarily closed during severe weather, they should provide remote education for the duration of the closure, in line with DfE guidance. Providing remote education does not change the imperative to remain open, or to reopen as soon as possible.

The decision to close a school is made by the headteacher in consultation with the Governors/Trustees. Consideration must be given to the welfare of vulnerable children, those with additional needs and those requiring free school meals. Schools will then follow their own closure procedures for alerting parents and students, and for alerting services suppliers, e.g., school meals, school transport, etc.

In order that correct and consistent information is available to residents, if your school or academy intends to close, please notify schoolgovernance@cheshireeast.gov.uk with a follow-up email when your school re-opens.

Schools may wish to access the emergency planning advice on the GOV.UK website and inform parents using a school to parent contact system or social media.

Appendix 1 *overleaf contains advice on the legal position in relation to school closure, 'make up time' and HR.*

Yours sincerely

L. Collinge

Louise Collinge
School Governance & Liaison

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Advice relating to unavoidable school closures

Local Authority (LA) Maintained schools

Regulation relating to this aspect is provided in 'The Education (School Day and School Year) (England) Regulations 1999'.

Regulation 3(3) of which states:

(3) Where at any time a school is prevented from meeting for one or more sessions for which it was intended that it should meet, and it is not reasonably practicable for arrangements to be made for it to meet at an alternative time for those sessions, the school shall be treated for the purposes of paragraph (2) as if it had met as intended.

Academies and Free schools

The law (The Education School Day and School Year) (England) Regulations 1999 regulating the school day and school year applies only to schools maintained by a local authority and special schools not maintained by a local authority. This law does not apply to academies and free schools.

There are no specific regulations on the length of the school year for academies, although the vast majority of publicly funded schools and academies in England operate according to the School Teachers' Pay and Conditions Document (STPCD) which states that a classroom teacher can only be directed by the headteacher to work for up to a maximum of 1,265 hours over 195 days of the year. A maximum of 190 days involve teaching pupils/students, the remainder being non-teaching days.

In summary

Closure days - of various types – elections, snow days, floods, loss of services, outbreak of infectious diseases etc, **do not have** to be made up. However employers need to be mindful of the requirements of the STPCD, the key impact of which is that teachers may, at the discretion of the employer, be directed to work on closure days.

Therefore, whilst not in statute, the requirement for academies is effectively the same as for LA schools.

LA advice for all schools is that "…*governing boards of LA controlled schools should have regard to the regulation 3(3) which requires a consideration about what is reasonably practicable - for example the reallocation of an INSET day*" if it is not reasonably practicable to replace a missed day then this day should be treated as if the school had met as intended.

Academy schools should have regard to the good practice in terms of making efforts to replace missed days.

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In general, (as per the STPC) teachers must be available for, and may be directed to, work on planned closure days such as election closures. This would also apply to all other school staff if the closure was on a normal working day.

The final decision to close a school for any reason rests with the headteacher, although advice should first be sought from the school's proprietor (either the LA or Trust). This advice is not intended to cover the reasons why, or the thresholds for school closure - these will be complex and individual for each circumstance.

Closure does not require consultation, but schools must inform all relevant stakeholders for example pupils, parents, governors, the LA, trust, diocese, school transport provider, all enrichment providers, catering provider, etc.

Schools may wish to access the emergency planning advice on the GOV.UK website.

Recommended action in the case of a school closure:

- All relevant stakeholders must be informed as soon as the decision is made, all schools and academies should contact schoolgovernance@cheshireeast.gov.uk with details of the closure and its expected duration;
- Consider publication on school to parent contact systems and/or social media;
- Governors should record that a discussion relating to the possibility of rearranging the lost days has taken place.

Prepared by:	School Governance and Liaison
Date:	November 2023
Review date:	November 2024

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