

Coronavirus Act 2020

Educational Continuity (No.5) Direction, 10 August 2020: Guidance note

Background

This fifth Educational Continuity Direction is given under powers conferred by Schedule 17 of the (UK-wide) Coronavirus Act 2020¹ and applies to education authorities.

This Educational Continuity Direction only covers schools managed by an education authority (i.e. not early learning and childcare (ELC), out of school care (OOSC) or schools provided by the private or third sector). Further education institutions managed by education authorities are also excluded.

This Direction is the fifth direction and replaces that given on 22 July. This Direction takes effect from 00:01 10 August and continues to support and provide a legal basis for key decisions of the Covid-19 Education Recovery Group.

This Direction is in place until 30 August 2020. At this stage it is not anticipated that a further direction will be required.

Content of the Direction

Reopening Schools

As set out by the First Minister, in her statement on 30 July 2020, we expect schools to return from 11 August with all pupils to be back at school full time from 18 August at the latest. This updated planning assumption reflects the latest scientific evidence and advice and the significant progress that Scotland has made in suppressing the virus.

We published the scientific advice developed by the COVID-19 Advisory Sub-Group on Education and Children's Issues on 16 July 2020². The advice highlighted Scotland's low prevalence of Covid-19 and concluded that, provided that continues, and with appropriate mitigations in place, the balance of evidence falls strongly in favour of children and young people returning to school. The sub-group will continue to meet regularly and consider the latest evidence, and their advice will be updated as and when the evidence requires.

This direction requires education authorities to ensure that all schools are open for the provision of education to pupils by 18 August.

¹ <http://www.legislation.gov.uk/ukpga/2020/7/contents/enacted/data.htm>

² <https://www.gov.scot/publications/coronavirus-covid-19-advisory-sub-group-on-education-and-childrens-issues/>

Contingency Planning

In the event of a local outbreak of the virus, a school or a number of schools may be closed temporarily to help control transmission. This direction therefore also requires local authorities to prepare contingency plans which can be used immediately in the event of a local coronavirus outbreak. Further guidance on contingency planning is contained in the *Coronavirus (COVID-19): guidance on preparing for the start of the new school term in August 2020*³ published on 30 July.

Further information about the UK-wide Coronavirus Act 2020

The UK-wide Coronavirus Act 2020 gained Royal Assent on 25 March 2020 and became law. The Act can be found here:

<http://www.legislation.gov.uk/ukpga/2020/7/contents/enacted/data.htm>.

This Act includes a requirement on all relevant authorities to have regard to the advice of the Chief Medical Officer for Scotland. It further conferred powers on Scottish Ministers to give 'Educational Closure Directions' or 'Educational Continuity Directions' if necessary and proportionate, and having regard to the advice of the Chief Medical Officer for Scotland.

Scottish Government
August 2020

³ <https://www.gov.scot/publications/coronavirus-covid-19-guidance-preparing-start-new-school-term-august-2020/>