

 **Summary of Brexit Guidance for Schools**

The UK is leaving the EU and the government has issued guidance for schools to help them prepare for the end of the current (Brexit) transition period which ends on 31 December 2020.

The Government has created a home page for all the guidance which schools need to read and absorb regarding the end of the transition period. This is can be found here: [Guidance for schools during the transition period and after 1 January 2021](https://www.gov.uk/government/collections/guidance-for-schools-during-the-transition-period-and-after-1-january-2021). The guidance is being updated on a regular basis, so please do keep checking for any changes.

The guidance is divided into five key sections:

1. [Recruiting and managing teachers and school staff](https://www.gov.uk/government/collections/guidance-for-schools-during-the-transition-period-and-after-1-january-2021#recruiting-and-managing-teachers-and-school-staff)
2. [School places](https://www.gov.uk/government/collections/guidance-for-schools-during-the-transition-period-and-after-1-january-2021#school-places)
3. [Running your school](https://www.gov.uk/government/collections/guidance-for-schools-during-the-transition-period-and-after-1-january-2021#running-your-school)
4. [School trips and exchanges](https://www.gov.uk/government/collections/guidance-for-schools-during-the-transition-period-and-after-1-january-2021#school-trips-and-exchanges)
5. [EU Settlement Scheme](https://www.gov.uk/government/collections/guidance-for-schools-during-the-transition-period-and-after-1-january-2021#eu-settlement-scheme-)
6. **Recruiting and managing teachers and school staff**

**Key Guidance in this Section**

* [Recruit teachers from overseas](https://www.gov.uk/guidance/recruit-teachers-from-overseas)
* [Recruit trainee teachers from overseas: accredited ITT providers](https://www.gov.uk/guidance/recruit-trainee-teachers-from-overseas-accredited-itt-providers)
* [Applying for qualified teacher status (QTS) from 1 January 2021](https://www.gov.uk/guidance/applying-for-qualified-teacher-status-qts-from-1-january-2021)
* [Check someone’s immigration status](https://www.gov.uk/check-immigration-status)
* [Changes to checks for EU sanctions on EEA teachers from 1 January 2021](https://www.gov.uk/guidance/changes-to-checks-for-eu-sanctions-on-eea-teachers-from-1-january-2021)
* [Criminal records checks for overseas applicants](https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants)

**Summary (please see guidance above for full details)**

* In January 2020 the UK will introduce a **points-based immigration system** which will change how teachers who are not UK or Irish nationals are employed. All overseas nationals (except those from Ireland) will be subject to the UK’s points-based immigration system and may need a visa to work in the UK. Different types of visas are explained in detail in the guidance.
* **Staff employed are** **still subject to UK safeguarding checks**, although schools may wish to note that reciprocal arrangements for screening information no longer exist after January 2021 for certain European countries.
* The application process for **criminal records checks or ‘Certificates of Good Character’** for someone from overseas varies from country to country. You’ll have to apply in the country or to the relevant embassy in the UK. All Tier 2 (General) visa applicants who want to work in specified health, education or social care sectors must provide a criminal record certificate.
* **The International Teacher Recruitment Programme will continue to recruit** experienced, qualified and screened international teachers **for the 2020 to 2021 academic year**. Travel restrictions may be in place. The programme is for state-funded secondary schools and academies wishing to recruit maths, physics, computer science, general science and modern foreign languages teachers from Australia, Canada, France, Germany, Jamaica, New Zealand, the USA, South Africa or Spain. Recruitment and acclimatisation costs are funded and those interested are required to work through one of four agencies.
* **The EU Settlement Scheme** allows any citizen of the EEA or Switzerland living in the UK by 31 December 2020 to apply for settled status by 30 June 2021 at the latest. This will allow them to continue living, working and studying in the UK.
* Getting qualified teacher status (QTS) for overseas teachers with a degree but limited teaching experience involves **training on a course that can lead to QTS**. For those with a degree and more than 2 years teaching experience, an assessment-only route without doing more training is possible.
* Qualified teachers from Australia, Canada, The EU, Iceland, Liechtenstein, New Zealand, Northern Ireland, Norway, Scotland, Switzerland, the USA and Wales **can get QTS in England** without having to do teacher training or assessment only.
* Overseas teachers can be employed in maintained schools and non-maintained special schools without QTS under **the ‘4-year rule’** if they have qualified as a teacher by completing a course of recognised teacher training in a country other than the UK.
* **Overseas teachers can teach** **longer than 4 years if they are employed as an instructor** teaching subjects, including vocational training, that require special qualifications or experience (or both). They can also work as teaching assistants (without QTS) for any period of time. However, they are still subject to the same safeguarding checks as all other staff in schools.
* Accredited initial teacher training (ITT) providers can [recruit trainee teachers from overseas](https://www.gov.uk/guidance/recruit-trainee-teachers-from-overseas-accredited-itt-providers) for unsalaried courses by becoming a **licensed visa sponsor** for trainee teachers on a student visa.
* [**Checking someone’s immigration status**](https://www.gov.uk/check-immigration-status) - you can use this service to check someone’s immigration status if you have their ‘share code’. The share code will have been emailed to you or given to you by the person whose status you’re checking. It expires after 30 days. You will also need the person’s date of birth. The service will show if they have the right to: live in the UK, access services like the NHS, apply for benefits, apply for a bank account, loan or credit card in the UK
1. **School Places**

**Key Guidance in this Section**

* [Schools admissions applications from overseas children](https://www.gov.uk/guidance/schools-admissions-applications-from-overseas-children)

**Summary (please see guidance above for full details)**

* In most cases, **children arriving from overseas have the right to attend schools in England**. School admission authorities must not refuse to admit a child on the basis of their nationality or immigration status nor remove them from roll on this basis.
	+ Children aged under 18 are classed as dependent children if they are the children of foreign nationals who have settled status in the UK, or who are entering the UK on a [work visa](https://www.gov.uk/tier-2-general) or [Student visa](https://www.gov.uk/student-visa), or who are part of a family entering or residing in the UK under the immigration route for British National (Overseas) citizens and their dependents. These children are entitled to enter the country with their family, or to join their family and study at a state-funded or independent school once in the UK.
	+ Unaccompanied children entering on a Child Student visa or Student visa may also enter the UK to access a school. They must study at the institution that is sponsoring them.
	+ Irish citizens’ right to live in the UK will not change.
* A **6-month visitor or short-term study visa cannot be used to enter the UK to enrol as a pupil at a schoo**l. Children and Young people entering on a Tier 4 child or Tier 4 student visa, must study at the independent school, sixth form college or further education college which is sponsoring them
* **It is the responsibility of parents to check that their children have a right**, under their visa entry conditions, to study at a school, and local authorities and schools are recommended to advise overseas nationals to check if they have a right to abode or the conditions of their visas otherwise permit them to access a state-funded school.
* If a school is concerned that a child does not have a right to enter the country to access a state-funded school, it must not deny them a place or remove them from the school roll, but should **advise parents to check their rights, or email the Home Office’s school referrals team** at schoolreferrals@homeoffice.gov.uk so they can investigate further.
* **A school admission authority cannot refuse to admit a child** **until the school to which the parents have applied is full** – for example, by reaching its published admission number.
* Parents who are moving/returning to England/the UK and who apply for a place in England **must have their applications for state-funded schools considered**. Where a place is refused, admission authorities must offer an appeal to an independent appeals panel.
* It is recommended that local authority schemes and composite admissions prospectuses include details of the **type of evidence** parents will need to provide to establish that they either already live in the area or intend to return to it in time to take up a school place.
* If an application is made from another country, local authorities should consider the application as **adequate proof of an intention to move/return to the area** and include it within the local authority co-ordinated process
* Where a local authority co-ordinates **in-year applications** on behalf of a school, it should not require applicants to currently live in the area (or the country) before passing the application on to the admission authority for it to consider
* Admission authorities could ask prospective movers/returners where they will be living. School admission authorities and local authorities can decide **what evidence they require from parents** to show that they intend returning to the area,
* **Applications from UK crown servants or military families -** Admission authorities and local authorities must process applications from UK crown servants or UK military families with evidence from their employers or commanding officers that they are returning to the area ahead of any move. They must accept any posting or quartering address as a ‘home’ address in the absence of any actual home address.
* Whilst the same immigration policy applies across all nations within the UK, **each country has its own education system, guidance and laws.**
1. **Running your school**

**Key Guidance in this Section**

* [Data protection for education providers](https://www.gov.uk/guidance/eu-exit-guide-data-protection-for-education-providers)
* [Preparing for food supply problems from 1 January 2021](https://www.gov.uk/government/publications/school-food-standards-resources-for-schools/preparing-for-food-supply-problems-from-1-january-2021)
* [Standards for school food in England](https://www.gov.uk/government/publications/standards-for-school-food-in-england)
* [School food standards: resources for schools](https://www.gov.uk/government/publications/school-food-standards-resources-for-schools)

**Summary (please see guidance above for full details)**

* [**Data protection for education providers**](https://www.gov.uk/guidance/eu-exit-guide-data-protection-for-education-providers) sets out the steps schools and educational institutions should take to ensure they are compliant with data protection laws when the UK has fully left the EU. **The school DPO should read this guidance**.
* It states: ‘There will be **no immediate changes to data protection law** or any new restrictions on sharing data with the EU, Iceland, Liechtenstein, or Norway, from 1 February 2020 (sic)’.
* Ensure that contracts, which include the processing of personal data in the EU, **provide the additional safeguards required**, and where appropriate, standard contractual clauses (SCCs)
* **Schools should continue to ensure they are complying** with GDPR (General Data Protection Regulation of the European Union regulating the processing of personal data) and continue to carry out their own risk reviews. Review and update your Data Protection Impact Assessments (DPIA) and privacy notices. Get legal advice if you are not sure.
* The Information Commissioner’s Office provides an [interactive tool](https://ico.org.uk/for-organisations/data-protection-at-the-end-of-the-transition-period/keep-data-flowing-from-the-eea-to-the-uk-interactive-tool/) for those where cross border data flows are important.
* The new UK [Border Operating Model](https://www.gov.uk/government/publications/the-border-operating-model) will apply to all goods entering the UK from 11pm on 31 December 2020. It is important for all schools, FE colleges and local authorities to **prepare for potential changes to food supplies** so they can minimise the effect on pupils and young people in their care. You should contact any food suppliers before 1 January 2021, to check whether they’ll need to change meals or ingredients and check that their secondary suppliers are prepared.
* The [guidance](https://www.gov.uk/government/publications/standards-for-school-food-in-england) allow you to make changes to school meals but you’ll still need to **meet nutritional standards and meet pupils’ special dietary needs**, manage allergens, provide meals to registered pupils who request one and provide free meals to pupils who qualify.
* **You may need to consider whether changes are necessary**. These might include varying the timing and number of deliveries to allow for transport delays, being flexible, ordering longer shelf life products. You should also ensure that you avoid allergens if you change meals or ingredients.
* [**Standards for school food in England**](https://www.gov.uk/government/publications/standards-for-school-food-in-england) sets out the responsibilities of school governors to promote healthy eating and provide healthy, tasty and nutritious food and drink and has remained largely unchanged since 2015.
* Resources offering practical help on applying school food standards are available through [**School food standards: resources for schools**](https://www.gov.uk/government/publications/school-food-standards-resources-for-schools) and include checklists, posters, toolkits and guides for schools and caterers.
1. **School trips and exchanges**

**Key Guidance in this Section**

* [Visit Europe from 1 January 2021](https://www.gov.uk/visit-europe-1-january-2021)
* [Foreign travel advice](https://www.gov.uk/foreign-travel-advice)
* [Collective (group) passports](https://www.gov.uk/collective-group-passports)
* [Health and safety on educational visits](https://www.gov.uk/collective-group-passports)
* [Driving in the EU from 1 January 2021: bus and coach drivers](https://www.gov.uk/guidance/driving-in-the-eu-from-1-january-2021-bus-and-coach-drivers)
* [Making phone calls and sending texts to EU and EEA countries after the UK leaves the EU](https://www.gov.uk/guidance/making-phone-calls-and-sending-texts-to-eu-and-eea-countries-after-the-uk-leaves-the-eu)
* [Using your mobile in EU and EEA countries after the UK leaves the EU](https://www.gov.uk/guidance/using-your-mobile-in-eu-and-eea-countries-after-the-uk-leaves-the-eu)

**Summary (please see guidance above for full details)**

* Travel to the [EU](https://www.gov.uk/eu-eea), Switzerland, Norway, Iceland or Liechtenstein will change from 1 January 2021. **Make sure you check passports, get travel insurance that covers healthcare and check you have the right driving documents**.
* **The European Health Insurance Card (EHIC) will not be valid** from 1 January 2021.
* On the day you travel, you’ll need passports to both have **at least 6 months left and be less than 10 years old** (even if it has 6 months or more left). This does not apply to Ireland.
* If you’re a tourist, **you will not need a visa for short trips to most EU countries**, Iceland, Liechtenstein, Norway and Switzerland. You’ll be able to stay for up to 90 days in any 180-day period. Check though as different rules apply in certain countries.
* You might need an [international driving permit (IDP)](https://www.gov.uk/guidance/driving-in-the-eu-from-1-january-2021) to drive in some countries.
* Use the **Foreign Travel Advice webpage** to get advice about travelling abroad, including the latest information on coronavirus, safety and security, entry requirements and travel warnings.
* **A collective (or group) passport** is a way for an organised group of young people to make a trip to certain European countries. It costs £39. You can have between 5 and 50 children on a group passport. If there are more than 50 in the group, you can split the group and apply for 2 or more passports. Everyone on the passport must be a [British national](https://www.gov.uk/types-of-british-nationality) and under 18 by the end of the trip. A group leader must be named.
* You need a **Driver Certificate of Professional Competence (CPC) qualification to drive professionally** (e.g. coach driver) in the UK, the EU, Iceland, Liechtenstein, Norway and Switzerland.
* The cap on the cost of calls and texts from the UK to the EU and EEA countries **will no longer apply from 1 January 2021.** Before you make a call or send a text to the EU or EEA countries, check the cost with your fixed-line or mobile operator.
* Surcharge-free roaming when you travel to EU and EEA countries **will no longer be guaranteed from 1 January 2021**. This would include employees of UK companies travelling in the EU for business.
1. **EU Settlement Scheme**

**Key Guidance in this Section**

* [Apply to the EU Settlement Scheme (settled and pre-settled status)](https://www.gov.uk/settled-status-eu-citizens-families)
* [Stay in the UK (‘settled status’): step by step](https://www.gov.uk/eusettledstatus)

**Summary (please see guidance above for full detail**

* If you’re an EU, EEA or Swiss citizen, you and your family can apply to the **EU Settlement Scheme** to continue living in the UK after 30 June 2021. You can also apply if you’re the family member of [an eligible person of Northern Ireland](https://www.gov.uk/settled-status-eu-citizens-families/family-member-eligible-person-from-northern-ireland).
* If your application is successful, you’ll [get either settled or pre-settled status](https://www.gov.uk/settled-status-eu-citizens-families/what-settled-and-presettled-status-means).
* The EEA includes the EU countries and also Iceland, Liechtenstein and Norway.
* You may be able to [stay in the UK without applying](https://www.gov.uk/settled-status-eu-citizens-families/eligibility) - for example, if you’re an Irish citizen or already have indefinite leave to remain.
* **The deadline for applying is 30 June 2021.** You must have started living in the UK by 31 December 2020. It’s free to apply to the scheme.