

17 September 2019

For the attention of:

Local Authority Director of Children's Services and Brexit Lead Officer
Academy Trust Accounting Officer
Proprietors of independent schools

Dear Colleague,

Guidance for schools on leaving the EU

The purpose of this letter is to make sure that you have seen the published Brexit guidance for schools, and to highlight the key actions that local authorities, academy trusts and schools need to take before the UK leaves the EU on 31 October. Although I know that colleagues in local authorities will already be taking steps to prepare for Brexit across the range of services for which they are responsible, this letter specifically regards those preparations as they apply to schools.

The Department for Education (the Department) has already made extensive preparations for Brexit and will continue to work with local authorities, academy trusts and independent schools to ensure all schools have appropriate plans in place to ensure a smooth transition. The latest, comprehensive advice remains the published guidance for all schools, available here:

www.gov.uk/government/publications/eu-exit-no-deal-preparations-for-schools-in-england/eu-exit-no-deal-preparations-for-schools-in-england

Please ensure you have familiarised yourself and your key staff with this guidance. I would also be grateful if local authorities and academy trusts could reach out to headteachers in your schools to ensure they are familiar with the above guidance, and to outline any specific actions they should take, as described below. The Department is actively monitoring all developments as they may affect the education sector and will update the guidance further as necessary.

Survey

As part of wider activity for preparing to leave the EU, we **now require a clearer understanding of school preparedness**. As a priority, therefore, we would be

grateful if you could please arrange for an appropriate person in your local authority or academy trust to complete the following relevant short survey by **Friday 27 September** and also cascade the guidance for schools to complete. Information we receive through this survey will particularly help us to ensure all preparations are in place to leave the EU on 31 October.

Local Authorities: https://www.smartsurvey.co.uk/s/EUExit_LAs_Schools/
Multi-Academy Trusts: https://www.smartsurvey.co.uk/s/EUExit_MATs/

Key actions for schools, academy trusts and local authorities

Pulled out below, for ease, are the key actions schools should take. However, it is still important to read the full guidance to make sure you are aware of all potential implications.

School food

The Government is already engaging with a wide range of school food stakeholders, including working directly with suppliers, to support industry preparedness and ensure continuous supply ahead of 31 October.

Schools should contact their food supplier(s) if they procure food directly (and the same goes for local authorities and academy trusts where they arrange food on behalf of schools) to ensure they are planning for 31 October. This is to ensure that suppliers are making the necessary arrangements to continue the supply of food to schools, and to make sure that schools can continue to meet nutritional standards, accommodate special dietary needs and manage allergies, for example when introducing any substitute products.

Food suppliers will need to be familiar with the guidance the Government has published for the food and drink sector on leaving the EU without a deal:

www.gov.uk/guidance/the-food-and-drink-sector-and-preparing-for-eu-exit

Medicines and medical products

The Department of Health and Social Care has been working with trade bodies, product suppliers, and the health and care system to make detailed plans that should ensure continuation of the supply of medical products to the whole of the UK and its Crown Dependencies in the event of leaving the EU without a deal.

Schools should continue with their normal arrangements for medical supplies to support pupils with health conditions. If schools have any concerns about being able to meet statutory duties relating to SEND, health and safety, or safeguarding, they should work with their local authority or academy trust to ensure there are robust contingency plans are in place.

For specific advice on medicines please refer to the NHS guidance:

<https://www.nhs.uk/conditions/medicines-information/getting-your-medicines-if-theres-no-deal-eu-exit/>

Data protection

If the UK leaves the EU without a deal, the UK will not have in place an Adequacy Agreement for processing personal data and will be classed as a third party under GDPR. There is therefore a chance that a narrow interpretation of the provisions in GDPR could lead to a regulator in an EU country restricting the transfers of UK personal data in the EEA.

It is important, therefore, that schools review their current data protection contracts and policies before 31 October, as they will need to ensure that they have the correct Standard Contractual Clauses (SCC) or other Alternative Transfer Mechanisms to continue to legally receive and process personal data from the EEA. If schools do not complete this action, they may be unable to access personal data stored in the EEA that they require to operate and may find that organisational partners restrict relationships due to regulatory concerns.

For more information please see the Department's guidance, at:

<https://www.gov.uk/guidance/eu-exit-guide-data-protection-for-education-providers>

Further information

The Department will be setting up an Operations Centre to provide guidance and manage any systematic issues across the sector. In the weeks leading up to and after 31 October, local authorities will be given contact details of the Department's Operations Centre. I will contact all local authorities with details of these arrangements in due course. Individual schools should report any issues arising as a result of Brexit to their local authority using their usual lines of reporting, who will be best placed to then notify the Department.

If schools have any questions while preparing for Brexit, further to the published advice noted on page one of this letter, they can contact the Department directly here:

<https://www.gov.uk/contact-dfe>

Finally, thank you for the professionalism and leadership I know you will apply to this period of planning.

Yours sincerely,

Lord Agnew