

Remote Learning Temporary Continuity Direction

On 1 October 2020, the Secretary of State published a new [Temporary Continuity Direction](#), legally requiring schools to provide immediate remote learning for individual pupils and groups of pupils who are unable to attend school due to Covid-19, in effect from 22 October 2020.

This paper aims to answer immediate questions and concerns for school leaders on this new Direction.

What is a Temporary Continuity Direction?

A Temporary Continuity Direction is a new form of legislation that came about through the Coronavirus Act 2020. Specifically, it gives the Secretary of State new legal powers to direct schools to stay open beyond the usual school term dates, and to provide education in different settings, including provision of remote learning.

What does the Remote Learning Direction mean for schools?

The Direction places a legal requirement on schools to provide immediate remote learning for any individual or groups of students who are told to stay at home as part of ongoing Covid-19 protection.

It changes what was previously non-statutory guidance in the DfE's [full Guidance on Opening Schools document](#) to a legal obligation.

Does it mean additional workload? Do schools have to provide online learning?

If schools are already following the government's guidance on school reopening, then the Direction is unlikely to mean additional workload. That being said, it is ASCL's view that the quality expected in the guidance is unworkable while some pupils are self-isolating and the majority are in school. The guidance set out an expectation that schools would be ready to deliver their curriculum remotely by 30 September 2020.

The Direction does not specify that remote learning has to include live virtual lessons, or any other specific remote pedagogies. However, it does require schools to be ready to deliver their full school remotely where there is disruption, and immediately when a pupil or group of pupils cannot attend school. The Direction suggests that schools should have regard to the expectations on the quality of remote learning, set out in the guidance (and outlined in the question 'What is the current government guidance on remote learning?' later in this paper).

Does it apply to all types of schools?

Yes, the Direction applies to all types of state-funded schools including maintained schools, academies and free schools. It does not apply to sixth form or FE colleges.

It also applies to state-funded learners in some independent schools.

Does it apply to FE and sixth form-colleges, and sixth forms?

No, the Direction only applies to pupils in Year 11 and below.

It is a legal requirement, and can it be enforced?

Yes, the Direction places a legal obligation on schools to provide remote learning for individual or groups of students as soon as they are required to stay home due to Covid-19. The wording of the Direction states that the Secretary of State can enforce this by taking institutions that fail to comply with this to the High Court or county court. Whether or not this would ever be tested remains to be seen.

Does it specify the nature or quality expected of remote learning?

No, the Direction does not change the non-statutory guidance on what is expected. The Direction does not define what quality remote learning is, nor any specific criteria that schools will be held accountable against. However, the Direction does say that the expectation on the quality of remote learning remains the same as set out in the guidance.

When does this become law, and for how long for?

The Direction will become law on 22 October 2020, and currently lasts until the end of the 2020-21 school year, unless it is revoked or extended before then.

Does it apply to individual students, groups or whole cohorts?

The Direction makes clear that the legal requirement applies to all pupils whose learning is disrupted by Covid-19 including individual pupils, larger groups and bubbles, larger cohorts, and the whole school population. Schools have an obligation to provide remote learning immediately if any individuals are unable to attend school due to Covid, for example needing to self-isolate, local lockdowns or national 'Tier 2-4' full or partial school closures.

This includes individuals needing to self-isolate, told to stay at home by a public health officer, and pupils unable to attend school due to local or national lockdowns.

Does it apply to all pupil absences?

No, the Direction makes it a legal obligation only to provide remote learning for pupils who cannot attend school because of Covid-related reasons.

Of course, this does not mean that school leaders and teachers cannot extend their remote learning provision to other pupils who are unable to attend school for a variety of reasons.

What is the current government guidance on remote learning?

The following text remains the government's guidance on remote learning, which sets out the quality of remote learning expected:

"In developing these contingency plans, we expect schools to:

- *use a curriculum sequence that allows access to high-quality online and offline resources and teaching videos and that is linked to the school's curriculum expectations*
- *give access to high quality remote education resources*
- *select the online tools that will be consistently used across the school in order to allow interaction, assessment and feedback and make sure staff are trained in their use*
- *provide printed resources, such as textbooks and workbooks, for pupils who do not have suitable online access*
- *recognise that younger pupils and some pupils with SEND may not be able to access remote education without adult support and so schools should work with families to deliver a broad and ambitious curriculum*

When teaching pupils remotely, we expect schools to:

- *set assignments so that pupils have meaningful and ambitious work each day in a number of different subjects*

- *teach a planned and well-sequenced curriculum so that knowledge and skills are built incrementally, with a good level of clarity about what is intended to be taught and practised in each subject*
- *provide frequent, clear explanations of new content, delivered by a teacher in the school or through high-quality curriculum resources or videos*
- *gauge how well pupils are progressing through the curriculum, using questions and other suitable tasks and set a clear expectation on how regularly teachers will check work*
- *enable teachers to adjust the pace or difficulty of what is being taught in response to questions or assessments, including, where necessary, revising material or simplifying explanations to ensure pupils' understanding*
- *plan a programme that is of equivalent length to the core teaching pupils would receive in school, ideally including daily contact with teachers”.*

(The full guidance can be read [here](#).)

What are the implications for school leaders?

Essentially, from 22 October, schools must be prepared to offer remote learning to any student unable to attend school due to Covid-19, including when a majority of the cohort remain in school.

The most significant challenge may be delivering a remote learning ‘of equivalent length’ to the normal curriculum, ‘including daily contact with teachers’, while also delivering a full curriculum in school.

School leaders and governors should consider the workload and welfare of themselves and their staff when implementing this guidance.

What support is available?

The government has set out the support it is giving to schools [here](#). It includes links to free resources, including Oak Academy, and information on which pupils are eligible for laptops.

What is ASCL’s position on this?

ASCL is disappointed that the government felt such legal requirements were needed, when we know the vast majority of schools are already preparing robust remote learning plans alongside their curriculum plans. We are also concerned by the additional workload this places on staff, especially when schools remain open to a majority of students; and by the ongoing challenges presented by the pandemic. We made these points clearly to the DfE over the course of a number of meetings. You can read Geoff Barton’s comment [here](#).

However, as the Direction becomes law on 22 October, it is essential that school and college leaders comply with statutory duties.

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