

## Up-to-speed on: Brexit and schools

The DfE has updated its [advice](#) for schools and colleges on what they should be aware of, and the actions they should take, now that the transition period has ended.

### Key points

The key points are as follows:

1. [The EU Settlement Scheme is open to applications until 30 June 2021](#)
2. [Schools can continue to recruit teaching staff from overseas under the UK's points-based immigration system](#)
3. [Teachers who qualified in the EU, EEA and Switzerland need a letter of professional standing when applying for QTS in the UK](#)
4. **[Updated]** [Schools must undertake further safeguarding checks on applicants that have lived or worked outside the UK](#)
5. [The TRA no longer maintains a list of EEA teachers with sanctions](#)
6. [Children entering the UK are still entitled to access education](#)
7. [Travel to the EU and EEA has changed](#)
8. [Schools should continue with their existing medical arrangements](#)
9. **[Updated]** [The GDPR has been brought into UK law as the 'UK GDPR'](#)

Read on to learn more about each key point.

### The EU Settlement Scheme is open to applications until 30 June 2021

EU, EEA, and Swiss citizens, as well as family members from non-EU, non-EEA and non-Swiss countries, need to apply to the EU Settlement Scheme if they are planning to continue living in the UK after 30 June 2021. The EU Settlement Scheme is open to applications and the deadline for applying is 30 June 2021. You can find out who needs to apply by visiting the [EU Settlement Scheme](#) page.

Irish citizens' right to live and work in the UK has not changed but family members who are not Irish or British citizens need to apply for the EU Settlement Scheme.

Schools, colleges, FE providers and apprenticeship providers can play a part in informing relevant pupils, families and staff about the EU Settlement Scheme using this [toolkit](#).

### Schools can continue to recruit teaching staff from overseas under the UK's points-based immigration system

The UK has introduced a points-based immigration system. The process for employing teachers who are UK or Irish nationals has not changed. Schools can continue to recruit

teaching staff from overseas under the new system through a number of channels, including the following:

### **Schools sponsor teachers overseas in their application for a Skilled Worker visa**

- This visa route is currently open for applications.
- The following conditions must also be met:
  - The school is a licensed Home Office employer sponsor – check this [here](#), or apply [here](#)
  - The school has offered the overseas teacher a teaching job
  - The overseas teacher can speak, read, write and understand English
  - The role pays at least £20,480 or the relevant minimum rate for teachers in England, whichever is higher

### **The teacher overseas applies for a Graduate visa**

- This visa route will open in Summer 2021.
- To qualify, the teacher must have completed their degree in the UK and been sponsored by a Home Office licensed student sponsor.
- This visa route will permit foreign national teachers to work as a teacher for up to two years after completing their studies. They will be able to apply to move to another visa route at the end of this period.

### **The teacher overseas applies for a [Youth Mobility Scheme visa](#)**

- The school does not need to be a sponsoring employer in this instance.
- This visa route lasts up to two years and is available to young people aged 18-30 who are from certain countries.

The international teacher recruitment programme will commence in January 2021. The programme offers state-funded secondary schools and academies in England help to recruit teachers in maths, physics, computer science, general science and MFL. The DfE will fund the recruitment costs but schools will need to fund the appointed teachers' salaries. Schools can apply for the programme at one of the following four agencies:

- [Point to Point Education](#)
- [Prospero Teaching](#)
- [Quantum Scholars](#)
- [Randstad Education](#)

For unsalaried trainee teachers from overseas, they can apply for a Student visa. State-funded schools cannot sponsor a Student visa. For salaried trainee teachers from overseas, they can apply for a Skilled Worker visa. State-funded schools can sponsor a Skilled Worker visa. More information about recruiting trainee teachers from overseas can be found [here](#).



### **Teachers who qualified in the EU, EEA and Switzerland need a letter of professional standing when applying for QTS in the UK**

EU, EEA and Swiss professionals who already have qualified teacher status (QTS) in the UK continue to hold QTS.

Teachers who qualified in any of the above countries now need to provide a letter of professional standing when they apply for QTS in the UK. This letter needs to be from the professional regulating authority in the country in which the applicant qualified.

The UK government will no longer consider applications for partial QTS from teachers qualified in the EU, EEA or Switzerland. Instead, applicants are required to apply to full QTS in order to take up a teaching post in a special school or in a specialist unit of a mainstream school.



## **[Updated] Schools must undertake further safeguarding checks on applicants who have lived or worked outside the UK**

Schools must undertake the safeguarding checks set out in the safer recruitment requirements of '[Keeping children safe in education](#)' (KCSIE) for all applicants.

**[New]** The DfE has now updated KCSIE to include the requirements for schools to undertake further safeguarding checks on applicants who have lived or worked outside the UK. Schools need to update their Child Protection and Safeguarding Policy to reflect this.

For applicants who have lived or worked outside the UK, schools are required to undertake any further checks they feel appropriate, including obtaining an enhanced DBS certificate with barred list information.

For more information, schools can consult the Home Office's [guidance](#) on criminal records checks for overseas applicants.

Our [Safer Recruitment Policy](#) and [Child Protection and Safeguarding Policy](#) templates set out the safeguarding requirements schools should have regard for during this process.



## **The TRA no longer maintains a list of EEA teachers with sanctions**

The TRA has ceased to maintain a list of EEA teachers with sanctions. Instead, schools recruiting teaching staff from the EEA must carry out the additional safeguarding checks set out above. The overseas applicant must also provide evidence of their past conduct as a teacher, which should be in the form of a letter of professional standing from the professional regulating authority of the country in which the applicant worked.



## **Children entering the UK are still entitled to access education**

Any child living in the UK has access to a school place in England regardless of their nationality or immigration status – this has not changed. The right of Irish nationals to access education in the UK continues to be protected.

EU, EEA and Swiss nationals are now unable to enter the UK for the sole purpose of attending a state-funded school. This change does not prevent children who are entering the UK for another purpose, for example, as a dependant of a worker or a student, from being eligible for a school place.

UK nationals with children who return from the EU continue to be entitled to apply for a school place.

Unaccompanied children may enter the UK to access a school. Unaccompanied children entering the UK on a Child Student visa or Student visa must attend the school or college which is sponsoring them.



## Travel to the EU and EEA has changed

**Please note:** during the period of national lockdown from 5 January 2021, no school travel is permitted.

Schools are advised to read the government's advice on [visiting Europe from 1 January 2021](#) and their guide to [accessing healthcare whilst studying or travelling abroad for UK nationals](#) if they are planning trips to Europe from 1 January 2020.

[Foreign travel advice](#) is available for the latest updates on specific countries. There is also an option to sign up for an email alert [subscription](#) for foreign travel advice for your relevant country.

Schools should also check that their planned destination is an available option, and what other health and safety measures may be required as a result of the coronavirus (COVID-19) pandemic – travel advice is available [here](#).

If you are arranging school travel to the EU with sport, exhibition or other equipment, please check the [guidance](#) on taking equipment to the EU.

If you are travelling to the EU by coach, the current rules for international bus and coach drivers continues to apply during the transition period.

Schools should check which countries still accept UK school groups travelling on a [List of Travellers visa scheme](#).



## Schools should continue with their existing medical arrangements

The government is working closely with the NHS and its suppliers to help ensure the continued supply of medicines and medical devices into the UK. You should continue with your normal arrangements for medical supplies to support pupils with health conditions.

If you have any concerns regarding meeting statutory duties relating to SEND, health and safety or safeguarding, you should work with your LA or academy trust to ensure robust contingency plans are in place.



## [Updated] The GDPR has been brought into UK law as the UK GDPR

**[Updated]** Under the European Union (Withdrawal Agreement) Act 2020, the GDPR has now been brought into UK law as the UK GDPR. The Information Commissioner's Office (ICO) remains the UK's independent authority on data protection.

**[New]** There are now two GDPR documents schools in the UK need to be aware of: the UK GDPR and the EU GDPR. The UK GDPR and the EU GDPR are substantively very similar. The Data Protection Act (DPA) 2018 continues to apply to data transferred within or from the UK.

**[New]** The regulations apply to data controllers and processors according to the circumstances described below.

Data controllers and processors follow the UK GDPR (and the DPA 2018) where:

- As UK data controllers, they collect, store or process the personal data of individuals residing in the UK.
- As non-UK data controllers, they offer goods or services to, or monitor the behaviour of, UK residents.

Data controllers and processors follow the EU GDPR where:

- They collect, store or process the personal data of individuals residing in the EU.
- As non-EU data controllers, they offer goods or services to, or monitor the behaviour of, EU residents.

To continue lawfully sharing personal data schools are advised to:

- Continue to carry out their own risk review.
- Get legal advice if they are unsure.
- Ensure they comply with the relevant legislation.
- Use the [ICO's resources](#) to determine if they need to make any changes.

If schools transfer data within the EU and EEA, they should:

- Read the [ICO's advice](#) on data protection and the EU GDPR. They may need to make some changes, e.g. appoint an EU representative.
- Reassure people with whom they share personal data in the EU and EEA that they can continue to do so lawfully, since the UK continues to allow personal data to be sent from the UK to the EU and EEA.
- Identify instances where data is received from the EU and EEA and, for each incident, identify who the data controllers and processors are, and where the data is stored.
- Consider whether Standard Contractual Clauses (SCCs) are suitable, for example, if a data controller is based in the EU and/or EEA.
- In addition to any existing contracts, schools need to ensure that any new contract put in place (that includes the processing of personal data in the EU) provides the additional safeguards required.
- Ensure that all documentation, such as data protection impact assessments (DPIA) and privacy notices, are up-to-date, to reflect any changes that have been made to working practices.



## **[Updated] What's next?**

- The government's [Brexit](#) website contains all the latest advice on Brexit.
- The ICO has set out [what organisations should be doing](#) with regards to data protection.
- **[New]** Schools need to update their Child Protection and Safety Policy in line with the changes to 'Keeping children safe in education (2020)' (KCSIE). Use our [template policy](#) to ensure you are compliant with the changes.
- Add this article to your 'Watch list' to be notified of any updates as they come.

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