



The Coronavirus Act 2020 Provision of Remote Education (England) Temporary Continuity (No.2) Direction – Explanatory Note

This document explains the purpose of the various provisions within the [Coronavirus Act 2020 Provision of Remote Education \(England\) Temporary Continuity \(No.2\) Direction](#) ('the Direction').

Overview

The coronavirus (COVID-19) pandemic is an unprecedented challenge for our school system, and the traditional approach to delivering education. The impact of the pandemic has necessitated many pupils being out of school, and this will continue to be the case for some pupils, in line with the legal requirements and guidance in place to tackle the virus. Schools have responded to this with a strong commitment to providing remote education, in challenging and uncertain circumstances.

The intention of this Direction, as it was last academic year, is to provide legal certainty for all involved in the education sector, including parents, teachers and schools themselves. It makes clear that schools have a legal duty to provide remote education for state-funded, school-age children unable to attend school due to public health advice, UK government guidance or law relating to coronavirus (COVID-19). The Department for Education continues to provide [support for schools](#) so that they are able to do so.

The Direction requires that where a class, group of pupils, or individual pupils need to self-isolate, or there are local or national restrictions requiring pupils to remain at home, schools are expected to provide immediate access to remote education. The Direction also requires schools to have regard to our expectations for remote education. These are set out in the '[Statutory obligations and expectations](#)' section on Get Help with Remote Education.

The Direction was issued by the Secretary of State for Education on 18 August 2021 and will have effect from the start of the academic year 2021/2022.

Clause-by-clause explanation

1. Paragraph 1 of the Direction sets out the categories of school to which the Direction applies (namely community schools, community special schools, foundation schools, foundation special schools, voluntary schools, pupil referral units, non-maintained special schools, Academy schools and alternative provision Academies) and further specifies that it applies to fee-paying independent schools, but only in respect of pupils whose places at those schools are wholly paid for out of public funds.
2. Paragraph 2 sets out the requirement to provide remote education.
3. Paragraphs 3 and 4 set out the pupils to whom remote education must be provided – namely pupils who are of compulsory school age and pupils who are below compulsory school age but who would usually be taught in a class with compulsory school aged children (most

commonly in a reception class). This Direction does not apply to post 16 education, meaning further education (FE) colleges, sixth form colleges, school sixth forms or 16-19 Academies.

4. Paragraph 5 requires that schools must provide remote education where it would be unlawful, or contrary to guidance or advice issued by one of the public authorities listed in that paragraph, for a pupil to travel to or attend their school. Paragraph 5(c)(iii) makes provision for advice given to a school by Public Health England's (PHE) or the United Kingdom Health Security Agency's (UKHSA) local Health Protection Teams, or other local centres exercising similar functions, under the Contingency Framework. The Direction applies only to pupils in schools in England, but because some pupils may live in Scotland, Northern Ireland or Wales and travel to their school across the border, paragraph 5 also requires remote education to be provided to those pupils where travel to or attendance at their school would be contrary to guidance issued by a public authority for the nation in which they live.
5. Paragraph 6 requires schools, when complying with the requirement to provide remote education, to have regard to guidance issued by the Secretary of State for Education about the delivery of remote education, for example as set out in the ['Statutory obligations and expectations'](#) section on Get Help with Remote Education.
6. Paragraphs 8 and 9 provide that the Direction will require settings to make the above provision from the start of the 2021-22 school year until the earlier of the end of that school year or expiry, repeal or revocation of paragraph 1 of Part 1 of Schedule 17 to the Coronavirus Act 2020, or revocation of the Direction by further direction.
7. Paragraph 10 provides that the Secretary of State for Education may apply for an injunction against the responsible body of any school which fails to comply with the Direction, requiring it to do so. Taking legal action, however, is a last resort and the department will take a proportionate and fair approach to assessing the adequacy of remote education provision. Where concerns or issues have been identified or raised by schools themselves, the department's first priority will be to help schools with their remote education plans and provision.