



Rt. Hon. Gavin Williamson CBE MP  
Department of Education  
Ministerial and Public Communications Division  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

10 October 2019

Dear Gavin

### **EU exit preparations**

The NAHT and NEU are fully committed to supporting all students and school/college staff, including those from overseas. That is why we now write to inform you of a disturbing development arising from the discourse around a no deal Brexit.

It appears some schools have issued notices to parents that threaten their child's place in school if they have not received EU Settled Status by 31 October 2019. Please refer to the Against Borders for Children (ABC) website (<https://www.schoolsabc.net/2019/09/every-child-education/>) to see a sample letter to parents. We do not know what information has been issued to EU citizens working in schools but must assume that they have received similar advice regarding their right to live and work in the UK after 31 October.

We are concerned, both by the impact that such misinformation is likely to have, and by what the spread of misinformation might mean about the quality of advice to schools. That this has caused a great deal of anxiety to students and school staff, who are already very anxious about their future in the UK, goes without saying. Many of our EU citizen members are struggling to understand the Government's plans for them amidst a rise in racist abuse against Black and Minority Ethnic students and school staff and in the face of the Windrush scandal. Communications with this vulnerable group should clearly be mindful of this.

Furthermore, we believe the DfE's guidance for schools lacks clarity. While noting that schools cannot take nationality or immigration status into account for admission purposes, it fails to make clear that schools **should not** ask parents of enrolled pupils to prove that their child has applied for, or holds, settled status. Our joint view is that the guidance is open to misinterpretation and therefore places school leaders at risk of legal action. Guidance to schools must clearly state the actions they need to take (and need not take) in relation to employees and students. Guidance must also distinguish between what is legally required and what is not. School leaders should not have to contextualise general advice from the Home Office which the DfE have simply repeated verbatim. We trust you will agree with us that DfE guidance relating to Brexit should not only be



accurate, lawful and accessible, but be sensitive to the needs of those affected by it.

Finally, in January 2019, the unions received a document from the DfE entitled 'Questions on EU Exit'. The document purported to address the questions asked on EU Exit at the January Programme of Talks, and confirmed that, among other things, pupil nationality and country of birth data would no longer be collected. It was not confirmed, however, that nationality and country of birth data obtained prior to the 2018/19 school census would be deleted from the national pupil database. Nor was it confirmed that the addresses of pupils would not be passed to the Home Office on request. We would be grateful for a clear response regarding these two issues, so that school leaders may be satisfied that they have no obligation to identify staff, parents or pupils who may be subject to immigration control.

Yours sincerely

A handwritten signature in black ink, reading "Mary W. Bousted".

**Joint General Secretary  
National Education  
Union**

A handwritten signature in black ink, reading "Kevin Courtney".

**Joint General Secretary  
National Education  
Union**

A handwritten signature in blue ink, reading "P. Hetherington".

**General Secretary  
National Association of  
Headteachers**