



Schola Europaea / Office of the Secretary-General
Administrative Unit

Brussels, 13 February 2019
2019-02-L-12/GM/AB

Ms Katherine Stoate
Head of UK Delegation
Department for Education Level 1
Sanctuary Buildings Great Smith Street
London
SW1P 3BT
Email: general.es@education.gov.uk

Dear Ms Stoate,

I would like to thank you for your letter of 30 January 2019.

In this letter, you address the potential consequences of a BREXIT with and without 'a deal'.

I fully agree with you on the importance of the Withdrawal Agreement and its Article 125 and with your statement that the ratification of the Withdrawal Agreement remains our main goal.

However, our interpretation of the Convention defining the Statute of the European Schools in case of a 'no deal' BREXIT (the "Convention") deviates from the interpretation provided in your letter.

Indeed, the position of the European Schools decision-making bodies and in particular the Board of Governors, as expressed in the Reports of the BREXIT Working Group, has been that the United Kingdom is bound by the Convention until 31 August 2020 in case of a 'no deal' BREXIT.

However, despite this differing interpretation of the Convention, I note and appreciate that we share the same objective of acting in the interest of the European Schools, our staff and family members, our pupils and parents.

I therefore welcome the UK Delegation's intention to continue the secondment of staff members until 31 August 2020 and the supply of two national inspectors until this date.

Also during this period, I welcome the United Kingdom's intention to continue to honor its duties as set out in the Convention of the European Schools and its implementing rules.

I intend to inform the seconded staff members concerned about our shared objective, as confirmed in both your letter and our reply, in order to provide these colleagues and their families with the necessary reassurance that they can stay as seconded staff members in our schools in the case of no deal BREXIT until 31 August 2020.

Yours sincerely,

Giancarlo MARCHEGGIANO
Secretary-General

Cc: Heads of Delegation



Brussels, 18th February 2019
2019-02-LD-22/GM/em

**FOR THE ATTENTION OF THE
UK PARENTS OF THE
EUROPEAN SCHOOLS**

Dear Parents,

By letter of 30 January 2019, (see attachment) the UK Department for Education informed the Secretary-General about its planning in case of a BREXIT without a Withdrawal Agreement.

In this letter, the UK Department for Education provides, for the first time, its definitive position in case of a 'no deal scenario'.

The UK Department for Education takes the view that "in the event of a no deal exit the UK will automatically fall out of the European Schools Convention on exit day (29 March 2019)".

According to our legal analysis and discussions within the European Schools decision-making bodies, inter alia the Board of Governors, the UK will be bound by the Convention Defining the Statute of the European Schools (the "Convention"), until 31 August 2020", in case of a no deal exit.

However, notwithstanding the differing interpretation of the Convention, I would like to stress that the Secretary-General of the European Schools and the UK Department for Education share the same objective of ensuring the continuation of the secondment of UK seconded staff.

Indeed, the UK Department for Education has announced its intention to continue the secondment of UK seconded staff and to supply two national inspectors until 31 August 2020, in case of a 'no deal' BREXIT. I have written to the Head of the UK delegation to the Board of Governors to welcome this intention (see my letter attached).

The European Schools, and our pupils, will therefore continue to benefit from the greatly valued contribution to high quality teaching and learning, and the wealth of experience, of our UK seconded staff and inspectors, until 31 August 2020.

Yours sincerely,

Giancarlo MARCHEGGIANO
Secretary-General



Department
for Education

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30 January 2019

Mr Giancarlo Marcheggiano
Secretary-General of the European Schools
Rue de la Science 23 - 2nd floor
B-1040 Brussels
Belgium

Dear Mr. Marcheggiano

Leaving the EU with a deal remains the Government's top priority. This has not changed. However, a responsible government must plan for every eventuality, including a no deal scenario. We are therefore intensifying and accelerating no deal planning to ensure we are fully prepared.

In the event of a no deal exit, the UK will automatically fall out of the European Schools Convention on exit day (29 March 2019). No denunciation is required or expected having already been notified under Article 50.

In this situation, our priority is to avoid disruption to the European Schools, pupils, teachers and to the Europa School. We therefore propose that the UK Government and the European Schools enter into an arrangement through which the UK will continue to contribute to the European Schools system through secondment of teachers and the supply of the two national inspectors until 31 August 2020. We also propose that the Europa School should retain its accreditation for its pupils to complete the European Baccalaureate until that date. We believe that in a no deal scenario this short-term arrangement is in the best interests of our staff, the pupils at Europa and also the European Schools system as a whole.

We would welcome the opportunity to discuss our proposal with you as a matter of urgency so that we are able to offer our seconded teachers some employment stability in a no deal scenario and provide the pupils at Europa School with some reassurance.

In the event that we are not able to secure such an arrangement, the UK seconded teachers would be subject to redundancy and would leave their posts on 29 March 2019. I have today written to all our seconded teachers to inform them that in the event of a no deal exit, their employment as a UK seconded teacher to the European School system is likely to be ended in 2019 unless we can reach an arrangement with the European Schools system

for the UK to continue its contribution until 31 August 2020.

Clearly, we would much prefer to minimise the uncertainty and associated anxiety this news will cause to those affected, so we have today informed all UK seconded teachers and the department's trade unions that we have entered into a period of formal consultation with them regarding their future employment with the Department for Education and that the UK seconded teachers are at risk of compulsory redundancy. This process will be halted at the point at which a deal between the UK and EU is ratified by both Parliaments or we have entered into an arrangement with the European Schools, as we propose.

Our seconded teachers will receive a package of support. This will include career transition support services such as mentoring and advice from a teaching profession adviser, confidential, independent advice, support from our employee assistance programme and information on all vacancies within the UK government.

I have also confirmed to the teachers that they will continue to receive their full pay and contractual benefits during the formal redundancy consultation and any subsequent notice period.

We will shortly be arranging group briefing meetings and one-to-one consultation meetings for all UK seconded teachers via Skype. We will also be arranging consultation meetings with the relevant trade unions for employees of the Department (namely Public and Commercial Services (PCS), The FDA, and Prospect). We would very much appreciate the support of the Office and the School Directors to enable the UK seconded teachers to attend these meetings which will be arranged at the end of the school day.

We would also like to discuss with you the possibility of the UK seconded teachers being offered direct employment upon conclusion of their contracts with the UK Department for Education. Please note that we are proceeding on the basis that the Acquired Rights Directive 2001/23/EC does not apply in the current situation. I am conscious that the application of the Directive is very fact sensitive and if you consider the Directive may be of application please could you inform us.

I look forward to hearing from you and discussing our proposal in more detail.

Yours sincerely

Katherine Stoate
Head of UK Delegation

cc. Mr Andreas Beckman, Deputy Secretary-General