Hello everyone,

We hope that you and your loved ones are keeping well.

In this bulletin, we will provide guidance on booking and cancelling school trips considering current COVID-19 restrictions.

**Current government guidance**

The Department for Education guidance continues to advise against domestic (UK) overnight and overseas educational visits. The Foreign and Commonwealth Office is advising British nationals against all non-essential international travel for an indefinite period. The latest government guidance on social distancing also recommends avoiding all non-essential domestic travel and use of public transport, where possible.

In the autumn term, schools can resume non-overnight domestic educational visits. These trips should be taken in line with protective measures, such as keeping children within their consistent group, and complying with the COVID-secure measures in place at the destination. As normal, schools should undertake full and thorough risk assessments in relation to all educational visits to ensure they can be done safely. As part of this risk assessment, schools will need to consider what control measures need to be used and ensure they are aware of wider advice on visiting indoor and outdoor venues.

In addition, schools should consider the following guidance:

1. [health and safety guidance on educational visits](https://www.gov.uk/government/publications/health-and-safety-on-educational-visits/health-and-safety-on-educational-visits)
2. [social distancing](https://www.gov.uk/government/publications/staying-alert-and-safe-social-distancing/staying-alert-and-safe-social-distancing-after-4-july)
3. [areas subject to local restrictions](https://www.gov.uk/government/collections/local-restrictions-areas-with-an-outbreak-of-coronavirus-covid-19)

**Cancellation of pre-booked trips**

Many schools have faced difficulties over the last few months in deciding whether to cancel or to rearrange pre-booked trips which have not been able to take place due to COVID-19 restrictions, and such issues will unfortunately continue to arise whilst restrictions remain in place.

It is important that schools consider whether pre-booked future trips remain viable, even if all current restrictions are lifted. Many families will be facing financial hardship due to redundancies and prolonged periods of time on furlough, and as such parents may question whether they can still afford the cost of the trip due to a change in their circumstances. It is important to note that parents are entitled to receive a refund from the school for a trip which is not able to take place, rather than the trip provider, and further that parents’ entitlement to a refund is not reliant upon the school successfully recovering the costs of a cancelled trip.

Likewise, parents and students may feel it is unsafe to travel, with some students and staff returning home to vulnerable and shielded relatives who could be put at risk. Schools will need to consider how they can maintain the safety of both pupils and staff on trips which are able to take place. It is also important to weigh up the viability of continuing with trips where a significant number of students drop out – could this jeopardise the experience or increase costs for the remaining attendees?

Each trip will be subject to its own terms and conditions, which should detail the circumstances in which the school can cancel the trip and the consequences of cancellation, and as such it is important to consider all contractual documents before taking the decision to cancel the booking. Terms or conditions which provide for cancellation charges or non-refundable payments should be reviewed to determine whether they are enforceable and are applicable in the school’s specific circumstances. If the trip has been arranged via an agent, additional protections may be available through [ATOL](https://www.caa.co.uk/atol-protection/) and [ABTA](https://www.abta.com/). The Competition and Markets Authority has also issued [guidance](https://www.gov.uk/cma-cases/covid-19-cancellations-package-holidays) stating that contracts entered into with schools should be treated as within scope for protection for the purposes of the [Package Travel Regulations](https://www.gov.uk/government/publications/package-holidays-complying-with-regulations-guidance-for-businesses). However, it is far from clear that these regulations provide much protection in the context of cancellations due to the Covid-19 pandemic.

In addition, the Association of British Insurers has provided guidance on [insurance for schools](https://www.abi.org.uk/products-and-issues/topics-and-issues/coronavirus-hub/insurance-for-schools/?timeout=s) in light of the COVID-19 pandemic. It is important for schools to consider when making decisions regarding cancelling or rearranging pre-booked trips whether they can successfully claim trip cancellation costs upon any insurance policy they hold, in circumstances where the school is only entitled to either a partial or no refund for the costs of the trip directly from the trip provider. The probability of the school recovering the full costs of the trip if cancelled should be weighed against the risks of rebooking the trip for a future date when making such decisions.

It is worth noting that whilst schools may understandably be reluctant to cancel future trips immediately, in the hope that restrictions will be lifted, government guidance and restrictions on travel may change at any time which could make it more difficult, or even impossible, to obtain refunds from trip providers for cancellations at a later date. There is much uncertainty regarding the continuing impact of the COVID-19 pandemic throughout 2021 and thereafter, and there are significant challenges facing the hospitality sector at this time which are likely to put strain upon trip providers. These matters should also be taken into account by schools when making decisions as to the viability of forthcoming trips.

Before deciding on the cancellation or postponement of a trip, it would be advisable to contact Legal Services for more detailed advice on the cancellation of the specific trip.

**Booking future trips**

It is essential that schools monitor the current government guidance as set out above, and only book trips in line with current guidelines. Whilst it is unclear at this stage what level of restrictions will be in place in 2021, the current government guidance remains clear that schools should not be undertaking overnight trips in the UK or overseas, and as such, we advise against booking any future residential trips at the current time.