

COVID-19 Data

The collection of appropriate data is vital to ensure that the spread of the coronavirus is tracked and any hotspots are investigated. Unfortunately, the Welsh Government has demonstrated an inability to do this effectively, relying instead on extremely small samples to draw wide conclusions.

The NASUWT has issued Freedom of Information requests to a sample of local authorities, and of those that responded, it is clear that staff working in schools are contracting coronavirus at a much greater rate than the general population.

It is therefore important that local secretaries request this data from their local authorities in order to get a picture of the current rates in their area. A suggested format for this is below.

Data for week commencing/.....
Numbers of staff self-isolating in primary and secondary schools	Primary..... Secondary.....
Numbers of pupils self-isolating in primary and secondary schools	Primary..... Secondary.....
Confirmed number of staff cases in primary and secondary schools	Primary..... Secondary.....
Confirmed pupil cases in primary and secondary schools	Primary..... Secondary.....
Total number of primary and secondary school staff	Primary..... Secondary.....
Total number of primary and secondary school pupils	Primary..... Secondary.....
COVID-19 seven-day prevalence rate per 100,000 for the authority as a whole	

The calculation of the prevalence rate in staff is as follows:

$$\text{Prevalence rate per 100,000} = \frac{(\text{number of positive staff cases})}{(\text{total number of staff employed})} \times 100,000$$

The prevalence rate in pupils can be calculated in the same way, using the number of positive pupil cases and the total number of pupils on roll.

The Health and Safety Executive (HSE) has confirmed that data protection requirements do not prevent an employer from providing suitably anonymised information to their own employee safety representatives. The letter confirming this is overleaf.

It would be particularly useful to obtain this on a weekly basis so that trends can be identified. It would also be useful if data from November is requested.

It would be of additional use if any data gleaned from local authorities could be sent to the National Union in order for a nationwide picture to be developed. This can be sent to: nasuwt@mail.nasuwt.org.uk.

The NASUWT is aware that some local authorities are not collating this information. It is difficult to see how the employer could be fulfilling its statutory duties under the Health and Safety at Work etc. Act 1974 without monitoring this data. They should therefore be advised that failure to have sufficient oversight could result in prosecution by the HSE.

If a local authority refuses to provide the data it holds, again this is likely to be in breach of statutory requirements and should be reported to the NASUWT immediately.



Health and Safety
Executive

Dr Patrick Roach
General Secretary
NASUWT
By email

Your ref: S201020/Albon S/PR/EJ

10th December 2020

Dear Dr Roach,

Chief Executive

Sarah Albon

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<http://www.hse.gov.uk/>

Safety Representatives and Safety Committees (SRSC) Regulations 1977 (as amended)

Thank you for your letter of 2 December, raising concerns that local public health teams are blocking requests for COVID-19 data made by NASUWT representatives, citing General Data Protection Regulation (GDPR) as justification. You have suggested that in not providing the requested COVID data, Local Authorities (LAs) may be failing to comply with statutory requirements under the Safety Representatives and Safety Committees (SRSC) Regulations 1977 (as amended) relating to consultation with the workforce and the provision of health and safety information.

The role and functions of safety representatives are set out in the SRCS Regulations including investigation of workplace accidents and to carry out inspections. When consulting safety representatives, employers must provide them with the information necessary to enable them to fulfil their functions. However, the function of safety representatives is specific to their own employer (e.g. the school or Local Education Authority) and confers no extended right to information from other employers or held by bodies such as Local Authority Public Health Departments. Data held by these organisations in relation to COVID-19 is obtained for reasons of public health and there is no requirement for such information to be released to Safety Representatives under the SRCS Regulations.

As there is no requirement placed on these wider teams under SRCS regulations HSE will not be issuing any guidance beyond that which is already published around the application of the SRSC Regulations, the Health and Safety (Consultation with Employees) Regulations 1996 (as amended) and the Approved Codes of Practice that can be found at <https://www.hse.gov.uk/involvement/hsrepresentatives.htm> and <https://www.hse.gov.uk/pubns/indg232.pdf>

HSE is not able to advise on the application of GDPR, however my understanding is that data protection requirements do not prevent an employer from providing suitably anonymised information to their own employee safety representatives, beyond the exceptions set out in Regulation 7 of the SRCS Regulations. If your safety representatives have concerns that, having made specific requests to their employer for data that relates to their workplace, their employer is not meeting their legal obligations they can of course raise a concern with HSE via our Concerns and Advice Team.

While I am unable to assist you further with this matter, if you wish to pursue the wider release of COVID19 information, you may wish to contact Public Health England, Department of Health and Social Care or the Information Commissioner.

Yours sincerely,



Sarah Albon

Chief Executive



advice@mail.nasuwt.org.uk
www.nasuwt.org.uk