

4 August 2021

To Directors of Education/Children's Services

Re: Coronavirus (COVID-19): Mitigations for Schools

Dear Colleagues

I write to you on behalf of members of the NASUWT (The Teachers' Union) in relation to the *Coronavirus (COVID-19): Guidance on reducing the risks in schools*, published on 3 August 2021. The guidance describes the responsibilities and expectations of all involved in protecting children in Scotland.

The NASUWT notes that the Government's guidance sets out actions which all school leaders are expected to consider in order to minimise the risk of transmission of coronavirus in their school, and it remains essential that existing arrangements are maintained at the start of term to allow sufficient time for generic and specific risks to be identified and addressed prior to any change to mitigations.

With the highly transmissible Delta variant of COVID-19 across the country, and after a summer of generally increasing case numbers, it is essential that employers continue to make appropriate preparations for the start of the new term and take seriously their health and safety obligations both to the workforce and pupils.

Whilst a significant proportion of the adult population have been double vaccinated, there will be many staff who have not been vaccinated and the decision of the Joint Committee on Vaccination and Immunisation (JCVI) has been to not mandate a comprehensive vaccination programme for children and young people. Furthermore, whilst individuals may still contract COVID-19 or Long COVID as a result of exposure to the virus, it is also essential that employers maintain a cautious approach in upholding their legal health and safety duties and obligations.

You are reminded that the health and safety legislation that underpins the employer's health and safety obligations are non-delegable. In other words, it is not sufficient for an employer simply to follow government guidance and assume it has met its health and safety obligations. It remains your legal duty to do everything reasonably practicable to ensure the health, safety and welfare of all staff.

The NASUWT's expectation is that all employers must ensure that all schools and settings have up-to-date health and safety controls and mitigations in place for the start of the new term.

In that context, the NASUWT requests you to confirm that you will ensure that:

1. your previous COVID-19 security plans will be revised and updated fully, including with regard to ensuring good ventilation;

2. full compliance will be assured with your health and safety obligations including, but not limited to, an up-to-date and satisfactory risk assessment for all employees. The risk assessment must address individual staff members' circumstances, particularly for those with protected characteristics or underlying health conditions or those who are pregnant, including those who are newly pregnant or pregnant women who have reached 28 weeks prior to their return to work;
3. all steps will be taken to comply with your legal duties and obligations (including your obligations under the Equality Act) to all members of staff.

I would like to assure you that the NASUWT remains willing to work with you in order to ensure that its members' contractual, common law and statutory rights (including their Convention rights, where applicable) are fully protected.

I look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Roach', written in a cursive style.

Dr Patrick Roach
General Secretary