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NASUWT

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The Rt Hon Elizabeth Truss MP
Minister for Women and Equalities
Department for International Trade
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Dear Secretary of State,

Coronavirus and the Public Sector Equality Duty

I write to you on behalf of members of NASUWT – The Teachers' Union.

We note that on 16 April, the Government published five tests for easing lockdown measures:

- (i) Protect the NHS's ability to cope. We must be confident that we are able to provide sufficient critical care and specialist treatment right across the UK.
- (ii) See a sustained and consistent fall in the daily death rates from COVID-19 so we are confident that we have moved beyond the peak.
- (iii) Reliable data from SAGE showing that the rate of infection is decreasing to manageable levels across the board.
- (iv) Be confident that the range of operational challenges, including testing capacity and PPE, are in hand, with supply able to meet future demand.
- (v) Be confident that any adjustments to the current measures will not risk a second peak of infections that overwhelms the NHS.

The NASUWT also notes that in the Prime Minister's address to the country on 10 May 2020, he further explained that the Government's plan for managing the Coronavirus lockdown was predicated on a conditional plan needed to satisfy five tests including:

- (i) Protecting our NHS.
- (ii) Seeing sustained falls in the death rate.
- (iii) Seeing sustained and considerable falls in the rate of infection.
- (iv) Getting enough PPE to the people who need it.
- (v) **Ensuring that any measures taken do not force the Reproduction rate of the disease - the "R" - back up over 1.**
[emphasis added]

In his statement to the country, he also committed to establish a new Covid Alert System run by a new Joint Biosecurity Centre to chart progress.

We know that you will be acutely aware about the need to demonstrate that the measures in place will protect the entire country, including those who, to date, have been most seriously impacted by the virus. Specifically, we are concerned about the impact on black and minority ethnic children, young people and adults who, it has been shown, are disproportionately more likely to be impacted by Covid-19 infections and deaths.

The Equality Act 2010 requires all public bodies, including the Government, when carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

To ensure transparency, and to assist in the performance of this duty, the Equality Act 2010 (Specific Duties) Regulations 2011 further require public authorities to publish equality objectives and information to demonstrate their compliance with the public sector equality duty.

We note that, to date, no evidence of how the Government intends to fulfil these statutory duties in relation to the current pandemic has been published.

We therefore ask you to set out how the Government's 5 tests and your commitments to the country will be addressed in terms of equality impact in general, and, specifically, in relation to the impact on black and minority ethnic populations.

The Prime Minister has rightly made clear the need to consider the Covid Alert Level in order to determine how tough the Government needs to be in terms of mitigation measures to prevent the risk of increased transmission of the virus. Clarity and transparency in relation to the impact on the "R" number within black and minority ethnic populations is, we would argue, essential when considering the nature of social distancing and other risk mitigation measures that will be necessary locally and nationally.

In the Prime Minister's statement on 10 May 2020, he further set out the Government's ambition that schools should plan to reopen to more children from 1 June 2020. He reiterated the same commitments to the nation in his statement on 25 May 2020. However, we note that the 'Overview of scientific advice and information on coronavirus (COVID19)' published by the Government on 15 May 2020 states that:

'This provisional analysis has shown that the risk of death involving coronavirus (COVID-19) among some ethnic groups is significantly higher than that of those of White ethnicity. Further research is needed to understand why some ethnic groups have higher death rates from coronavirus (COVID-

19) than others...Schools should be especially sensitive to the needs and worries of BAME members of staff, BAME parents and BAME pupils.'

Furthermore, in the papers released by SAGE on 22 May 2020, no additional evidence was forthcoming in this regard.

The NASUWT is concerned that whilst during the next phase, measures introduced by Government or by schools should not force the Reproduction rate of the disease - the "R" - back up over 1, either for the population as a whole or for sections of the population based on their protected characteristics.

The NASUWT has an obligation to its members to act to protect their safety, including their rights under the Equality Act 2010.

On behalf of our members, I must, therefore, ask that you urgently provide clarification as to how the Government's 5 tests and the commitments to reopen schools to more children from 1 June 2020 will take into account and contribute towards meeting the Government's statutory obligations under the Equality Act 2010, including the need to prevent further discriminatory impacts related to the transmission of the Coronavirus whilst also advancing equality and securing good relations between persons with different protected characteristics.

Given the importance and immediacy of this issue for our members who have been asked to make critical decisions on the reopening of schools, I trust that you will give this matter your immediate and urgent attention.

I look forward to hearing from you.

Yours sincerely



Dr Patrick Roach
General Secretary