

24 September 2020

Our Ref: 200923 Weir P/PR/LB

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General Secretary: Dr Patrick Roach

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Minister of Education
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By email: Private.Office@education-ni.gov.uk

Dear Peter,

In your letter of 13 August 2020 to parents and carers in Northern Ireland you stated that: 'I have consistently stated that the re-opening of schools will be led by evidence, this remains the case. The scientific evidence is consistent that with proper risk mitigations, schools are safe to open'.

The NASUWT continues to monitor carefully the situation regarding the implementation of your policy on the reopening of schools in relation to the health, safety and wellbeing of our members.

With rising numbers of confirmed Covid-19 cases in the wider community, our members are deeply concerned that, in the absence of effective control measures, there is increased risk of Covid-19 transmission within schools.

As a second wave of Coronavirus transmission has prompted the UK Government to uprate the Covid threat level to 4, we believe that there are implications for schools which now urgently need to be considered and addressed by your Department and by the Assembly.

The NASUWT is concerned that whilst there has been announcement of a number of additional measures to be followed by the general public and in workplaces, no additional measures have been announced to ensure that the virus does not continue to spread within schools.

We are further concerned that the additional emergency measures introduced most recently do not go far enough and that urgent and additional action is needed to protect the health and safety of teachers and support staff across all schools.

We are concerned to note that your Department has not issued any advice to school employers following yesterday's announcements which require, in the event of the increased covid threat level, that employers review and update their risk assessments and control measures in consultation with employees and unions.

We note with concern that your Department is unable to provide any evidence on the effectiveness of the risk control measures recommended in your guidance to schools. Furthermore, you will be aware of the increasing number of schools where pupils and staff have tested positive for Covid-19 or are required to self-isolate. Our members are reporting:

- a) the lack of additional funding for schools which is leading to schools to make critical decisions (e.g. in respect of cleaning, PPE, etc.) on the basis of cost rather than health and safety considerations;
- b) the depletion of staffing numbers in schools which is resulting in serious operational difficulties for schools in maintaining safe working practices at all times;
- c) the heightened risks to health for vulnerable teachers (including teachers who are otherwise categorised as clinically extremely vulnerable, pregnant teachers, older teachers, disabled teachers and teachers from particular BAME backgrounds) following your guidance on those who may return to work in schools;
- d) the lack of social distancing within schools, failure of others to wear face coverings when required, the absence of PPE and other effective non pharmaceutical interventions;
- e) the failure of the test and trace system to keep up with the demands on it.

The NASUWT seeks confirmation from you as to the steps you will now take to address the above concerns.

The NASUWT has been consulting with its members since the start of the Autumn term. The evidence from our preliminary polling raises further concerns about the urgent need for stronger protections to be introduced to ensure the Covid-secure working practices that the Government has promised.

According to our most recent survey data, we note with concern that measures recommended by your Department to mitigate the spread of COVID-19 were not in place consistently across school workplaces three weeks following full reopening.

- Been provided with a copy of the school risk assessment (42%)
- Regular cleaning of touch surfaces throughout the day (29%)
- Appropriate measures in place to ensure that classrooms and workspaces remain adequately ventilated (37%)
- Face coverings worn routinely in corridors and other spaces (43%)
- Adequate and clear processes in place for informing and training staff in the procedures for ensuring Covid-19 health and safety (29%)
- Disciplinary policies updated to include provisions for excluding pupils who deliberately put others at risk (e.g. deliberately coughing at people) (37%)

Our members have the right to the same considerations and protections in their workplaces that are being applied to other groups of workers. The NASUWT's expectation is that your Department will have conducted appropriate checks on the compliance by schools with your guidance and that you will have made provision for suitable ongoing monitoring and compliance arrangements. We would welcome confirmation from you as to the nature of the arrangements you have put in place and the evidence base on which you now rely.

We also seek confirmation from you that you have obtained assurances that the implementation by schools of your decisions on the reopening of schools are not in breach of schools' legal obligations relating to health and safety, employment or equalities.

For the avoidance of doubt, the NASUWT is and remains committed to ensuring that schools remain open safely as Northern Ireland continues to deal with the challenges and consequences presented by the Coronavirus pandemic. However, it is incumbent on us to emphasise the serious issues that are arising as a result of the following:

- the Executive's decision to reopen schools in the manner adopted since 17 August 2020, and your failure to take proper regard of the practical and logistical challenges within schools to meet the Executive's demands for covid-safe working practice;
- the failure of your Department to provide robust guidance and measures to ensure that the sector adopts and maintains covid-safe working practices;
- the failure of your Department to implement appropriate measures to ensure compliance across all schools.

Therefore, the NASUWT is putting the Department of Education on notice by expressly reserving our members' legal rights in the context of a tortious claim for breach of duty of care and personal injury due to foreseeable risk, and any other legal recourse available.

The NASUWT requests confirmation as to the measures you intend to take to address the concerns raised in this letter.

Given the gravity and urgency of these matters, I look forward to hearing from you as a matter of the utmost priority.

Yours sincerely,



Dr Patrick Roach
General Secretary