

Planning for September Reopening of Schools – Minimising Racial Disparities

The duty on employers

School/college employers are bound by the Public Sector Equality Duty (PSED), in carrying out their functions, to have due regard to the need to achieve the objectives set out under section 149 of the Equality Act 2010, which are 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.

The need for positive action

Amongst Black, Asian and Minority Ethnic (BAME) populations, there is substantial evidence that they are disproportionately more likely to be impacted on by COVID-19 infections and deaths.

Evidence published within Public Health England (PHE) reviews of racial disparities in relation to COVID-19 has confirmed there is an association between belonging to some ethnic groups and the likelihood of testing positive and dying of COVID-19.¹ The PHE reviews have found that the highest age-standardised diagnosis rates of COVID-19 per 100,000 population were in people of Black ethnic groups (486 in females and 649 in males) and the lowest were in people of White ethnic groups (220 in females and 224 in males). Taking account of survival rates amongst confirmed COVID-19 cases, people of Bangladeshi ethnicity had around twice the risk of death when compared to people of White British ethnicity. People of Chinese, Indian, Pakistani, Other Asian, Caribbean and Other Black ethnicity had between 10 and 50% higher risk of death when compared to White British. Death rates from COVID-19 were higher for Black and Asian ethnic groups when compared to White ethnic groups.

The NASUWT has extensive data from research and casework involving teachers which indicates that:

- few school and college employers have considered race equality impacts as part of their plans and arrangements for the wider reopening of schools now and from September 2020;
- BAME teachers are facing significant pressures to return to the workplace in the absence of racial equality impact assessments;
- risk assessments in schools have not been equality impact assessed and few school and college employers have published their risk assessments;

¹ See Public Health England (2020), *Disparities in the risk and outcomes of COVID-19*; and Public Health England (2020), *Beyond the data: Understanding the impact of COVID-19 on BAME groups*.

- Government guidance for schools and colleges includes no specific advice on how to mitigate adverse racial equality impacts from COVID-19 in the reopening of schools and colleges;
- BAME teachers are around 50% more likely to say they do not feel safe about plans for the reopening of schools compared to their white peers;
- BAME teachers are significantly more likely to report being threatened by their employer with disciplinary proceedings or job loss when expressing concerns about returning to the workplace, when compared with their white peers;
- BAME teachers report feeling less supported by their employer overall and they are also more likely to report being denied access to personal protective equipment (PPE) when compared with their white peers;
- BAME teachers report experiencing systemic racism, with nearly two thirds (66%) reporting that in the last year levels of racism in the workplace had increased or remained the same.²

Against this backdrop, all schools/colleges need to take positive action in terms of the implementation of planning and control measures to minimise discriminatory impacts of COVID-19 transmission as they move to reopen fully to pupils from September 2020.

BAME control measures for the full reopening of schools/colleges

The Department for Education's (DfE's) guidance on full reopening from September confirms that schools should discuss the concerns that BAME teachers will have about returning to the workplace and explain the measures they are putting in place to reduce risks. The guidance also confirms that school leaders should try as far as practically possible to accommodate additional measures where appropriate.

The NASUWT is clear that appropriate compliance with this guidance means that steps should be taken on the following measures:

1. *Work from home wherever possible*

It is clear that minimising social contact and interactions can help to minimise the spread of the virus. In the absence of clear evidence about the causes of disproportionate virus transmission rates by ethnicity, employers should consider deploying BAME staff to work from home wherever possible. Deploying BAME teachers to support the development and provision of the school's remote learning offer, as well as pastoral and other support for pupils whilst working from home should also help to ensure the school's resilience in the event of a future second wave of the pandemic.

2. *Guaranteed PPE*

The provision of PPE has been identified as a significant factor in the rate of COVID-19 transmission and deaths amongst BAME health and social care staff. PPE, including gloves and face masks, should be provided as an entitlement for all BAME staff as part of a discrete positive action measure.

3. *Test and Trace*

Test and Trace is key to tackling the spread of the virus. A priority programme of Test and Trace targeting BAME staff should be implemented. Pupils in classes taught by BAME teachers should also be prioritised for daily/weekly testing, including the use of temperature testing and swab tests.

² NASUWT BME Teachers' Conference Survey 2020.

4. *Apply social distancing/bubbles stringently*

Reducing contact with pupils and with other adults can help to prevent the spread of the virus. Two-metre social distancing should be practised stringently in classrooms/settings where BAME staff are working. Where BAME teachers are working with younger children, group sizes (bubbles) should be kept to the smallest possible number.

5. *Practise workforce audit and intervention measures*

Collect and analyse data on the ethnic/racial and religious backgrounds, gender and age profiles and underlying health conditions of staff and their deployment to identify potential areas of the school's structures or practices that may require additional intervention or control measures to be put in place. (This should include deploying BAME staff to roles where they can practise two-metre social distancing, deployment of BAME staff to larger rooms with good natural ventilation, minimising the requirement for BAME staff to move around the building or between buildings during the day, and limiting wherever possible the need for BAME staff to supervise large pupil groups such as at break/lunch times or meetings with parents.)

6. *Ensure fair risk assessment practice*

Utilise culturally competent occupational risk assessment practices to reduce the risk of employees' exposure to and acquisition of COVID-19, including through the provision of equality and diversity training and development for managers and governors in the management of good risk assessment practice.

7. *Undertake specific BAME risk assessments*

Schools/colleges should undertake risk assessments for BAME employees, taking account of the specific circumstances in which BAME staff are deployed to work, and taking account of the employee's age, gender and underlying health conditions.

8. *Assess race equality impacts*

Employers should review their risk assessment and control measures and consider how their plans will eliminate racial discrimination, advance racial equality and promote good relations with different racial groups, taking account of gender and age factors. These equality impact assessments should be published to help foster public confidence.

9. *Review local transmission data*

Data in respect of the local 'R' number should be shared with school/college employers regularly, including data in respect of the 'R' number for BAME populations, to enable employers effectively to keep under review their COVID-19 risk assessments, controls and contingency plans.

10. *Communicate and engage with relevant local stakeholders*

Schools/colleges should engage with BAME staff, parents and pupils through targeted and non-stigmatising consultation strategies, and provide appropriately targeted information and education campaigns to help reinforce key messages on the importance of individual, household and workplace risk control measures.