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Y Gweinidog Addysg  
Minister for Education



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref KW/05455/20  
Dr Patrick Roach  
General Secretary  
NASUWT

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29 September 2020

Dear Patrick,

Thank you for your letters of 18<sup>th</sup> and 23<sup>rd</sup> September.

I note the concerns you have raised. We are meeting on the 1 October and that will be an opportunity to discuss further your concerns.

### **Operational Guidance for Schools and Settings**

As you know we have published Operational Guidance which provides a framework for local authorities (LAs) and schools to support all learners to return this term. It is intended to support school leaders in putting in place proportionate protective measures for their children and staff, based on their school's context, whilst also enabling learners to receive an education that offers a broad and balanced curriculum.

The guidance sets out control measures that need to be taken to minimise the risk of transmission, including adhering to social distancing where possible, the importance of minimising contacts and good hand hygiene. There cannot be a one size fits all approach, and we recognise that each school and setting will have local challenges to address.

Contact groups are an important element of a school's efforts to help minimise the number of contacts that every learner has during the school day to reduce the risk of transmission.

LAs are supporting schools and settings throughout this challenging period and you can be assured that both my officials and I are in weekly dialogue with our key stakeholders to understand further the local issues and concerns, this includes the Schools Social Partnership Forum meetings where NASUWT are present. The information and intelligence gathered through these mechanisms are key to informing my discussions with Cabinet colleagues and with Public Health Wales (PHW) to determine what further steps we can take to provide additional support to LAs and schools. Taking into account recent experience we will shortly be issuing additional material to help support headteachers through the Track Trace Protect (TTP) process and the latest PHW advice.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

## **Risk Assessments**

It is a legal requirement for schools to undertake timely risk assessments and these will have been revisited ahead of all learners returning to school. This has enabled them to consider the additional risks associated with COVID-19 alongside the control measures that need to be put in place to help mitigate these risks. Risk assessments will need to be reviewed on a regular basis, or when there is a known change in circumstances. As part of this process, we expected that schools and settings, working with their LA health and safety adviser and trade unions, would also review and update their wider risk assessments and consider the need for relevant revised controls considering the implications of COVID-19. A LA working with their schools and settings should ensure that they implement sensible and proportionate control measures which follow the health and safety hierarchy of controls as set out in the Operational Guidance.

It is not the role of Welsh Government to monitor compliance with risk assessments. The employer, whether the LA or the governing body needs to ensure that its health and safety policy is carried out. It must provide health and safety guidance to the school and ensure that staff members who are delegated tasks such as risk assessment and risk management, are competent to carry them out. If a risk assessment shows training is needed the employer must make sure this takes place. The employer cannot fulfil its statutory duty unless it monitors how well its schools are complying with its policy. We would therefore expect governing bodies and LAs to be monitoring how well their schools have complied with the requirement to carry out robust risk assessments and monitor their mitigating actions.

You will be aware that the HSE are currently undertaking spot checks in schools across Wales and where necessary providing further support. I have welcomed this and will continue to support the process. As I am sure you will appreciate, schools will need to continue to keep their risk assessments under constant review, and we have to recognise here the excellent work of our school leaders and teaching profession in taking this forward.

## **Incidents in schools**

I am acutely aware of the COVID-19 cases in schools and these are being monitored through the test trace protect programme which involves close partnership work between PHW, local health boards (LHBs), LAs and other organisations.

I receive updates whenever a positive case is identified at an education setting whether it involves staff, learners or both. This together with other intelligence provided by PHW provides me with a broader understanding of the context of the case and wider community transmission.

Advice and guidance is provided to head teachers via PHW and the test, trace and protect programme. Each case is bespoke and the response provided has to support this. I understand from PHW that it appears currently transmission is through the community rather than the school setting at this time. However I have asked our Technical Advisory Cell for a further analysis on the transmission in children, which will be published shortly.

I'm sure you will agree that no-one wants learners or staff to have to self-isolate unless it is absolutely necessary. That is why it is critical that the whole school community adhere to the control measures put in place as part of the schools risk assessment.

## **COVID-19 Control plan**

I am aware of the knock on consequences for schools where learners and staff have tested positive for COVID-19 or are required to self-isolate. The Welsh Government published its Control Plan for Wales in August. We are developing a plan for education and childcare settings which builds on the framework set out in that national Control Plan, and aims to support settings plan for the actions they may need to take at each stage. I understand NASUWT, along with the other education unions, have had opportunity to comment on the draft plan.

As a Government we are clear that schools should be one of the last things to close in the event of us needing to take wider national measures. The long term impacts of loss of learning would be significant and we need to ensure our children and young people receive the support they need to continue their learning.

There are a number of challenges which the Control plan for education and childcare settings will acknowledge – it is not as simple as saying schools are open or closed. As you have pointed out, at any time we are likely to see learners and staff isolating, and sometimes in larger numbers; that will inevitably impact on the running of a school.

Where learners are isolating or unable to attend school we would want to see remote or blended learning options provided. We have shared our draft learning plan with key stakeholders, including NASUWT, and we continue to work with unions, schools and LAs to better understand the demands of remote and blended learning. Where staff are isolating or ill then the school will need to consider carefully what that means for their operations. Depending on the numbers involved it may not be possible for a school to stay open in full, and we may need to look at remote or blended learning here; again it is not a one size fits all approach. Even within a local area different schools will need to tailor their response according to their circumstances – for example, one may have more staff who are vulnerable with underlying medical conditions, another may have a greater reliance on staff from outside of the area or use of public transport.

The safety of staff and learners is paramount to our planning. The specific measures taken at each stage of our response to the virus will need to reflect local circumstances, and it will be important to ensure schools can respond accordingly. The learning plan is currently being finalised, and I know NASUWT have already shared their views.

### **Social distancing and face coverings**

In relation to your points about the lack of social distancing within schools and the absence of PPE and other effective non pharmaceutical interventions we know that minimising contacts and mixing between people reduces transmission of COVID-19 and schools must consider how to best implement this and do everything possible within their own context.

You will be aware the Chief Medical Officer recommends, but does not mandate, the risk assessed use of face coverings in secondary schools in communal areas such as corridors where the physical layout means that contact groups cannot remain separated to the same degree and where it is difficult to adhere to other control measures. However, this will be a local decision for the school or setting depending on their assessment of the risk and in context of the local circumstances.

Face coverings may also play a particularly important role in the event of a rise in transmission rates locally or if there is a cluster of cases at a school, and their use may be increased in specific local contexts on the basis of risk assessments and local factors. In the event of a rise in transmission rates locally or if there is a cluster of cases at a school, advice will be provided by the Environmental Health Team and PHW on whether any additional measures are required, including the use of face coverings.

In terms of PPE, there is no need to use PPE when undertaking routine educational activities in classroom/school settings; this is made clear in our Operational Guidance. It is also important to note that face coverings are not PPE and that the wearing of face coverings should not be seen in any way as a protective measure in terms of identifying a close contact. The overarching principle must be to minimise the number of contacts; keeping groups separate plays an important role in helping to achieve this.

We will be updating our Operational Guidance shortly to reflect that where an individual chooses to wear a face covering for personal reasons they should be permitted to do so. I understand that this may help support wider wellbeing, reduce anxiety and provide additional reassurance for some staff alongside other mitigating measures.

### **Test Trace Protect (TTP) System**

In relation to your concerns about the TTP system, you will be aware that this is a UK wide Government issue and we are continuing to work with UK Government to manage testing capacity and direct it where it is most needed. It's important to note that only school staff with COVID-19 symptoms should take a test. We have provided guidance on testing for education settings which includes the steps they need to take should a member of staff or a learner display symptoms.

We are going further in Wales to ensure that symptomatic education practitioners have access to tests when they need them. Working with LHBs we have agreed that education practitioners can access tests through local Coronavirus Testing Units that use NHS Wales laboratories to avoid delays in accessing tests. In addition, every school in Wales is being provided with home testing kits that can be used by learners and staff when there are significant barriers to accessing tests through other routes. The rapid deployment of testing by NHS Wales will also support individual schools, where needed. The NHS COVID-19 App has also now been launched which will again support the tracing and testing of the general public in Wales.

We have significantly expanded testing and are committed to further developing our COVID-19 testing ability demonstrated by providing funding of £32m to increase testing capacity and better turnaround times in Wales, which includes extending our regional laboratories to 24-hour operation and six new 'hot labs' at hospitals across Wales. This is alongside access to the expanding UK Lighthouse Lab network which supports public and key worker testing.

### **Continuity of Learning**

For some learners going back to normal will continue to be a challenge, and therefore we should plan and be equipped for a possible further disruption of the sort we're seeing across the world as local spikes cause schools to suspend normal activity. This will call new models of learning into play, specifically blended learning in which learners will attend school for a period, are supported remotely for a period and work in directed self-study for a period of every day or week.

In turn, this will require our teachers and leaders to lead and support learning in ways that are new to them. For that reason we will continue as a Government to work with our strategic partners and schools to provide guidance, to invest in professional learning and to invest in the production of high quality resources to support learning.

During the pandemic it has become clear that many learners have not progressed as much as they might in terms of their learning, some having been impacted more seriously than others. Evidence from a range of reliable sources (OECD, ARC, Estyn, the regions, Sutton

Trust, Children's Commissioner, Barnardo's, International Intelligence Updates), including those focusing closely on Wales, suggests that most or all learners have been affected, and that the most vulnerable have been affected the most.

## **Supply Cover**

Now that schools have reopened fully, there will be a need for supply staff to cover both short and long term absence. The Operational Guidance advises that schools can employ supply teachers and advises how they can do that whilst mitigating the risk to learners and staff. As with all staffing decisions, ensuring that suitable supply cover is in place is the responsibility of the head teacher, and, under the Staffing in Maintained Schools (Wales) Regulations 2006 school governing bodies and LAs have a legal responsibility for ensuring they have an effective school workforce in place. As with cover arrangements before the pandemic, schools can choose to source cover directly, via LAs or via supply agencies.

Supply teachers employed directly by schools or LAs should be treated the same as permanent teachers. Where supply teachers are on short term and/ or zero hours contracts from LAs they should be treated as other LA staff are on such contracts. Supply teachers employed by agencies will be governed by the same requirements as all other zero hours/ contract workers.

In addition you may be aware that I have recently announced an additional £29million through our "Recruit, Recover, Raise Standards" programme to schools to boost support for learners at crucial stages in their education from September. The programme will create fixed-term job opportunities for teaching staff within all LA areas, and I anticipate that many of these will be filled from the supply sector.

## **Childcare arrangements**

With regards to access to childcare in areas subject to local measures, childcare settings remain open and operational in all areas currently subject to these additional restrictions. Accessing childcare is also one of the reasonable excuses for entering or leaving an area subject to local measures, and there is an allowance for accessing informal childcare provided by family and friends in these areas, where no other options are available. Teachers should, in most cases, be able to continue using their normal childcare arrangements. If for some reason they cannot do that, such as their regular childcare provider being closed for a short period, the local Family Information Service will be able to provide advice on other options within the area.

Where a child is sent home from one education or childcare setting either because they are symptomatic or because they have been asked to isolate, they should not be attending other education or childcare settings until they have either completed their isolation or are well again. Nor should a child who is symptomatic or unwell be cared for outside of their own home.

Where a member of the school staff has to stay at home to care for their child, because their child is either symptomatic or because they need to self-isolate then they should discuss this with their employer at the earliest opportunity. Depending on the circumstances it may be feasible to work from home however I appreciate that an individual's circumstances will affect their ability to do this which is why it is important they discuss arrangements with their employer. I'm sure schools will already have been thinking about this very issue as part of the risk assessment process.

I recognise, of course these are worrying times for everyone, but you can be assured I am continuously seeking the latest medical and scientific advice to ensure our schools, staff and learners are as safe as possible.

I look forward to meeting with you on the 1st October during which we can discuss your concerns further.

Yours sincerely

A handwritten signature in black ink, reading "Kirsty Williams". The signature is written in a cursive style with a large initial 'K' and 'W'.

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