

Date: 22 June 2020

Your Ref:

Our ref: 200622/Williamson G/PR/FC

Rt Hon Gavin Williamson MP
Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

NASUWT

The Teachers' Union

Hillscourt Education Centre
Rose Hill
Rednal
Birmingham
B45 8RS

General Secretary
Dr Patrick Roach

Telephone: 0121 453 6150 Facsimile: 0121 457 6208

E-mail: nasuwt@mail.nasuwt.org.uk Website: www.nasuwt.org.uk

Dear Gavin,

Covid-19 Equality Impact Assessments

Following my letter to the Prime Minister on 26/5/20 (attached) which is yet to be acknowledged or answered, I also wrote to your Department on 1/6/20 to draw to your attention our continuing concerns regarding the actions of the Department in equality impact assessing its decisions in respect of the wider reopening of schools.

The NASUWT met with your officials on 8/6/20 and received assurances that the Department would further discuss with the NASUWT the matters we had raised and our strongly held view that there is a need for the Department to publish its plans for assessing the equality impact of the wider reopening of schools and the actions it is taking to minimise any discriminatory effects and outcomes. To date, we have received no further information or communication on this important issue.

We note that whilst your Department has stated that it has developed an Equality Impact Assessment (EIA) alongside its response to the Coronavirus, no EIA has yet been published, despite our requests and in spite of various announcements and decisions made by you on the wider reopening of schools and, most recently, on the funding for catch-up and support interventions in schools.

You will be aware that the Department for Education is bound by the Public Sector Equality Duty in 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 also require public authorities to publish:

- equality objectives
- information to demonstrate their compliance with the public sector equality duty

The publication of equality information is necessary in order to demonstrate compliance with the general equality duty. This would include the publication of documentation about assessments of equality impact as well as any records of policy decisions.

The NASUWT does not agree that the sharing of an EIA on a confidential and non-disclosable basis is appropriate or consistent with the legislation. Indeed, we are not alone in this view.

The NASUWT has obtained confirmation from the Equality and Human Rights Commission (EHRC) that they also *“have called on the UK Government to publish its Equality Impact Assessment (EIA) of the Coronavirus Act 2020. We have also advised them of the need to fully consider the impacts on different protected characteristic groups of other measures they are taking, such as their policy on reopening schools. This is particularly essential when we know the disproportionate impacts on people from ethnic minorities. To this end, we recently asked the Department for Education to provide the details of any EIA that they might have undertaken on the decision to re-open schools to greater numbers of children.”*

I regret that despite our correspondence to the Prime Minister and to your Department, no information has yet been forthcoming in response to the matters we have raised.

Furthermore, we are also concerned that the failure to publish your equality impact assessments may impede the efforts of schools and colleges to identify and take appropriate steps to address discriminatory impacts of their decisions, as they are also required to do. In order to meet their duties under the Equality Act 2010 to provide healthy and safe working and learning environments for staff and pupils with different protected characteristics, we know that school and college employers are concerned that they do not yet have access to the range of information that would assist them.

The NASUWT is further concerned by the absence of clear guidance from the Department on how schools can ensure that their arrangements for ensuring covid-safety will not contribute to lead to discriminatory and adverse impacts, including for staff, pupils and parents from BAME backgrounds. We urge you to develop and publish appropriate and effective guidance for school and college employers on the measures needed to mitigate the higher levels of risk to BAME staff and pupils, and which can support the work of schools and colleges for the remainder of this term and as they prepare to reopen, in whatever form, from September 2020.

I trust that you will now give these matters the urgent attention and priority they deserve and I look forward to hearing from you how you will now address our concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Roach', with a stylized flourish at the end.

Dr Patrick Roach
General Secretary