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**General Secretary: Dr Patrick Roach**

Date: 8 October 2020

Our Ref: 201008/Swinney J/PR/FC

John Swinney MSP  
Deputy First Minister and Cabinet Secretary for Education & Skills  
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Dear John,

Further to our meeting on 1 October 2020.

It was good to meet last week and the opportunity to have full and frank discussion with you directly on matters of most concern to members is always appreciated, particularly as pressure of time on all of us is so great. For completely understandable reasons such discussions are often restricted by time so I am writing to follow up on some of the points we discussed around continuing areas of concern to our members.

As I emphasised the NASUWT supports your position that schools should remain open as long they remain safe. At our meeting you expressed your commitment to the safety and wellbeing of all staff and pupils. It is clear, however, that the spike in the Covid-19 transmission rate in the 12-17 year old age group coupled with the rise in community cases and hospital admissions, particularly in the Central belt as well as across Scotland, could potentially increase the risk to teachers and other education staff unless further measures are introduced in schools to protect them. As we discussed with you, the data on the number of cases and testing among children produced by Public Health Scotland Data and intelligence strongly indicates a deeply concerning situation within the secondary school age population (12-17 years) with an exponential increase in the percentage of patients in this age group testing positive for Covid-19. The direction of the PHS data trend line is a major concern for our members in secondary schools as secondary schools appear to be presenting increasingly as high risk environments, notwithstanding the piecemeal application of key mitigations identified in late July 2020 when the percentage of patients testing positive for Covid-19 amongst 12-17 year olds stood at zero. This situation urgently requires attention by the Government and further mitigations to be identified.

The additional social and economic restrictions announced by the First Minister on 7 October 2020 have been introduced partly to address virus transmission in the wider community and to create the conditions to enable schools to remain open. However, further within-school measures, together with more stringent compliance and enforcement measures, are, in our view, also required. We would, therefore, once again ask that active and urgent consideration is given by your Department to the introduction of additional school-specific measures, particularly with regard to protecting staff who have underlying health conditions and who are in a vulnerable group.

At our meeting I raised the problem of individual risk assessments for vulnerable and extremely vulnerable staff not being revisited or considered a live document by schools. This remains an issue. It is essential that employers are complying with their duty of care to do this and that the Government ensures this is done.

The NASUWT is concerned to note ongoing poor practice by employers in respect of the provision of risk assessments and reasonable adjustments in the case of staff who are the most vulnerable. Much of this poor practice arises, in our view, from a lack of clear guidance to the sector on the need for additional mitigations to ensure the safety of staff who are most at risk. As one example, a heavily pregnant teacher who has support from medical advice to request to undertake work outside of direct face to face teaching was offered alternative administrative tasks but told pay would be reduced commensurate with such work. I trust that you would accept that such a response by the employer is not acceptable. It does indicate a need to look quickly and in detail at how vulnerable staff can be better and more appropriately supported and employed by school employers. We would welcome the opportunity to discuss further with your officials the strengthening of protections for vulnerable and other at risk staff.

We discussed the increasing difficulties our members face with non-compliance of the H&S mitigations, often arising through a wish in some areas to operate 'business as usual' or differing interpretations of the Government guidance across local authorities, some of which result in clear breaches not only of your guidance but also health & safety legislation. We welcome your statement in respect of parents' evenings, recognising that whilst parental engagement is important, it would not be appropriate or acceptable for parents' meetings to be conducted on site in schools. We further welcome your commitment to direct intervention via COSLA where an employer does not engage or take appropriate action to address the problem. We will be writing separately to your officials as agreed with the detail of one particular example that would fall into this category, relating to long standing issues with cleaning mitigations across Glasgow schools that needs to be resolved.

We also discussed an issue with some schools not following the protocol when a suspected case of Covid-19 is identified. I am aware that HPS are working with COSLA on a protocol and we trust that you will seek to ensure that this will be completed as soon as possible and as a basis for providing clear and unequivocal guidance to all employers.

Finally, the NASUWT welcomed your commitment to providing clarity over contingency plans for the 2021 National Qualifications and examination diet. Teachers will welcome the guidance that is coming but the devil will of course be in the detail on the implications of the decisions around system of assessment to

replace National 5 exams and also the decision to delay the Higher and Advanced Higher exams. I would ask that you now set out how teachers will be supported throughout the remainder of the academic year to deliver the changes that are required and that you take appropriate steps to ensure that the NASUWT is included fully and from the outset in the process of contingency planning through to February next year.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Roach', written in a cursive style.

Dr Patrick Roach  
**General Secretary**