

Date: 14 September 2020

Your Ref:

Our ref: 200914/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

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General Secretary  
**Dr Patrick Roach**

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Dear Gavin,

On 23 June 2020, the Prime Minister, in a statement to Parliament, announced that: *'Primary and secondary education will recommence in September with full attendance and those children who can already go to school should do so – because it is safe.'* The Prime Minister also gave assurances on 11 May 2020<sup>1</sup> that: *'We are going to insist that businesses across this country look after their workers and are covid-secure and covid-compliant.'*

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. We further 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

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<sup>1</sup> <https://hansard.parliament.uk/commons/2020-05-11/debates/D92692B5-165B-4ACB-BC97-4C3F25D726EE/Covid-19Strategy>

BAME backgrounds) following your guidance on those who may return to work in schools;

- d) the lack of social distancing within schools, 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/college workplaces two weeks following full reopening:

- Social distancing measures (33%)
- Effective/enhanced cleaning processes (30%)
- Access to soap and water for teachers and pupils (31%)
- Hand sanitisers in all classrooms (18%)
- Systems in place to control the flow of pupils and staff into, away from and around the school site/Staggered start and finish times (24%)
- Enhanced ventilation in classrooms (75%)
- Use of outside space for teaching and learning (89%)

In accordance with the Prime Minister's commitments on behalf of the Government, 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 the country 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 Government's decision to reopen schools in the manner adopted since 1 September 2020, and your failure to take proper regard of the practical and

logistical challenges within schools to meet the Government's demands for covid-safe working practice;

- the failure of your Department to provide robust guidance and measures nationally 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 Government 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,

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

Dr Patrick Roach  
**General Secretary**