



Rt Hon Gavin Williamson CBE MP
Secretary of State

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22nd October 2020

Thank you for your letters of 7, 14, 23 and 28 September and 16 and 19 October, in which you have raised several important questions on issues pertaining to the health, safety and wellbeing of your members.

Whilst we have discussed these matters in our regular meetings, and I know you have also met with Minister Gibb on 19 October and had several meetings with my officials, I also wanted to take this opportunity to respond in writing, particularly in light of the Prime Minister's announcement of further national restrictions in response to the increased threat of Covid-19.

The guidance and vulnerable staff

As you will be aware, my department's guidance on the full opening of schools is endorsed by Public Health England (PHE). The system of controls outlined in the guidance implemented in line with a revised risk assessment, creates an inherently safer environment for children and staff where the risk of transmission of infection is substantially reduced.

The guidance is kept under constant review, and we will continue to make any changes required further to expert public health advice where necessary. For example, we have now made it clear that when an area moves to the local 'high' or 'very high' Covid-19 alert level, in education settings where year 7 and above are educated, face coverings should be worn by adults (staff and visitors) and pupils when moving around indoors, such as in corridors and communal areas, where social distancing is difficult to maintain.

You expressed concerns about risks to staff who are clinically vulnerable, extremely clinically vulnerable or at increased comparative risk from the virus. Following advice from PHE, we have recently confirmed that clinically extremely vulnerable staff can continue to attend school where the system of controls in my department's guidance are in place in line with the school's own workplace risk assessment. In the future, the government will only reintroduce

formal restrictive shielding advice in specific local areas at very high alert level with exceptional circumstances where this has been advised by the Chief Medical officer, and only for a limited period of time. The government will write to individuals to inform them if they are advised to follow formal shielding advice and not attend the workplace.

Clinically vulnerable staff can also attend school however, my department's advice makes clear they should follow the sector-specific measures in the guidance to minimise the risks of transmission.

Pregnant women are in the 'clinically vulnerable' category and are generally advised to follow the guidance which applies to all staff in schools. However, pregnant women should take particular care to practice frequent, thorough hand washing, and cleaning of frequently touched areas in their home and/or workspace. An employer's workplace risk assessment should already consider any risks to female employees of childbearing age and, in particular, risks to new and expectant mothers. Any risks identified must be included and managed as part of the general workplace risk assessment. Our revisions to school guidance have set out that while there is not necessarily a requirement to conduct a specific, separate risk assessment for new and expectant mothers, doing so may help identify any additional action that needs to be taken to mitigate risks.

The measures set out in the guidance provide a framework for school leaders to put in place proportionate protective measures for pupils and staff. We recommend school leaders discuss any concerns individuals may have around their particular circumstances and reassure staff about the protective measures in place.

We also note your concerns about staffing levels. We are monitoring staffing levels in schools through our daily returns from schools. Our guidance to support schools to maintain adequate staffing levels and deploy staff whilst Covid-19 restrictions remain in place sets out a range of available options. We will keep these under review.

Health and safety, risk assessments and compliance

Our guidance reminds schools of their responsibilities and duties around health and safety/risk assessment and their legal duties as employers. For risk assessments, this includes the legal requirement to consult with the health and safety representative selected by a recognised trade union or, if there is not one, a representative chosen by staff. Information and guidance on risk assessments is also provided, including on the need to monitor and review preventative and protective measures regularly.

Employers and staff should always come together to resolve issues. Any concerns in respect of the controls should be raised initially with line management and trade union representatives, and employers should recognise those concerns and give them proper consideration. If that does not resolve the issues, the concern can be raised with the Health and Safety Executive (HSE). Where the HSE identifies employers are not taking action to comply with

the relevant public health legislation and guidance to control public health risks, it will consider taking a range of actions to improve control of workplace risks. The actions the HSE can take include the provision of specific advice to employers through to issuing enforcement notices to help secure improvements.

You will be aware the HSE has conducted an extensive set of telephone spot checks on schools around the implementation of the system of controls. They are also visiting some schools where:

- a concern has been raised by someone, for example, a member of staff or parent, about a school;
- concerns have been raised based on a spot check call, or the school has failed to provide someone to speak to the HSE for a spot check call after 3 attempts; or
- a visit is scheduled to a school not on the list for a spot check call, to consider its control measures, as part of validation of the process as a whole.

Test and trace

We have discussed your concerns about availability of tests and the efficiency of the test and trace programme on a number of occasions recently.

In addition to the coronavirus test kits we are supplying directly to all schools and further education (FE) providers, we have recently announced that those in particularly high risk areas may also be eligible for an additional delivery of test kits. These will be allocated to schools and FE providers by the Department of Health and Social Care, based on the local prevalence of coronavirus.

Whilst testing capacity is the highest it has ever been, you will be aware we are working to provide further priority access for teaching staff.

Funding

You have asked for additional funding to be made available to schools to cover costs resulting from the implementation of safety measures. As our guidance states, schools should use their existing resources when making arrangements to welcome all children back for the autumn. There are no plans at present to reimburse additional costs incurred as part of that process, however, we are keeping this under review.

Supply teachers

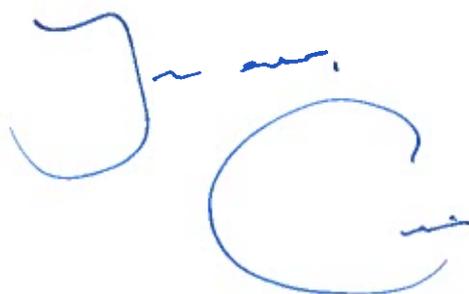
I am aware you met with my officials on 8 October to discuss the issues you raised in your correspondence of 7 and 28 September.

Further to the discussions, my officials are looking at whether we can reinforce messaging on ensuring supply teachers have access to information on safety

measures in schools. They will also provide any additional information on the Job Support Scheme for supply teachers when we receive it from Her Majesty's Treasury / Her Majesty's Revenue and Customs. I understand that matters around pay for supply teachers who were on assignment in school but have to self-isolate and the five-year rule for supply teachers who have not completed induction were discussed. I note you have also raised the issue about supply teaches and income protection during self-isolation in your letter of 19 October. My officials will report back to you on these issues.

I am happy to continue to discuss your concerns at our regular meetings, and I value your continued engagement.

Thank you for writing on these important matters.

A handwritten signature in blue ink, appearing to read 'Gavin Williamson', with a large, stylized 'G' and 'W'.

Rt Hon Gavin Williamson CBE MP
Secretary of State for Education