

Contingency Framework

The Department for Education (DfE) has produced a new contingency framework which will be implemented where there is an extremely high prevalence of coronavirus and other measures have already been implemented. This replaces the previous tiered arrangements.

The contingency framework is predicated on the assertions that the closure of schools must be an absolute last resort, that pupils are more at risk from school closure than the virus, and that school staff are not at a greater risk than other workers. This last point is, in turn, based on inconclusive evidence that the NASUWT is currently challenging.

The key points of the framework are:

- Decisions to close schools due to COVID-19 can only be made by the DfE. Local decision-making has been removed from the process.
- Early years and primary schools will remain open under nearly all circumstances. The framework states that in the *'very unlikely event that evidence supports limiting attendance in primary schools, DfE may advise that only vulnerable children and children of critical workers should be allowed to attend.'*
- Where the framework is implemented, secondary schools will remain *'open for vulnerable children and children of critical workers'*, along with year groups who have external exams. Middle schools will remain open to primary-age groups, with secondary-age vulnerable children and children of critical workers also attending. Special schools will operate as normal, although attendance will become voluntary for secondary-age pupils.
- In relation to staff, the framework states: *'in any area where restrictions have been implemented, employers should consider advice from the relevant Director of Public Health and their local authority in relation to staff attending workplaces when updating their risk assessment.'*

The NASUWT has significant concerns around the contingency framework, including the removal of local decision making and the placing all school closures in the hands of ministers. This clearly disenfranchises local authorities and academy trusts and creates further centralisation of decision making, which will lack local intelligence around settings and their communities.

The framework is heavily focused on keeping schools open and features little consideration of staff, including clinically vulnerable and extremely vulnerable staff. The fact that pupils are capable of transmitting the virus to adults seems to be ignored, particularly in relation to primary schools.

The document does state that the contingency framework only applies to limiting the transmission of the virus and should not be used for operational matters, such as staff shortages. The NASUWT, therefore, asserts that school leaders and employers retain the ability to close schools if the numbers of available staff drop below those required to operate them safely.

The NASUWT has raised these concerns with the Government and directly with Ministers, and will continue to do so.

Advice for Members

Members are advised to continue to monitor the NASUWT website for updates. The main coronavirus hub can be found at: www.nasuwt.org.uk/CoronavirusHub.

If any members are concerned about their schools' response to the coronavirus, or operational issues such as staff shortages, further advice should be sought from the NASUWT at: advice@mail.nasuwt.org.uk.

Members are also reminded that the COVID-19 pandemic does not remove contractual rights, such as the right to only cover rarely in unforeseeable circumstances. The impact of the coronavirus is foreseeable and, therefore, teachers should not be asked to cover in these circumstances.

Advice for School Representatives

School Representatives should monitor the situation in their school and report any concerns to school leaders, particularly around staff shortages or excess cover. If School Representatives become aware that a request to close a school has been overridden by the DfE, this should be reported to the NASUWT immediately.



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