

**Covid-19 and Schools Update**  
**17 September 2020**

**Introduction**

1. The NASUWT - The Teachers' Union, in addition to the support we are providing to our members across the UK, is committed to ensuring that parliamentarians remain informed of developing challenges in schools and colleges as the country responds to the Covid-19 crisis.

**Full Re-opening of Schools**

2. 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.'*
3. The NASUWT continues to monitor carefully the situation regarding the implementation of Government policy on the reopening of schools in relation to the health, safety and wellbeing of our members.
4. 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. However, the Department for Education is unable to provide any evidence

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

on the effectiveness of the risk control measures recommended its guidance to schools.

5. There is an 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 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.
6. The NASUWT has sought confirmation from the Government as to the steps it will now take to address the above concerns.
7. The Union 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.

8. 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. Indeed reported levels of compliance were as follows:

- 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%)

9. 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 the Department for Education should be conducting appropriate checks on the compliance by schools with your guidance and there should be provision for suitable ongoing monitoring and compliance arrangements. We have received no such assurances from the Government.

10. The NASUWT believes that a call for evidence – drawing together data gathered through the inspection of schools by the Health and Safety Executive and Ofsted – is required to examine the effectiveness of the mitigation strategies (e.g. group 'bubbles', etc.) advised by the Government to control the transmission of the Coronavirus in schools.

11. Additionally, the NASUWT has sought assurances that the implementation by schools of the Government's decisions on the reopening of schools are not in breach of schools' legal obligations relating to health and safety, employment or equalities. Again no such assurance has been forthcoming.
12. 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.
13. The NASUWT has therefore put 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.

### **Track and Trace**

14. The NASUWT is in receipt of reports across the country from school and academy employers and from our members who are expressing serious concerns about the failure of the Covid-19 testing system and the impact of this on schools.
15. In particular, areas where additional local restrictions have been introduced due to the increase in the R-number are now unable to cope with demand for tests. Teachers, support staff and children and young people are unable to access tests where they have Covid-19 symptoms. Employers are struggling to deal with the implications and consequences.
16. For example, in Salford, the Local Authority had in place a dedicated testing site for schools' staff and pupils. However, the number of symptomatic pupils and staff has increased to such levels that the testing site has been unable to cope with demand and has stopped taking referrals from schools.
17. In Bury, the Local Authority and our members are reporting to us that the current systems are not working. There are hundreds of pupils who are self-isolating and the number is growing. Whilst the local authority and health

protection agency has sought to increase capacity to cope with local demand, they have been inundated by demands from the national Test and Trace system which is seeking to access the local test system.

18. We have numerous other related examples from across the country.
19. The risk assessments that schools have relied upon are predicated on access to Covid-19 testing and the capacity to effectively and appropriately isolate suspected and confirmed cases. Pupils sent home with symptoms are facing uncertainty about when or where they will be able to access a test. With the delay in testing, pupils and staff who are part of a 'bubble' within a school are not being isolated even where there are multiple suspected cases and/or where multiple pupils displaying symptoms have already been sent home. This is putting at risk the health and safety of others within the school and within the local community.
20. Schools appear to be seeking to do their utmost to carry on. However, we have reports that schools are unable to cope with a situation that is becoming increasingly out of control.
21. There is clearly a need for further advice from the Government to all school and academy employers reiterating the essential steps they must follow in these circumstances and where pupils or staff are unable to obtain a test.
22. We therefore asked that, as a matter of urgency, the Department for Education confirm to schools that:
  - a) it remains essential that school/academy employers ensure that where a pupil or member of staff is confirmed with Covid-19 or has symptoms of the same, they must be sent home/stay at home immediately and seek a test;
  - b) individuals who live in a household with someone who has Covid-19 should self-isolate for the prescribed period;

- c) employers must not put at risk the health and safety of the school community and must have regard to the Government's guidance;
- d) schools must not expect or require pupils or staff with Covid-19 symptoms to remain in school and they should direct pupils and staff who have symptoms to stay at home;
- e) where schools are unable to maintain appropriate staffing levels due to staff absences, they should send groups of pupils home in order that they can continue to maintain safe working practices.

23. Given the challenges regarding the availability and demand for Covid tests, we are seeking commitment from the Government that the education sector will be prioritised for the allocation of tests while the current situation continues.

### **Remote Learning**

24. The NASUWT supports the use of inclusive, remote education for pupils who are unable to attend school for reasons related to the COVID-19 pandemic. However, the Union has concerns that the Government guidance on remote education as set out in the Guidance on the full opening of schools is unrealistic and unsustainable, without additional funding and staffing in schools. Furthermore, the Government has not done enough to resolve the continuing digital divide and the ability of many children (especially those from low income households) to access a remote learning offer.

25. The Union understands that the Government is currently considering introducing a statutory Direction requiring schools to have in place a full remote education offer from November 2020. The NASUWT is concerned that such a Direction will compound the excessive workloads in schools at a time when teachers are already struggling to cope with the demands of ensuring safe and secure educational provision within schools.

26. Teachers and school leaders already face inordinate challenges coping with the demands of full opening, including supporting children's wellbeing and their return to learning.
27. Without additional staffing, the expectation that teachers should prepare and deliver remote lessons while also preparing and teaching pupils face-to-face will increase workload substantially. Indeed, it is very clear from the feedback received from our members that schools will need additional funding and resources in order to meet additional demands for remote education. The NASUWT reiterates its view that the Government must provide schools with additional funding.
28. The extraordinary pressures on schools that have arisen as a result of the pandemic have intensified the workload pressures that teachers and school leaders were already facing prior to the crisis. Schools will not be able to establish sustainable and effective remote learning offers without also taking action to reduce and remove other sources of excessive and unnecessary workload.

### **Assessments, Examinations and Awards 2020/21**

29. The Government has confirmed that it intends to proceed with statutory end of key stage assessment in 2020/21 and with a form of the Year 1 phonics and Year 4 multiplication checks.
30. The NASUWT has written to the Secretary of State for Education to express its concerns about this decision and also to highlight the inappropriateness of any attempt by Ministers to re-introduce systems of school accountability based on performance tables and assessment and qualification results. The Union emphasised the serious limitations on the validity and reliability of any such data generated in circumstances where schools would be continuing to face significant disruption as a result of the COVID-19 outbreak.

31. Public and professional attention continues to focus on the implications of the pandemic for qualifications in 2020/21 and the Union continues to engage on these matters.
  
32. The NASUWT has expressed the need for particular caution about proposals for delaying the start of examinations next summer. While not ruling out this option entirely, the Union noted that moving examination dates in this way, while retaining the current publication dates for awards, would seriously constrain the timescale within examination scripts would be submitted, marked and quality assured. This could create significant pressure on a system that would still be operating in extraordinary circumstances and could increase the risk of errors and failures. The NASUWT also noted that it was not clear that such a delay would not create enough additional teaching time to justify the potential disruption it might cause.

For further information, please contact:

Dr Patrick Roach

General Secretary

[nasuwt@mail.nasuwt.org.uk](mailto:nasuwt@mail.nasuwt.org.uk)

[www.nasuwt.org.uk](http://www.nasuwt.org.uk)