

Date: 30<sup>th</sup> November 2020

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Our ref: 201130/Williamson G/PR/TF

Rt Hon Gavin Williamson, MP  
Secretary of State  
Department for Education  
Sanctuary Buildings  
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# NASUWT

## The Teachers' Union

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General Secretary  
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Dear Gavin

### **DfE Contingency Framework**

The NASUWT notes with serious concern the late publication on Friday, 27 November 2020, of the Department's contingency framework for the management of Coronavirus outbreaks in schools and colleges.

We note that the Contingency Framework replaces the previous tiered arrangements established at the start of the autumn term. We further note that your Department did not implement the previous tiered arrangements for schools.

We note that the Contingency Framework confirms that:

***“An educational setting should not move to implement restrictive measures of the kind set out in the contingency framework without the explicit agreement of DfE.”***

You should be aware that this will be a major cause for concern for parents as well as for the workforce in schools.

The NASUWT remains extremely concerned that your Contingency Framework is predicated on a continued assertion, based upon inconclusive evidence, that school staff are at not greater risk of the Coronavirus than is the case for other workers. Indeed, our members working in schools are clear that increased numbers of children and staff have been required to self-isolate or have tested positive since the start of the autumn term. You will be aware that the Office for National Statistics has also reported a 50-fold increase in the number of positive cases amongst 11-16 year old since the start of this term. You will also be aware that I have repeatedly requested that you provide data on the number of cases in schools of staff and pupils who have tested positive and/or required to self-isolate and that such data should be published on a weekly basis. We remain concerned that, whilst this data is currently being harvested from schools by your Department, it has still not been made available publicly.

Given that the position of the Government in respect of the decision-making framework governing Coronavirus-related school closures has now been amended, the NASUWT must ask that you provide details of the scientific advice that accompanies this decision.

The NASUWT has been clear throughout that the Government must base any decision on the scientific evidence and advice. We are concerned, therefore, that the change of approach you are now seeking to adopt will result in increased unsafe working practices as operational decisions in relation to Covid-19 outbreaks in schools will be made politically and will no longer be determined by local public health advice and decision-making.

Our members in schools and colleges will be deeply concerned that the decision to establish the Contingency Framework has not only bypassed Parliamentary scrutiny, but also signals a fundamental undermining of the role of employers, headteachers and local public health teams who have statutory obligations to keep schools safe and to protect public health.

Furthermore, the NASUWT is concerned that your decision raises serious questions about how employers will now be able to discharge fully their legal responsibilities and obligations to ensure health and safety at work as enshrined in the Health and Safety at Work Act 1974.

Our members have worked extremely hard to keep schools open safely and to make provision for remote education for those pupils who are unable to be in school. Our experience to date is that schools have responded carefully by following the public health guidance and ensuring that pupils and staff who are required to self-isolate will be those who have been in direct contact with other children or adults who have received a positive test.

Our members maintain that whilst keeping schools open remains important for the education and wellbeing of pupils, schools must also be safe. However, we are concerned that the Contingency Framework fails to address concerns in relation to the safety of those staff who are clinically extremely vulnerable or in a higher risk group, and fails to take into account sufficiently the strong and growing evidence of virus transmission amongst pupils and between pupils and adults, including in primary schools.

The NASUWT is also concerned about the capacity of the Department to undertake critical life or death decisions across 23,000 schools nationwide.

We believe that decisions about safe opening of schools must be taken by and with the full involvement of those on the ground who are best placed and most able to make these decisions.

The NASUWT asks you to publish immediately the criteria that will be used to guide decisions on school closure in response to Covid-19 outbreaks. The Union also asks for immediate clarification from you regarding the process to be followed by your Department when making these critically important decisions.

You should be aware that the continued provision of education in schools and colleges rests upon the morale and commitment of the workforce. Teachers cannot teach and children cannot learn effectively where their health or safety is at risk. Securing the commitment of teachers will depend on the ability of your Department to demonstrate that protecting the health, safety and wellbeing of teachers and other staff will not be compromised and will be its priority.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Roach', with a stylized flourish at the end.

Dr Patrick Roach  
**General Secretary**