

October 2020

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To Directors of Education/Children's Services

Dear Colleague

As you will be aware, a second wave of coronavirus transmission has prompted the UK Government to uprate the COVID-19 threat level to 4, meaning that the level of virus transmission is high or rising exponentially. Further, the Government has designated different areas nationwide using a new three-tier system of COVID-19 transmission risk, classifying areas as 'medium', 'high' or 'very high' risk.

You will appreciate that these developments have important implications for all school and college employers which now urgently need to be addressed, as part of your risk assessment plans and control measures, especially as schools and colleges in 'high' and 'very high' risk areas are subject to additional mandatory control measures, and the redesignation of 'medium' areas can happen with little notice.

Risk Assessment

The NASUWT is seeking urgent confirmation from you that in light of the increased COVID-19 threat levels, you will be reviewing and updating as a matter of priority the COVID-19 risk assessments and control measures for your schools in consultation with employees, the NASUWT and other trade unions. As you are probably aware, the employer's obligation under the health and safety legislation is non-delegable.

In light of the increased threat level, there is a clear requirement for all employers to review their risk assessments and mitigations, to limit the spread of the virus within schools and colleges. It is essential that employers do not continue to operate on the basis of outdated risk assessments that were produced when COVID-19 transmission levels were at their lowest immediately prior to full reopening at the start of the Autumn term. This would present a serious and foreseeable risk to the health and safety of our members working in your schools, including the pupils in their care. As the employer, you will be well aware of your statutory responsibilities and the duties of your employees for the pupils in their care under the Children Act 1989.

The Government has confirmed a number of additional measures to be followed by the general public and workplaces to seek to restrict the transmission of coronavirus. You will be aware that the Government's advice is that people should work from home if possible, and to minimise social contact. This is especially pertinent in the case of teachers with underlying health conditions or disabilities, or who may otherwise be deemed to be vulnerable.

You will be aware that there are significant numbers of teachers who are pregnant, who are clinically extremely vulnerable, who have underlying conditions, or who are from higher risk groups (e.g. BAME teachers) who are working in schools and who are already extremely concerned and anxious about their safety at work. Their concerns have been heightened as a result of the increased incidence of coronavirus transmission, together with the lack of social distancing within schools and the absence of personal protective equipment (PPE) within classrooms. These risks continue to present serious dangers for our members.

We, therefore, ask you to confirm what additional measures you intend to implement to minimise the risk of coronavirus being transmitted to these groups within your workforce.

Equality Impact

You will be aware that the Equality Act 2010 imposes a range of specific and general duties on public authorities. Local authorities and academy trusts are, for most purposes, public authorities in the exercise of their duties and powers concerning the administration of schools.

We, therefore, ask you to confirm whether in light of the Public Sector Equality Duty you have revised, updated or carried out any fresh equality impact assessments following the reopening of your schools at the start of the Autumn term, and taking into account the UK Government's decision to increase the COVID-19 threat to level 4.

Further, we ask for confirmation as to whether any fresh risk assessments and equality impact assessments have been undertaken in response to additional local restrictions imposed in the local area(s) in which you are responsible for the provision of education and the employment of teachers.

For the avoidance of doubt, and in accordance with your obligations under the Freedom of Information Act 2000, the NASUWT requests the publication by you of any COVID-19-related equality impact assessments relating to the provision of education in those schools for which you are responsible.

I look forward to hearing from you.

Yours sincerely

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

Dr Patrick Roach
General Secretary