

6<sup>th</sup> January 2021

Dear Head Teacher / Principal / Executive Principal / Chief Executive Officer

## **Re: School reopening - January 2021**

Further to our letter to you on Sunday 3<sup>rd</sup> January 2021 (enclosed) we write to you with some initial considerations, expectations, comments and questions on the announcement from the Prime Minister on Monday 4<sup>th</sup> January 2021 to open primary and secondary schools to vulnerable and keyworker children only and to move to remote teaching and learning for all other children. We have serious concerns about the continuation of provision for Special, Alternative Provision, EYFS, Nursery and SEN and continue to make representations. This provision needs to be carefully considered in line with Health and Safety and Workload implications. We are awaiting further national guidance and information from our Union and will share this.

### **NASUWT response to the announcement**

The Union has been continuing to make active representations about the impact of the new variant of the coronavirus, rising infection levels and the impact on the reopening of schools and colleges. Prior to the start of the spring term, the NASUWT called on the Government to end the confusion and chaos across the country, to put safety and public health first, and to move immediately to remote education on a nationwide basis.

A national lockdown was the only credible response to the current situation facing the country. It is right that the Government has accepted the NASUWT's calls for an immediate move to remote learning which will operate until the February half-term in the first instance.

Reopening schools again after half-term without further disruption will, however, mean that lessons must be learned. The NASUWT is calling on the Government to:

- work with the sector to develop credible and lasting solutions;
- introduce tougher control measures and enforce compliance;
- introduce robust system of testing led by public health teams;
- give priority to the education workforce in the roll-out of the coronavirus vaccine.

The NASUWT has also made clear that the Union expects to be fully involved in discussions around preparation of alternatives to the summer 2021 public examination

series and that preparations for the 2021 primary school statutory assessments should be abandoned.

In general terms during this period, we expect settings to consider the following:

### **General Health and Safety considerations**

- Risk assessment templates should be reviewed in line with any renewed guidance
- Risk assessments must be updated and reviewed on a regular basis by trained and competent persons to take account of the increased and HIGH risk of the variants of coronavirus. It is not acceptable for risk assessments to be dated Autumn Term 2020. The risk assessment must be subject to consultation with all staff, unions and quality assured by a process such as the one offered by Coventry Local Authority.
- All policies, procedures including safety procedures must be reviewed, and updated to take account of the increased risk of the variants of coronavirus. These must be shared with all staff and consulted on before being put in place.
- Individual risk assessments (i.e., VERAs) must be updated and reviewed for all vulnerable and 'at risk' staff, this includes those over 50, pregnant, travelling by Public Transport, BAME, living with vulnerable people and those with underlying health conditions.
- Clinically Extremely Vulnerable staff should be working from home
- Clinically Vulnerable staff should be working from home or if they are in school with an updated individual risk assessment (i.e., VERA).
- School and Public transport – full consideration should be given to the risks of travelling for staff and provision for pupils
- Equality Impact Assessments (EIAs) need to be reviewed in line with change in provision and the impact on protected groups.
- Our checklist makes clear our general expectations around Health and Safety - [Covid-19: Health and Safety Checklist](#)

### **Workload and Remote Learning**

- All activities undertaken should be workload impact assessed in line with our Workload checklist - [Covid-19: Workload Checklist](#)
- Expectations on remote learning should consider the NASUWT advice and guidance - [Arrangements for Remote Teaching and Learning 2020](#)
- Expectations on remote learning should consider the NASUWT checklist - [NASUWT checklist for the use and management of remote education](#)
- Workload impact assessments should be carried out on remote learning provision.
- Staff who are remote teaching should not be required to work in school unless there are specific reasons – in this event individual risk assessments should be completed and spacing needs to be considered.
- Policies such as the Behaviour Policy should be reviewed to take into consideration remote teaching and learning.
- Access to IT equipment (Laptops and Internet Access) for remote learning – what further support will be made available?

## **School Organisation and Resourcing**

- Potential staggered start and finish times – consider impact on siblings in school and at other schools who may start/finish earlier or later, working hours of staff if the day is extended or starts earlier
- Longer time gap between sessions to allow for cleaning and any other Health and Safety considerations
- Consider the criteria of keyworker and vulnerable children to manage and reduce bubble sizes – especially in social schools
- Staff who do go into school must not mix with any other staff and must follow risk assessments.
- all staff training and meetings should be now conducted remotely. There must be no expectation for all staff to be in on the school site at the same time.
- Rotas should now be used, and this should be based on staff volunteering.
- The numbers of pupils in each bubble should be limited and there should be no mixing of bubbles including staff – reference any updated guidance.
- There should be appropriate allocations of staff to each bubble so breaks can be taken and PPA.
- Is there any information about possible fines for non-attendance of pupils including keyworker and vulnerable children?
- If schools are using Supply Teachers/external visitors (SEN etc.)/any external providers – is there any updated guidance for this? Are updated risk assessments going to be shared? Supply Teachers could be offered longer term contracts to ensure continuity.
- PPA arrangements and breaks/lunchtimes/supervision duty – contractual issues for staff will need to be considered.
- NQTs – PPA and support – How will NQTs be supported through this?
- Bubbles being sent home - how will remote learning be managed? There are workload implications on staff.
- Lunches should be provided by the school and staff and pupils should have lunch together in the same area
- Mental Health considerations for Staff and Pupils.

## **Specific Health and Safety Issues**

- Ensure all resources for each pupil are covid-secure
- Pupils should not be bringing any materials or equipment into school or taking any resources home
- Management of toilets – cleaning and different bubbles using at the same time / staff toilets – ensure there is adequate soap and paper towels
- Ensure there are supplies of hand sanitiser
- Maintain good ventilation and good heating in line with requirements
- Additional cleaning of all work surfaces
- Pupils undertake outdoor activities where possible
- Schools will require additional cleaning, signage, equipment, PPE – funding considerations
- Appropriate medical-grade PPE for staff and pupils as identified through VERA and guidance

- 2m Social Distancing – as identified through VERA and guidance
- Staff to change clothing and shower on returning home
- Schools to consider temperature checks
- Testing provision for pupils and staff on a regular basis
- Any positive cases mean the whole bubble collapses and they self-isolate in line with the established process
- Social distancing maintained outside the school site at beginning and end of sessions

We remind you that the employer has a duty during this crisis to do whatever it takes to ensure that all schools are safe places for teaching and learning with due regard to Health and Safety, Employment and Equalities legislation. Given the urgency of the situation, we trust that you will reconsider the matters raised in this letter to be of the utmost priority. As previously stated, the NASUWT stands ready to work with you in the interests of children, young people, and our members in all schools.

We look forward to your response to the issues and questions we raise.

Yours sincerely,

Pippa Richings, Nigel Buckler and Manjinder Bhandal  
NASUWT Coventry

Enc.

Letter sent on Sunday 3<sup>rd</sup> January 2021 from NASUWT Coventry  
Health and Safety Checklist  
Workload Checklist  
Remote Teaching and Learning Guidance  
Remote Teaching and Learning Checklist

3<sup>rd</sup> January 2021

Dear Head Teacher / Principal / Executive Principal / Chief Executive Officer

**Re: School reopening - January 2021**

Further to our letter to you on Friday 1<sup>st</sup> January 2021 (enclosed) and the national letter, from our General Secretary on Saturday 2<sup>nd</sup> January 2021 (enclosed), we write to you again to share our position.

**Given the current situation and the serious threat to life, the NASUWT must insist that you consider very carefully whether it remains safe for your schools to reopen from Monday, 4 January 2021 and that an immediate move to remote learning is appropriate to safeguard the health and safety of pupils and staff.**

With the impending reopening of schools and colleges next week (irrespective of whether this is a full return or a return for key worker/vulnerable children only with remote provision), it is essential that your previous COVID-security plans are revised and updated, subject to appropriate consultation.

**The NASUWT insists that you must immediately act to ensure that all schools, for which you are responsible as the employer will have the following in place before reopening to staff and pupils next week with due regard to your duties and obligations under the Health and Safety, Employment and Equalities legislation:**

- **a comprehensive and updated COVID-19 operational plan, including new risk assessments which will have been the subject of full consultation with all staff and unions and been through a quality assurance process such as the one offered by Coventry Local Authority. Also taking into account Government guidance and informed by the increased risks identified by the Government and Public Health Teams of Coronavirus transmission in our local area;**
- **updated the guidance and training provided to all employees on safe working practices in light of the additional risks identified by the Government;**
- **conducted new individual risk assessments (i.e., VERAs) for clinically vulnerable employees and with regard to other employees identified as at higher risk from Coronavirus;**

- **notified all employees who are clinically extremely vulnerable (CEV) (particularly as Coventry is in a Tier 4 area) that they must stay at home/work from home.**
- **updated their plans and protocols with regard to the safe deployment of supply teachers;**
- **put in place such procedures as necessary to ensure full compliance with the measures in the risk assessments and have a notified procedure for dealing immediately with any breaches.**

We are clear that given the acute challenges posed by the new variant of the Coronavirus, the introduction of mandatory wearing of face masks or visors within school buildings must also be considered, together with additional provision of personal protective equipment (PPE) and the maintaining of 2 meters distancing alongside other risk management measures to mitigate the increased risks. To be helpful, we enclose a copy of our latest Health & Safety and Workload checklists for schools to use.

The NASUWT is reminding employers that, irrespective of the Government's guidance or lack of it, they remain responsible and liable for health and safety in the workplace.

The Union also reiterates the position it has stated previously: that we are putting employers on notice, by 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.

The Union will consider an employer to be in breach of our members' legal rights under Section 44 and 100 of the Employment Rights Act 1996, if they are subjected to detriment and/or dismissal in circumstances of danger which our members have reasonable belief to be serious and imminent. NASUWT members' rights under sections 47B and 103A of the Employment Rights Act [protected disclosure for the purposes of whistleblowing], including their rights under the Equality Act 2010, are also reserved.

The NASUWT recognises that schools and employers have been placed in a situation where the wrong decision will result in people becoming seriously ill and dying and will therefore appreciate that there can be no compromise on health and safety. If this means that schools need to delay reopening to all pupils in order to ensure they can complete all necessary planning, consultation and training of staff required to safeguard the health and safety of staff and pupils, then that position must be accepted.

**We welcome the information that Lateral Flow Tests (LFT) are being made available to staff in maintained primary, special and secondary schools from Monday 4<sup>th</sup> January 2021, but we must make clear again that teachers and school leaders cannot be required to administer tests or to participate in any of**

**the processes involved in delivering testing. As previously communicated, we are also strongly advising our members against doing so on a voluntary basis. We will support by sharing the information with our members. If you can provide any details about how this will be administered, we will share this information.**

We remind you that the employer has a duty during this crisis to do whatever it takes to ensure that all schools are safe places for teaching and learning. Given the urgency of the situation, we trust that you will reconsider the matters raised in this letter to be of the utmost priority. As previously stated, the NASUWT stands ready to work with you in the interests of children, young people, and our members in all schools.

We look forward to your response.

Yours sincerely,

Pippa Richings, Nigel Buckler and Manjinder Bhandal  
NASUWT Coventry

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Letter sent on Friday 1<sup>st</sup> January 2021 from NASUWT Coventry

Letter sent on Saturday 2<sup>nd</sup> January 2021 from NASUWT National

Health and Safety Checklist

Workload Checklist