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| new nsead logo RGB.jpg | National Society for Education in Art & Design 3 Mason’s Wharf, Corsham, SN13 9FY United KingdomTel: 01225 810134 Fax: 01225 812730 www.nsead.orgGeneral Secretary: Michele GregsonPatrons: Keith Brymer Jones; Professor Sir Christopher Frayling MA PhD.Professor Magdalene Odundo OBE; Cornelia Parker OBE RA; Dr Janina Ramirez. Sir Nicholas Serota; Lady Frances Sorrell; Sir John Sorrell; Bob and Roberta Smith OBE RA |

2nd January 2021

**COVID-19 – the delayed reopening of schools and colleges in January 2021**

To: Headteachers

On the 17th December 2020, the UK Government announced that all secondary schools and colleges in England would be required to stagger the opening of schools in order to set up mass testing for pupils and staff. In meetings with Department for Education officials, stakeholder organisations, including NSEAD, made it clear that we did not believe this could be achieved. We asked why primary schools were not included in plans to introduce lateral flow testing, despite rising levels of transmission in those settings. We asked for the SAGE reports to be published. We asked for the findings of Nervtag into transmission amongst children to be shared. We made it clear that the escalation of Coronavirus transmission with the new variant, which the Government has told us is up to 70% more transmissible, posed an increased risk to staff, students and their families.

We asked for a delay in the opening of all schools and colleges to allow adequate time to set up mass testing, and to act as a ‘circuit breaker’. The decision was made regardless that the default position should be maintained – that schools and colleges remain open to all pupils except in exceptional circumstances. We believe that these are exceptional circumstances.

The Government has made several revisions to their directives since then. At this point, there is remaining uncertainty over whether it is safe for schools and colleges to remain open. Rates of community transmission are rising rapidly, and SAGE have advised the UK Government that the ‘R’ rate might be kept below 1 if schools stay closed in January. In addition, we note reports that more children are becoming ill with Covid-19 with grave concern.

In this rapidly changing situation, NSEAD urge you to review your Covid-security plans and take action to ensure that the health and safety of your pupils and staff is not compromised. We are in full agreement with our fellow Trade Unions and TUC affiliates that the Government should follow SAGE recommendations. We join other Trade Unions in calling for a delay for the re-opening of all schools and colleges to provide a vital ‘circuit breaker’ for transmission, and the opportunity to review, revise and update Covid-security plans.

Employers cannot continue to operate on the basis of outdated risk assessments produced when Covid-19 transmission levels were at their lowest immediately prior to full reopening at the start of the autumn term. Since then, under lockdown conditions we have seen a trebling of cases every two weeks. Transmission rates are accelerating and NSEAD believe that this constitutes a serious and foreseeable risk to the health and safety to all those working in school and college environments. We appreciate that there is an absence of updated guidance from the Government, however new Covid-related safety measures should address as a minimum:

* An updated plan for systems of control, that takes account of PHE information about Coronavirus transmission in your local area, including new risk assessments agreed with full consultation with all staff and unions, before reopening to staff and pupils in January.
* New risk assessments must be made for clinically extremely vulnerable, and also staff identified as being at higher risk from Covid-19. CEV and higher risk employees working in tier 4 areas should be instructed to work from home.
* Employees must receive training and updated written guidance on safe working practice, and there must be such procedures as necessary to ensure full compliance with the measures in the risk assessments.

NSEAD advises our members to ensure that their schools, colleges and other settings have consulted and completed revised risk assessments, taking full account of the additional risks associated with the Coronavirus. Our members are entitled to protection under the following provisions:

* Regulations 3 and 8 of the Management of Health & Safety at Work Regulations 1999
* Regulation 4 of the Personal Protective Equipment at Work Regulations 1992
* Regulation 4 of the Workplace (Health, Safety & Welfare) Regulations 1992
* Regulation 7 of the Control of Substances Hazardous to Health Regulations 2002
* Sections 2 and 3 of the Health & Safety Act 1974

Given the gravity of the threat to life, we have no choice but to advise our members not to put themselves in danger if they are not satisfied that mitigation measures are in place that reflect increased risks of transmission of the Coronavirus. If a satisfactory, revised Covid-security plan, with full staff consultation is not in place they should not be forced to return to work.

We ask you to discharge your responsibility as an employer for health and safety at work, and to recognise this acceleration in transmission to be a circumstance of danger which, as defined under Section 44 and 100 of the Employment Rights Act 1996, our members have reasonable belief to be serious and imminent. Our expectation is that our members should not be subjected to detriment and/or dismissal if they exercise their right to refuse to return to a place of work that they reasonably believe to be dangerous.

We expect teachers’ contractual rights with regard to pay and other conditions of service must be adhered to at all times, including when planning for onsite or remote education provision.

We appreciate the extreme pressure that school leaders are working under, and assure you that we support all calls to delay reopening to pupils in order to ensure that you can complete all necessary planning, consultation and training of staff required to safeguard the health and safety of staff and pupils. You can be assured that you have our full support in whatever measures are necessary to protect the health and safety of our members and the pupils in their care.

Yours faithfully

Michele Gregson

General Secretary, NSEAD