

Neath Port Talbot Head Teachers

Dear Colleagues,

FACE COVERINGS IN SCHOOL SETTINGS (INCLUDING TRANSPORT)

As you are aware, the Welsh Government decided earlier this week that local authorities and individual schools should be responsible for decisions in this area.

The Council shares the dismay of many of you and the trade unions at this turn of events – particularly the timing so close to the beginning of the Autumn term. Nonetheless the relevant Elected Members and senior officers have reviewed the position urgently and concluded as follows.

Our starting point is that the Council believes that it has a duty to offer as clear guidance as possible within the law and not simply transfer that responsibility to schools.

However, in the final analysis and absent changes in the law (the Health Protection (Coronavirus Restrictions) (No.2) Regulations 2020), the Council does not have the legal powers to compel schools to take certain measures nor, in our view, do schools have the powers to do likewise in certain areas. These matters are revisited below.

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On **Home to School Transport**, we believe that the position is clear. Face coverings must be worn by youngsters aged 11 or over – circa 2800 pupils across the County Borough of secondary school age.

There is a requirement to minimise the risk of exposure by taking all reasonable measures to ensure 2 metres is maintained between any persons and take any other reasonable measures for that purpose. Although there is an exemption for those travelling on a vehicle providing a school transport service, logic dictates that this level of social distancing is not possible on school transport.

Accordingly, the Council is proposing to source face masks of the required standard wholesale and put in place arrangements to distribute them to pupils (probably via schools themselves initially; but this means that some youngsters may have to make an initial journey without a face covering). This will be at zero cost to schools, parents and pupils initially; but the Council reserves the right to limit the provision of free masks after this initial period should the Welsh Government decline to fund this provision. The position currently remains unclear, so the Council will review its policy prior to the Autumn half term and communicate its position as soon as is practicably possible. If the provision continues, supplies will be limited to 5 reusable masks per pupil per term. However, the Council is mindful of the need to ensure that all children and young people have access to face coverings where required.

In **school settings** themselves, the position is more complex. What follows is applicable mainly to secondary schools or those settings within all through schools (our conclusions in respect of primary schools or those settings within all through schools are covered separately below). Essentially, the Council does not believe that it is possible, in the short time available, for schools to fully risk assess all circumstances in every (different) school setting prior to the start of term. The announcement came too late for that. In any event, the Welsh Government has subsequently stated that a full risk assessment is not required by Tuesday next and it is also the case that schools do not become fully operational until 14 September, which provides an opportunity to complete preparations.

Thus the Council has concluded that, on balance, the safe and cautious approach is to recommend that the relevant age groups wear face

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coverings in communal areas until Head Teachers and governing bodies have gained further assurance through the completion of all risk assessments, which will guide the implementation of measures in the round.

Council officers have already consulted in a preliminary fashion with all **secondary** school heads and the position varies (because of the design of the estate and timetabling considerations) from school to school in terms of communal areas and whether Key Stage cohorts are essentially mobile or static during the school day, for example.

What this effectively means is that the risk assessment in some schools could conclude that face coverings will be required; but elsewhere not and in some schools, other control measures may be appropriate.

The Council recognises that these are hardly ideal circumstances in terms of achieving consistency; but we are where we are. Council officers stand ready to assist schools with these risk assessments; but ultimately we will back the reasonable judgement of head teachers in this regard.

Returning to the legal framework, it is clear to the Council that all of the extant guidance is advisory and does not therefore have the force of law and will be dependent upon the cooperation of parents and pupils. The powers of enforcement open to the Council and schools are practically non-existent in reality; but that does not remove the possibility of a challenge to what the Council and/or schools are doing. This is a function of the inconsistencies present in the system. All we can do in these circumstances is repeat the assurance that the Council will stand behind head teachers in making reasonable decisions.

Moreover, and extending that rationale, the Council does not believe that we or schools have the legal powers as things stand to exclude a pupil because s/he is not wearing a face covering, also recognising that there are categories of those exempt from the requirement to wear masks in the first place.

As regards **primary schools**, the extant advice and guidance from the Welsh Government Chief Medical Officer is clear. The Technical Advice issued on 26 August states:

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“There appears to be little additional value of face coverings in children under age 11, as the evidence points to low rates of symptomatic infection and transmission in this age group. On safety and wellbeing grounds, children under age 2 should not wear face coverings”.

Furthermore, the World Health Organisation and UNICEF advise (to paraphrase) decision makers to apply the following criteria for use of masks in children in areas where there is known or suspected community transmission of Covid 19 and in settings where physical distancing cannot be achieved.

Essentially, children aged up to five years should not wear masks and for those between six and 11 years of age, a risk-based approach should be applied taking into account the intensity of transmission in the area; available evidence on the risk of infection and transmission in this age group and social and cultural considerations plus the child’s capacity to comply with the appropriate use of masks and the availability of appropriate adult supervision; the potential impact of mask wearing on learning and psychosocial development and any additional considerations for specific settings such as sport or for children with disabilities/underlying conditions.

Accordingly, the Council has concluded that face masks in primary schools are not recommended at this time; but there is nothing to prevent the wearing of masks should the individual so wish.

Overall, it is the Council’s intention to keep the position under close review, particularly during the initial two week period at the start of term. Should there be material change to either or both of the regulations and guidance that will trigger a further review - and Welsh Government has indicated that further guidance will issue next week.

Meanwhile, we stand ready to discuss any related matters with schools as required. A copy of this letter is being sent to the Principal of the

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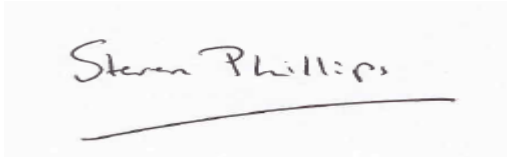
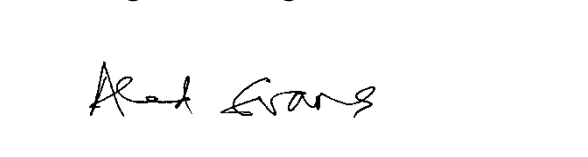
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NPTC Group of Colleges and to all recognised trade union representatives at the Council, who are free to forward it to other trade union officers at a regional or national level. Similarly, Head Teachers are free to share it with their staff and others as you see fit.

The Council itself will be arranging a public statement on the matter for the benefit of parents and the wider community.

We hope this clarifies matters to the maximum extent possible during these challenging times.

Yours sincerely,

<p>Steven Phillips <u>Chief Executive</u></p> 	<p>Aled Evans <u>Director of Education, Leisure & Lifelong Learning</u></p> 
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