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cc. The Rt Hon Gavin Williamson MP, Secretary of State for Education, Department for Education, 20 Great Smith Street, London, SW1P 3BT

21 May 2020

URGENT

Dear Sir or Madam,

**RE: FORMAL REQUEST FOR SCIENTIFIC ADVICE AND EVIDENCE IN CONNECTION WITH
PROPOSED EXTENDED OPENING / RE-OPENING OF SCHOOLS**

Introduction

1. We write to make a formal request for the scientific advice and underlying materials relating to the Government's proposal to re-open schools. We set out the details of our request more fully in paragraphs 56-60 below. We request that the information is provided by no later than **12 noon on Monday 25 May 2020**.
2. We regret having to write in these formal terms, but we have requested this information on a number of occasions previously and it has yet to be provided. This despite the fact that the Government has made 'transparency' a cardinal principle of its approach to managing the COVID-19 (**coronavirus**) pandemic and has given

Cabinet, not by the Department for Education, that he had not been privy to any meeting at which PPE for educational staff was discussed, and this was a matter which Public Health England ('PHE') would be considering further. No assessment had been made, he said, by the Department for Education as to the protective measures suggested in the Schools Guidance and the scientific evidence underpinning the decision to re-open would, he stated unequivocally, be provided in due course.

Meetings and correspondence with the NEU

26. The NEU has been recognised by the Government as a relevant stakeholder and has been invited to certain meetings by the Department for Education ahead of the decision to re-open schools.
27. Stakeholder meetings took place online via Microsoft Teams on 24 April 2020, 1 May 2020, 7 May 2020 and 12 May 2020 and the NEU accepted the invitation to attend these. Adrian Prandle attended on behalf of the NEU. There was no agenda produced for the meeting on 24 April by Andrew McCully (Director General for Early Years) or his deputies, Kate Nixon (Director of School Quality and Safeguarding) and Sarah Lewis (Director Early Years and Schools Group), who convened the stakeholder meetings. Brief agendas were produced for the other meetings and centred on updating stakeholders and considering what type of guidance might be of utility to schools if and when they re-opened. The meetings allowed for some degree of discussion as to practical steps schools might be able to take when re-opening. For the avoidance of doubt, they did not constitute, nor were they held out to be, consultation meetings and no scientific evidence or advice was shared with the stakeholders during those meetings.
28. In addition, meetings took place between Kevin Courtney, Joint General Secretary of the NEU, and the Secretary of State on 24 and 31 March 2020, on 7, 14, 21, 28 April 2020 and 6, 12, 19 May 2020. No briefing notes were provided for these meetings and no details of any scientific advice or underlying evidence were shared during them, though Mr Courtney was informed during these meetings that such evidence

substance indeed, even (surprisingly) the meeting with members of SAGE on 15 May 2020. This was in effect a wasted opportunity for the Government.

55. It is currently entirely unclear as to how the Government has arrived at such a fundamental decision by reference to the short document at Annex 1, which raises many questions and answers few.

What the NEU seeks

56. In the circumstances, the NEU seeks access to all of the scientific advice which the Government has considered and/or is considering in relation to:

- a. its proposal to begin the phased re-opening of schools, whether from 1 June 2020 or otherwise;
- b. its development of the Schools Guidance,

together with all evidence, data, modelling and other materials upon which such advice was/is based.

57. In particular, the NEU seeks answers to the specific questions set out in paragraph 48 above and all scientific advice and evidence relevant to those questions.

58. The NEU anticipates that the Government will have the following types of evidence which it specifically requests in addition to its general request:

- i. The information which has been used to produce the summary at Annex 1;
- ii. Other papers, proposals, data or advice from SAGE or the CTFW Group;
- iii. Any information about schools closing or re-opening in other parts of the world, which has been relied on or assessed by any of the Government's scientific advisers;
- iv. Specific advice from the CMO/DCMOs;
- v. Information from Devolved Administrations as to their decision not to re-open schools from 1 June 2020 or any currently fixed date.

59. The NEU also seeks full details of each and every step taken by the Secretary of State to undertake an equality impact assessment, or take any other step, in order to comply with the public sector equality duty in section 149 of the Equality Act 2010.

60. Finally, the NEU seeks:

- i. A reasonable opportunity to respond to the information and to make representations including as to the absence or presence of scientific information as it touches upon the interests of the NEU's members and wider community transmission of coronavirus, for which the NEU considers that it will need at least 5 days from receipt of the relevant information;
- ii. An undertaking that the Government will not make any final decision about whether to reopen schools unless and until the NEU has had opportunity to consider and respond to any response to this letter, and no earlier than 12 noon on 29 May 2020 in any event;
- iii. An undertaking that the Government will not require, direct or advise schools to re-open from 1 June 2020 whether by direction or by other means unless and until fair and meaningful consultation has taken place and it has considered the response and / or representations of the NEU (and such other consultees as are relevant).

61. Fundamentally, the NEU has not received any scientific evidence to suggest that it is safe for schools to reopen. Unless and until that evidence is provided and effective consultation has taken place, schools must remain closed.

ADR

62. In view of the circumstances of extreme urgency, the NEU does not consider that this claim is suitable for formal alternative dispute resolution. Nevertheless, the NEU invites the Government to consider delaying the start of its proposed phased re-opening of schools and to form a working group including the NEU and other stakeholders to consider the relevant evidence more fully and make plans which achieve a consensus across the profession and the sector. The NEU would observe