The department has been forwarded various letters about the legality of testing, face coverings and vaccination in education settings. These letters focus on the issue of choice in using and implementing measures within the systems of controls. This note seeks to provide clarification around some of the issues raised in these letters to help schools and colleges respond.

At each stage of our response to the pandemic, we have listened to the latest medical and scientific advice. We have provided and regularly updated guidance to support education settings with input from education leaders, unions, and sector bodies and in consultation with Public Health England (PHE) and the Health and Safety Executive (HSE).

Education settings should continue to follow the measures set out in our

Guidance: [Actions for schools during the coronavirus outbreak - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak). By assessing risk and implementing all measures, including ventilating occupied spaces and cleaning, settings will effectively manage risks and create a safer environment.

All elements of the system of controls are essential in effectively minimising

risks. All settings should implement them, but the way different settings implement some of the requirements will differ based on their individual circumstances. PHE advises that the implementation of the system of controls based on a thorough risk assessment is a sufficient and appropriate way to reduce risk in education settings.

Our guidance does not, impose any legal obligations on pupils, students or settings. It is intended to provide settings with a guide on how to mitigate the risk of transmission and to help them meet their obligations under health and safety law. Settings should continue to conduct risk assessments for their particular circumstances and take appropriate action in line with the system of controls and ensure that they comply with their obligations under health and safety law.

Vaccines

Currently, children under 18 years old are not being routinely offered a COVID-19 vaccine. For those children who are at the very highest risk if they were to contract COVID-19, the independent experts at the Joint Committee on Vaccination and Immunisation (JCVI) have advised that vaccination should be a carefully discussed individual decision between parents/guardians and their GP.

The Government’s independent medicines regulator, the MHRA, has conducted a robust review of the evidence and, having already concluded that the Pfizer/BioNTech vaccine is safe and effective for people over 16 years old, they have now also concluded that is safe and effective for children between 12 and 15 years old.

Following this, the Government has asked the JCVI to advise whether routine vaccination should be offered to younger people aged 12 to 17. The JCVI will take into account a range factors, including the balance of risk as children generally are at lower risk from the virus, as well as the pipeline of second vaccinations for adults.

A decision has not yet been made by Government about vaccinating children; the Government will be guided by the recommendations of the JCVI when it makes a decision. It is worth noting that, whilst adults – who are eligible for the vaccine – are encouraged to be vaccinated, they are not required to take up this offer.

Face Coverings

In all schools we continue to recommend that face coverings should be worn by staff and visitors in situations outside of classrooms where social distancing is not possible (for example, when moving around in corridors and communal areas). Face coverings are no longer recommended for pupils and students in classrooms or communal areas in all schools. Face coverings are also no longer recommended for staff in classrooms.

FE and HE settings have discretion to use face coverings in specific circumstances, in line with individual risk assessments. This recognises the significant differences between these settings and schools, particularly the diversity of academic and vocational provision.

The reintroduction of face coverings for staff and those in year 7, or equivalent, and above may be advised for a temporary period in response to particular localised outbreaks, including variants of concern. In all cases, any educational drawbacks should be balanced with the benefits of managing transmission.

Where face coverings are recommended in education settings, no pupil or student should be denied education on the grounds that they are not wearing a face covering. Some individuals are exempt from wearing face coverings and we expect staff and pupils to be sensitive to those needs. Schools will also need to comply with their obligations under the Equality Act

Schools are of course under an obligation, under sections 2 and 3 of the Health and Safety at Work etc Act 1974 to ensure so far as reasonably practicable the health, safety and welfare of staff and pupils. If Directors of Public Health have recommended the use of face coverings across an area in accordance with the contingency framework, then schools should follow that guidance.

Testing

Public Health England and NHS Test and Trace have been clear that regular testing of staff, pupils and students is an important part of the government’s overarching testing programme.

Research​ shows LFTs are most effective when detecting infectious cases of coronavirus, identifying people with a high viral load who are most likely to spread the virus further. Results of their Innova evaluation shows it detects over 90% of individuals with high viral loads, and minimal difference between the ability of the test to pick up viral antigens in symptomatic and asymptomatic individuals.

Testing is voluntary but staff, pupils and students are strongly encouraged to participate as testing regularly helps to reduce the spread in the community, including in school and college settings through asymptomatic transmission.

Schools and colleges must provide staff, pupils and parents with a privacy notice explaining what personal data is required to participate in the programme.

For testing onsite at schools, the department has provided template consent forms using the consent form, which can be found here - [Resources - Google Drive](https://drive.google.com/drive/folders/1jYv0MjFyIIbzgPn_1S10OuRgfrj_b5_P). Pupils and students aged 16 or older may consent themselves using the consent form.