

Email from
ACCOUNT, Unmonitored
Department for Education FOI: 2021-0019870 CRM:0245014

Dear Mr Lewis,

Thank you for your request for information, which was received on 25 March 2021. You asked the following:

Please provide me with a copy of the risk assessment regarding the mandatory masking of school children at school.

I have dealt with your request under the Freedom of Information Act 2000 ("the Act"). I have established that the Department holds the information you requested, but the following exemptions apply to this information:
Section 35(1)(a) of the FOI Act – formulation of government policy.

Under section 35(1)(a) of the Act, this exemption allows for the withholding of information if it relates to the formulation or development of government policy. This exemption applies to your request and the reasons for this are set out below. I have, however, provided some detailed information that I hope you will find useful in setting the context within which this decision has been made.

Since September 2020, face coverings have been included in the system of controls for settings where year 7 and above are educated, first in communal areas and – from 8 March – recommended in classrooms unless social distancing can be maintained. This guidance was first introduced as part of the Government's commitment to open schools to all pupils safely in September and followed the publication of a statement by the World Health Organisation advising that '*children aged 12 and over should wear face coverings under the same condition as adults, particularly when they cannot guarantee at least a 1 metre distance from others and there is widespread transmission in the area*'. The statement is available here: <https://www.who.int/news-room/q-a-detail/q-a-children-and-masks-related-to-covid-19>

Public Health England (PHE) are the executive body for England who are responsible for advising the government, the NHS and the public on evidence-based professional, scientific expertise and support. They are also responsible for responding to public health challenges and emergencies and protecting the nation from public health hazards, which they achieve through researching, collecting and analysing data to improve their understanding and provide answers to public health problems. PHE provides specialist public health advice to the Department for Education (DfE) in the context of the Covid-19 outbreak. It is on the basis of their advice that DfE's recommendations on face coverings are made.

Based on the latest PHE advice, DfE recently published updated guidance for schools to support the return to full attendance from 8 March, which included

updated advice on face coverings. The guidance can be found at the following link: <https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak/schools-coronavirus-covid-19-operational-guidance>

As the guidance outlines, where pupils and students in year 7 and above are educated, we recommend that face coverings should be worn by adults, pupils and students when moving around the premises, outside of classrooms, such as in corridors and communal areas where social distancing cannot easily be maintained. Face coverings do not need to be worn by pupils and students when outdoors on the premises.

In addition, from 8 March, we now also recommend that in those settings where pupils and students in year 7 and above are educated, face coverings should be worn in classrooms unless social distancing can be maintained. This does not apply in situations where wearing a face covering would impact on the ability to take part in exercise or strenuous activity, for example in PE lessons.

We are recommending this additional precautionary measure for a limited time during this period of high coronavirus (COVID-19) prevalence in the community. As with all measures, we will keep this under review and update guidance as necessary.

The same exemptions that apply to the wearing of face coverings in shops and on public transport also apply in education settings. This includes people who cannot put on, wear or remove a face covering because of a physical or mental illness or impairment, or disability, or if you are speaking to or providing assistance to someone who relies on lip reading, clear sound or facial expressions to communicate. We expect teachers and other staff to be sensitive to those needs. Education settings also have duties to make reasonable adjustments for disabled pupils and students to support them to access education successfully.

DfE's guidance on the system of controls is advisory; it does not create any new legal obligations, but it is a recommendation based on the latest public health advice from PHE. As the guidance itself says, where something is essential for public health reasons, as advised by PHE, we say it 'must' be implemented.

To ensure education and care policy is guided by the most up-to-date scientific evidence as this continues to evolve, DfE regularly reviews data, analysis and advice from a number of different sources including PHE, the Scientific Advisory Group for Emergencies (SAGE), the Office for National Statistics, and the Joint Biosecurity Centre.

On 22 February, DfE published its evidence summary: COVID-19 – children, young people and education settings. This sets out the evidence relevant to, and in support of, the Government's decision to lift restrictions on education from 8 March 2021 and includes a section on face coverings. This can be found at the following link: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/963639/DfE_Evidence_summary_COVID-19_-_children__young_people_and_education_settings.pdf

As referenced within the evidence summary on page 18, SAGE have advised that face coverings can be effective in reducing transmission in public and community settings. Their effectiveness stems mostly from reducing the emission of virus-carrying particles when worn by an infected person (source control). Face coverings are likely to be most effective at reducing transmission in both indoor and outdoor settings when people are likely to be close together. Physical distancing and use of fabric face coverings, alongside other interventions, are important mitigation strategies to reduce community transmission of coronavirus (COVID-19) and are likely to be needed to be applied more consistently and effectively to be able to mitigate transmission of the B.1.1.7 variant. The link to meeting minutes are available here: SAGE 76 minutes: Coronavirus (COVID-19) response, 14 January 2021 (publishing.service.gov.uk)

You may also find it useful to review the information set out in recent SAGE Children's Task and Finish Group papers. The paper at the link below outlines that mitigations as set out in the system of controls are important in all school settings to reduce transmission through aerosols, close-range interactions and via surfaces. This paper is available here: TFC: Children and transmission - update paper, 10 February 2021 - GOV.UK (www.gov.uk)

Scientific evidence supporting the government response to coronavirus (COVID-19) is published by SAGE. Papers and meeting minutes can be found at the following link: Scientific evidence supporting the government response to coronavirus (COVID-19) - GOV.UK (www.gov.uk). Here, you will also be able to find scientific publications from SAGE and SAGE sub-groups. These publications will include minutes and papers covering the scientific advice received at that time. There is also a [list of participants of SAGE and related sub-groups - GOV.UK \(www.gov.uk\)](http://www.gov.uk) where you can find a list of SAGE participants who have authored and discussed these papers at SAGE meetings.

Throughout the evidence summary document, in each of the footnotes you will find links to the evidence and analysis that have contributed towards the Government's decision-making, which you may find helpful.

In summary, the best available scientific evidence is that, when used correctly, wearing a face covering may reduce the spread of coronavirus (COVID-19) droplets in certain circumstances, helping to protect others. We recognise that the wearing of face coverings may impact on communication; however, on balance, increased use of face coverings will strengthen the current safety measures in place in schools following the increased transmissibility of new coronavirus (COVID-19) variants and whilst prevalence remains high in the community at this time.

As our guidance outlines, these measures are being recommended for a time limited period until Easter. We continue to work closely with PHE and other government departments, as well as stakeholders across the sector, to keep all measures under review based on the latest evidence and the effectiveness of such measures, and we update guidance as necessary.

Should you require any further information or have any further questions on this issue, then we would recommend that you get in touch with PHE

at FOI@phe.gov.uk as they lead on evidence-based professional, scientific expertise and support. You may find it useful to check PHE previous FOI releases to see if your question has been answered already. FOI previous releases are available at the following link: [Transparency and freedom of information releases - GOV.UK \(www.gov.uk\)](https://www.gov.uk/transparency-and-freedom-of-information-releases).

Section 35(1)(a) of the FOI Act – formulation of government policy

In response to your request regarding the Department's risk assessment, DfE holds the information you have requested but it is being withheld under the Freedom of Information Act 2000. The exemption which applies to this information is s35(1)(a) which allows for the withholding of information if it relates to the formulation or development of government policy.

In applying section 35(1)(a), the Act requires that the Department balances the public interest in withholding the information against the public interest in disclosing the information. We concluded that the public interest in maintaining the exemption and not disclosing the information outweighs the public interest in disclosure in this instance.

It is in the public interest that the formulation of Government policy and Government decision-making can proceed in the space needed to ensure that it is done well, and this position is heightened due to the unprecedented nature of the impact of the virus on the country. The Government is always reviewing its position in relation to the various mitigation measures in place in schools in the fight against the virus and decisions about any new or future policy position such as face coverings needs to be based on the best advice available and a full consideration of the options.

It is the Department's view that the public interest in non-disclosure outweighs the public interest in disclosure in this case. Disclosure of the withheld information would be likely to have a potentially corrosive effect on good Government and lead to less fully informed decision making. This is not in the public interest. The Department has concluded that, in this instance that public interest consideration was greater than the general public interest considerations for disclosure.

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder. Most documents produced by a government department or agency will be protected by Crown Copyright. Most Crown copyright information can be re-used under the Open Government Licence (<http://www.nationalarchives.gov.uk/doc/open-government-licence/>). For information about the OGL and about re-using Crown Copyright information please see The National Archives website - <http://www.nationalarchives.gov.uk/information-management/uk-gov-licensing-framework.htm>.

If you have any queries about this letter, please contact the Department. Please remember to quote the reference number above in any future communications.

If you are unhappy with the way your request has been handled, you should write to the Department within two calendar months of the date of this letter.

If you are not content with the outcome of your complaint to the Department, you may then contact the Information Commissioner's Office for a decision. Generally, however, the ICO cannot make a decision unless you have already exhausted the Department's complaints procedure.

Yours sincerely,

Infection Prevention and Control Team
Coronavirus Response Unit
Department for Education

Web: <https://www.education.gov.uk>

Twitter: <https://www.twitter.com/educationgovuk>

Facebook: <https://www.facebook.com/educationgovuk>



Department
for Education