

Dear Mr John,

Thank you for your request for information which was received on 27 February 2021. You asked the following:

Information held by the Department in relation to Health and Safety of School Children and the Mandating Of Face Masks For all School Lessons minus P.E.

Information held that Confirms a School Child/ Student/Pupil is required at Law or Legally Obligated to Wear a Face Mask for all School Lessons minus P.E. and Who would be the Liable Party in relation to Discrimination or Damage Caused eg. School Head Teacher, Academy or Local Council.

I have dealt with your request under the Freedom of Information Act 2000 ("the Act").

The Department for Education (DfE) continues to work closely with other government departments throughout its response to the pandemic, including Public Health England (PHE) and the Department of Health and Social Care (DHSC), as well as stakeholders across the sector. We continue to work to ensure that our policy is based on the latest scientific and medical advice, to continue to develop comprehensive guidance based on the PHE-endorsed 'system of controls' and to understand the impact and effectiveness of these measures on staff, pupils and parents.

To ensure education and care policy is guided by the most up-to-date scientific evidence as this continues to evolve, the 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.

Turning to the first element of your request, under section 21 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to you. On 22 February, the DfE published its Evidence summary: COVID-19 - children, young people and education settings. Here you will find a summary which sets out the evidence relevant to, and in support of, the Government's decision to lift restrictions on education from 8 March 2021 - focussed in particular on schools, colleges and early years settings. The Government's wider decision-making is set out in the Government's COVID-19 Response - Spring 2021 and supporting scientific evidence, including links to various evidence and data. The DfE evidence summary 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 under the face coverings section 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 \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/963639/SAGE_76_minutes_Coronavirus_COVID-19_response_14_January_2021.pdf)

Scientific evidence supporting the government response to coronavirus (COVID-19) is published by the SAGE. Papers and meeting minutes can be found at the following link: [Scientific evidence supporting the government response to coronavirus \(COVID-19\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/scientific-evidence-supporting-the-government-response-to-coronavirus-covid-19) 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. [List of participants of SAGE and related sub-groups - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/list-of-participants-of-sage-and-related-sub-groups) you will also find a list of SAGE participants who have authored and discussed these papers at SAGE meetings.

You may find it useful to review the information set out in recent SAGE Children's Task and Finish Group papers which is outlined in the summary document. As in schools, where settings implement the PHE-endorsed system of controls outlined in DfE guidance, in line with their own workplace risk assessment, these measures create a safer environment for staff and children where the risk of transmission of infection is substantially reduced. 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 \(www.gov.uk\)](https://www.gov.uk/government/publications/tfc-children-and-transmission-update-paper-10-february-2021)

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 and which you may find helpful. 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. This 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>

Based on advice from PHE, the Department has recently published updated guidance for schools to support the return to full attendance from 8 March, which includes updated advice on face coverings. The guidance can be found at the following link: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/964351/Schools_coronavirus_operational_guidance.pdf

Your second element of your request suggests that the wearing of face coverings in classrooms is required by law. It is not. 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 legal 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.

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.

PHE are the lead department for providing government, local government, the NHS, Parliament, industry and the public with evidence-based professional, scientific expertise and support. PHE provides specialist public health advice to the Department in the context of the coronavirus (COVID-19) outbreak.

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)

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If you have any queries about this letter, please contact me. Please remember to quote the reference number 2021-0015158 in any future communications.

If you are unhappy with the way your request has been handled, you should make a complaint to the Department by writing to me within two calendar months of the date of this letter. Your complaint will be considered by an independent review panel, who were not involved in the original consideration of your request.

If you are not content with the outcome of your complaint to the Department, you may then contact the Information Commissioner's Office.

Yours sincerely,

Sarah Allen

Infection, Prevention and Control Team
Coronavirus Response Unit
Department for Education