

# Special Schools Staff

Last update: 6 Jun 2021

## Past Statements & Bulletins

### Noticeboard Bulletin - 06-01-2021



Posted on: 6 January 2021

GMB believes that the Government's failure to provide clear guidance for staff in special schools is unacceptable.

As your union, we know that the risk of transmission to staff in special schools is often higher than in mainstream settings. GMB has explained this reality to the Department for Education, and we have written to the DfE to urge Ministers to publish fresh guidance in consultation with workers in special schools.

The below information summarises the latest official guidance for schools in England. If new information becomes available then it will be communicated to you. All information is correct as of Wednesday 6th January.

### Are special schools required to be open?

The Department for Education [said on social media](#) (Tuesday 05 January) that 'special schools will remain open'.

The formal guidelines are more complicated. The Government has [said that](#) only the children of critical workers, and 'vulnerable' children or young people, should attend school. The current definition of 'vulnerable' children includes those with an Education, Health and Care Plan (EHCP).



In practice, this includes almost all pupils in special schools. 98% of pupils in state special schools have an EHCP, according to DfE statistics. All children in special schools are required to have an EHCP, unless a limited number of 'exceptional circumstances' apply (SEND Code of Practice 2015, section 1.29).

Therefore, under current guidance, a small minority of children in special schools may not be technically classed as 'vulnerable.' However, education providers and local authorities could choose to classify pupils who do not have an EHCP as 'vulnerable' under the current guidelines.

## **What is the official advice on when special schools should be open?**

**Official advice** published on New Year's Eve stated that special schools 'have the option of agreeing with parents that individual pupils can stay at home' this week on a case by case basis. The DfE said that families would need to request an authorised period of absence this week.

The advice went on to say that 'the aim should be that all pupils in special schools and AP are back in school by the second week of term (on or after 11 January 2021).'

This advice has not been updated following the imposition of new lockdown restrictions. GMB has written to the DfE and called for new advice to be issued that takes account of the changes over the last few days.

## **Have EHCP entitlements changed?**

At the time of writing, no changes to EHCP entitlements have been made in 2021.

In the Spring of 2020, the Government introduced new regulation that 'relaxed' local authorities' duty to meet the requirements of individual pupils' EHCPs. The absolute duty was replaced by a requirement to make 'reasonable endeavours' to fulfil EHCP entitlements.

The 'relaxation' was allowed to expire in the Summer of 2020. GMB recognises that in some cases the entitlements listed in EHCPs may be in conflict with the support that schools are realistically able to provide at the present time. GMB has taken up this issue with the DfE, and if issues arise with individual EHCPs then you should raise it with your GMB branch.

## **Other issues**

GMB believes that action and official guidance is needed on a number of additional issues that directly affect many special schools. Examples include loss of access to NHS services, the lack of funding for specialist adapted IT devices, and transport difficulties.



We continue to engage with employers and the Department for Education on these and other issues to represent your voices when decisions are made.

## **EARLY YEARS**

GMB Union continues to press Government to close nurseries and pre-schools to all but key workers and vulnerable children.

We commend the local campaign carried out by GMB Sussex branch reps in getting Brighton and Hove Council to do this.

[Read the full press release](#)

## **SAFE SYSTEMS OF WORK**

GMB will never play fast and loose with the security of your jobs and whilst most of the country moves into another lock-down we still need to ensure schools that remain open for key workers and vulnerable pupils are safe.

GMB have taken the decision that the best way we can protect you is by asking you to issue: [Letter 1 first \(Request for a Revised Risk Assessment\)](#) then [Letter 2 \(Working from Home letter if you feel unsafe\)](#).

[Request for a Revised Risk Assessment](#)

[Working from Home letter if you feel unsafe](#)

**This two-stage letter process will help to build added protection for you against disciplinary and dismissal.**

Letter 1 seeks a revised risk assessment and if this is insufficient you are better protected to raise the H&S breaches to tell your employer why you feel unsafe and want to work from home.

## **PAY TERMS AND CONDITIONS**

The National Joint Council for Local Government Services has confirmed that agreements set out at the start of the Pandemic in March 2020 in relation to those members working in Local Authority Schools will apply to the current lockdown period. You can find the relevant NJC circulars [here](#).

[NJC Circulars](#)



GMB negotiated these agreements with Local Government Employers on behalf of members at the start of the Pandemic and believe these are 'best in class' in terms of members safety and protection.

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Date: 20/01/2021

### **COVID-19 ABSENCE RATES HIGHER FOR SCHOOL SUPPORT STAFF THAN TEACHERS, GMB ANALYSIS SHOWS**

Throughout the pandemic your union has been raising concerns that our members are disproportionately being exposed to the Covid virus.

School support staff make up 2/3 of the total education workforce and have been on the frontline in every classroom and every school across the country throughout the pandemic.

**Vaccine access must be 'urgent priority' as official figures show 33,000 support staff workers absent due to Covid in December**

GMB, the union for school support staff, has called for urgent occupational priority for vaccination for school workers as new figures show that more support staff workers were more likely to be absent from work due to covid-19 than teachers.

The figures, which cover schools in England only, were published by the [Department for Education \(DfE\)](#) this week.

A total of **33,267 school support staff** were absent on 17 December 2020 for covid-19 related reasons, including confirmed and suspected infections and those who were required to isolate due to exposure



inside or outside school.

GMB has long said that support staff workers were at the highest occupational exposure to Covid-19 in schools, as common tasks include administration of medicine, supporting children one to one, food, personal care together with close pupil contact whilst supporting learning.

## **SCHOOL SUPPORT STAFF ARE THE BACK BONE OF EVERY SCHOOL AND IT'S TIME SCHOOLS ARE MADE SAFE FOR THEM.**

1. An estimated **6.1 per cent of school support staff** were absent on December 2020 due to Covid-19.
2. This compared to **4.4 per cent of teachers** and school leaders.
3. Covid-19 absences have been higher for support staff than teachers on every day recorded by the DfE (since 12 October 2020).

The disparity was even greater in **Special Schools**, where **16.2 per cent** of support staff were absent in December 2020 for reasons linked to covid-19 (compared to 5.4 per cent of teachers and school leaders).

The DfE has said that it believes that teachers and support staff should receive occupational priority for phase two of the vaccination programme. However, no official decision has been made, and Joint Committee on Vaccination and Immunisation advice on occupational prioritisation only mentions teachers.

**GMB is campaigning for all school workers to have access to vaccination.**

## **GMB RESPONSE**

**Rehana Azam, GMB National Secretary, said:**

**“** Schools cannot function without support staff, and these figures confirm that these critical workers are not getting the support they deserve.

It is not a coincidence that whilst many teachers are teaching remotely from home, lots of GMB members remain in schools, supervising classes, preparing food and maintaining



school buildings.

Many of our members are performing tasks that involve a high risk of transmission, without adequate PPE, and often in poorly ventilated buildings.

Support staff are the highly skilled professionals of the education system but too often they are ignored in public debate.

The comments from Deputy Chief Medical Officer Jenny Harries to Parliament yesterday did not reflect at all the reality on the ground.

The DFE's own statistics prove this. Ministers across Government need to wake up and recognise the reality that hundreds of thousands of low-paid school workers are at high risk of infection, with devastating consequence for workers, pupils and the wider community."

The reality is that without urgent priority access to vaccinations for school support staff, the cycle of community transmission in schools will not be broken.

You can [read the full GMB Press response here](#).

## ANOTHER DAY AND ANOTHER U-TURN

### WELL DONE TO GMB MEMBERS WHO STOOD FIRM ON THIS

Daily Contact testing within schools is paused!

In a [statement Dept of Education said](#):

“ In light of this changing situation, we now recommend that the rollout of daily contact testing within schools is paused, other than for schools involved in further evaluation. This will enable the further detailed evaluation of changing circumstances including, potentially, lower infection rates and modelling work required to understand the benefits of daily contact testing in this new phase of the pandemic.



Posted on: 15 January 2021

GMB School Support Staff work under the pay terms and conditions of the Green Book, apart from a very small number of members in multi-academy trusts with whom GMB negotiates separately (that don't follow the Green Book).

GMB is a recognised trade union that has been negotiating pay agreements and Covid guidance that ensure you are paid your wages.

GMB will continue to ensure no school support staff lose out on pay during Covid-19. Teachers' Unions have no jurisdiction on your pay terms and conditions of work and do not represent school support staff employed under Local Government Green Book Terms and Conditions.

We have members contacting us saying that they feel compelled to work beyond their contracted obligations. As many teachers work on-line it is school support staff are being left to lead the classroom.

GMB has already negotiated guidance that employers should be following please see an extract from the NJC Circular which remains the case:

**“** We would remind employers of the more general guidance from the NJC regarding redeployment and the need to ensure volunteers are sought first (volunteers should not be sought from employees who live with and / or have caring responsibilities for people in the vulnerable groups referenced above) and relevant training and risk assessments are undertaken (see [NJC 170320 CIRCULAR](#)).

Unless there are urgent, mitigating reasons, employers should not require staff who do not have experience of supervising large groups of children as part of their usual role, to be doing so now without adequate support being provided. Employees who agree to undertake a different role and / or working pattern should suffer no financial detriment and continue to be paid at their usual contracted rate. Where employees are temporarily undertaking roles that are paid at a higher rate than their usual



contracted rate, they should receive the higher rate of pay for the duration of the assignment / redeployment.

GMB strongly advises against working outside your contracted obligations and have set out advice on how to challenge your employer. Please see a sample letter that you can ask your GMB rep to issue if you feel unable to:

“

Dear Headteacher,

Similar to the first lock-down schools remain open to all key workers and vulnerable children.

As we move into lock-down 3 some schools are intending to allow all teachers to work remotely and support staff are expected to attend work, (on a rota basis in some cases), to support the children who are in school.

My union GMB finds this approach unacceptable and are supported in this position by other unions.

Can you please confirm our school will run on a shared rota basis as in the previous lockdown?

I am aware you are extremely busy, but a prompt reply would be appreciated.

Kind Regards.

## MAKE SCHOOL SAFE – RISK ASSESSMENT

‘It is a legal requirement that schools should revisit and update their risk assessments (building on the learning to date and the practices they have already developed). It is good practice to treat risk assessments as a “living document” which is kept under review, especially having regard to changing circumstances.’





GMB will continue to support you in challenging your employer to make your working environment safe. It is important to stress that any member working previously under a personal risk assessment (such as staff who are Clinically Vulnerable) should have risk assessments reviewed in response to the new strain of Covid.

GMB have a two-step letter process in place.

[Request for a Revised Risk Assessment](#) (Letter 1)

[Working from Home letter if the workplace is unsafe](#) (Letter 2)

This two-stage letter process will help to build added protection for you at work.

Letter 1 seeks a revised risk assessment and if this assessment is insufficient (or not undertaken) you are better protected to raise the H&S breaches and for GMB to be able to tell your employer why you feel unsafe and want to work from home.

We want you to know GMB has your back on this issue, so please speak to a rep before sending the first letter. Your GMB rep can advise you on both letters. If you are not sure who your GMB rep is, please [contact your region](#).

## **Making Schools Safe – A GMB online briefing**

Join GMB's safety experts and our National President, Barbara Plant (herself a School Support Staff member of GMB) for a briefing on the steps we believe every school should take to ensure the safety of our members during the pandemic.

5.30pm – Thursday 21st January

**REGISTER NOW!**

[gmb.org.uk/makeschoolsafe](https://gmb.org.uk/makeschoolsafe)

And this will be your opportunity to step forward and sign up for a longer, more detailed programme of briefings aimed at existing GMB reps and members who want to find out more about what they can do to ensure their school is safe.

You can register early for the full programme and find out some more information here: [Microsoft Forms](#)

Joint union checklist for partial opening period to February



During the current desperate public health situation, it is imperative that the way schools operate during lockdown does not make matters worse.

This supplementary joint union checklist is provided to help schools review their risk assessments and implement measures which firstly reflect the known greater transmissibility of the new variant and secondly meet the specific requirements of partial opening.

The measures set out below are recommended for immediate implementation during this period of partial opening. Please also refer to the [full joint union checklist](#) for safe opening for guidance on measures that should continue to be in place.

Given the changing situation, this advice may be updated over the coming weeks so please check via our website link that you are using the current version.

## Planning Guide for Secondary Schools – January 2021

### VULNERABLE GROUPS

Risk Assessments remains key to ensuring you feel safe at work. GMB has also negotiated additional advice that fall into the category of vulnerable staff as follows:

The advice is titled Working from Home and your union negotiated this at the start of the pandemic. Please [read it in full](#).

We highlight the following:

“ Local Authorities will have employees who are in the vulnerable groups where they could be looking at months of working at home.

This group includes those who are:

- pregnant women
- aged 70 or older (regardless of medical conditions)



- under 70 with an underlying health condition listed below (broadly anyone instructed to get a flu jab each year on medical grounds):
  
- chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease (COPD), emphysema or bronchitis
  
- chronic heart disease, such as heart failure
  
- chronic kidney disease
  
- chronic liver disease, such as hepatitis
  
- chronic neurological conditions, such as Parkinson's disease, motor neurone disease, multiple sclerosis (MS), a learning disability or cerebral palsy
  
- diabetes
  
- problems with your spleen – for example, sickle cell disease or if you have had your spleen removed
  
- a weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy
  
- being seriously overweight (a BMI of 40 or above) There are some clinical conditions



which put people at even higher risk of severe illness from COVID-19.

People falling into this group are those who may be at particular risk due to complex health problems such as:

- People who have received an organ transplant and remain on ongoing immunosuppression medication
- People with cancer who are undergoing active chemotherapy or radiotherapy
- People with cancers of the blood or bone marrow such as Leukaemia who are at any stage of treatment.
- People with severe chest conditions such as cystic fibrosis or severe asthma (requiring hospital admissions or courses of steroid tablets)
- People with severe diseases of body systems, such as severe kidney disease (dialysis)

Roles that do not readily lend themselves to working at home

This circular sets out considerations for employees who are otherwise well but cannot attend their normal place of work due to the Government's instruction for people to work at home and avoid all nonessential travel.

As previously advised, all options for using annual leave, special leave etc should be explored but given the length of time that this national emergency is set to last it is not reasonable, for example, to expect employees to use their entire annual leave entitlement to cover all or part of the lockdown period as consideration should be given to planned



booked holidays later in the year, along with employees who may require leave throughout the year to support dependents.

The position relating to all support staff in schools presents particular challenges.

Current guidance is that schools are to remain open unless specific circumstances dictate otherwise. At such time as the expected closure of schools is announced, council employers will need to work quickly with Head Teachers and School Business Managers to ensure consistency of approaches to home working as applied to corporate council employees and school-based employees. Ultimately, in many cases employers will have no option other than to accept that some employees can neither work at home nor be redeployed / seconded etc and will therefore be staying at home on full pay for the duration of this emergency.

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5. **Join a GMB virtual meeting – we arrange these on a weekly basis and will post details on our social media accounts – the next National Meeting is 5.30pm – Thursday 21st January, register @ [gmb.org.uk/makeschoolsafe](https://gmb.org.uk/makeschoolsafe)**

**GMB Demands Government Make ALL Schools Safe In The Lockdown.**



Posted on: 8 January 2021



Schools are still open for key workers' children, and children classified as vulnerable. The list of eligible children has been expanded and there are more pupils in school than during the first lockdown.

Some schools (including many special schools) are at or near full attendance. Many pupil bubbles have grown in size and cannot be safely sustained. We need a consistent approach between schools and early years' education, which has been left out the current lockdown arrangements and remain fully open.

We need Government to take their responsibility to children and their school support staff seriously.

More funding is required. Safe classroom spaces need to be created. Safe ventilation systems need to be installed. More equipment needs to be provided to enable proper remote learning. The Chancellor recently found £4.7 billion to support businesses, and billions more have been spent on a failed track and trace system – but where is the funding for schools? Without investment, schools will continue to be a key source of community transmission.

Almost two-thirds of school workers are in support staff roles and they need to be treated equally and fairly.

All week we have been meeting with our members and we have heard just how anxious and how worried our members are. We are here for you please get in touch with us <https://www.gmb.org.uk/gmb-regions>

#### **GMB CONTINUES TO PUSH GOVERNMENT ON THE FOLLOWING:**

To make schools safe we are urging the Government to do the following:

1. Set clear guidance on bubble size and review the classifications of pupils who are expected to attend school. Introduce sensible local flexibilities so more children who can be safely educated at home. Make funding available to hire more staff to enable rota systems to be put in place.
2. Make funding available to provide proper PPE, make essential adaptations in schools, and provide the right equipment so more children can be safely taught remotely.
3. Make support staff a priority occupational group for vaccination on an equal basis to teachers.



4. Engage with unions and employers to establish proper career and pay structures for support staff. This should be done through re-establishing the School Support Staff Negotiating Body (SSSNB) to recognise the essential contribution that key workers in schools have made since day one of the pandemic.
5. Press for a dramatic increase in Statutory Sick Pay and childcare support in your discussions with other Departments, in order to reduce the pressure on parents to unsafely attend work when they should be in isolation.

GMB has organised an [open letter](#) to the Secretary of State for Education – [please sign](#)

## **PAY, TERMS AND CONDITIONS**

The National Joint Council for Local Government Services has confirmed that agreements set out at the start of the Pandemic in March 2020 in relation to those members working in Local Authority Schools will apply to the current lockdown period. You can find the relevant NJC circulars [here](#).

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## Restricting Attendance During The National Lockdown For Schools In England



**Posted on: 7 January 2021**

Following the enactment of a new national lockdown which was passed into law by Parliament yesterday (Wednesday 6<sup>th</sup> January) members have been contacting GMB with queries regarding how safety should be maintained in school during the restrictions on the attendance of pupils other than key workers and the vulnerable.

You may be now aware that the advice for school support staff not to attend school given by NEU and Unison (using as a basis the Section 44 Employment Rights Act) has been withdrawn by those unions.

Support staff may be required to be present in school to support children of key worker and the vulnerable unless the risk assessments individual and school wide indicate that the workplace is unsafe.

Please see details issued by [Dept of Education email on S44](#)

GMB has consistently campaigned for our members safety in school throughout the Pandemic accurately and transparently and we will continue to do so.

The DFE have published further guidance (Restricting Attendance during the National Lockdown for school in England) and we have set out below some of the key points below and GMB's position.





## Risk Assessment

The Guidance says – ‘It is a legal requirement that schools should revisit and update their risk assessments (building on the learning to date and the practices they have already developed). It is good practice to treat risk assessments as a “living document” which is kept under review, especially having regard to changing circumstances.’

**GMB will continue to support you in challenging your employer to make your working environment safe. It is important to stress that any member working previously under a personal risk assessment (such as staff who are Clinically Vulnerable) should have risk assessments reviewed in response to the new strain of Covid.**

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## Bubbles

The Guidance says – ‘Maintaining distinct groups or ‘bubbles’ that do not mix makes it quicker and easier in the event of a positive case to identify those who may need to self-isolate and keep that number as small as possible.’



**GMB will continue to push for bubbles in school to be as small as possible and to oppose cross-bubble working as this increases the risk of infection.**

## **Covering for Teachers**

The Guidance says - 'Schools may need to alter the way in which they deploy their staff and use existing staff more flexibly. Managers should discuss and agree any changes to staff roles with individuals. It is important that planning builds in the need to avoid increases in unnecessary and unmanageable workload burdens.'

**GMB does not support our members routinely picking up the duties of teachers and if members have concern in this area, they should contact their GMB rep. Please do not take on additional work above and beyond your contractual duties Further details will be issued on this.**

## **Pay, Terms & Conditions**

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## Pandemic Guides & Documentation

**Joint Union Guidance For January-February Opening During Lockdown**



Posted on: 6 June 2021



## **Joint Union Advice on Medically Vulnerable and Higher Risk Groups (England)**

The joint union guidance for vulnerable employees was updated on December 2nd.



Following the announcement by the government that it intends to keep schools fully open during the lockdown in England and the second wave, GMB, UNISON, UNITE and NEU have produced an updated safety checklist for schools.



## **Serious health and safety failings – escalation letter (England)**

We have produced a model letter for branches to send to any school where there are concerns around serious COVID health and safety failings that are putting members at serious and imminent danger. This could include instances, for example, where a school is refusing to allow staff and pupils to wear face coverings, advising staff to ignore quarantine advice, etc.

**Please speak to your branch or regional officer before sending.**



## **NHS Test and Trace app (England)**

A small number of schools have told staff to turn the NHS app off the whole time when they are in schools, or to ignore alerts on the app advising them to self-isolate. This is wrong. Department for Education guidance is clear that pausing contact tracing in schools is only recommended in three situations. For more information please see the guidance below.

### **NHS T&T APP GUIDANCE**

## **Joint Union Guidance from the September 2020 Return**

The Joint Unions in Secondary Education have released a Checklist for Reps in relation to the DfE Guidance for a wider school reopening in September.



## Letters to DfE

**GMB Signs Letter In Support Of Deaf Children At School During The Coronavirus**



Posted on: 19 October 2020





**The joint unions for schools, including GMB, are signatories in full support of the National Deaf Children's Society (NDCS) letter to Gavin Williamson and fully support their work to ensure the safety, education and mental wellbeing of this vulnerable group.**

Deaf and hearing-impaired children are particularly impacted by covid if they lip-read to communicate, and the society is calling for accessibility of clear face masks or coverings where required for staff to properly communicate with them. Deaf children are statistically more vulnerable to mental health conditions, and particularly more vulnerable now.

The letter asks Williamson as Minister of State for Education to:

- take steps to ensure that clear face masks are widely and readily available in
- revise the department's guidance on face coverings in education to encourage the use of clear face masks that help to break down the communication barrier for deaf children and young people.

Williamson responded positively, and stated:

*"[We] plan to update our guidance to say that, should staff and/or pupils need to wear face coverings in and around their educational setting, they should consider wearing clear face coverings if needed to meet the needs of their pupils and students."*

Further revision of the department's guidance are expected following a meeting between the NDCS and DfE today.

Read the full NDCS letter [here](#).

Read Williamson's response [here](#).

