

Mr Larry Flanagan  
The Educational Institute of Scotland  
46 Moray Place  
Edinburgh  
EH3 6BH

**Date** 11 December 2020

**Your ref**

**Our ref** AK/SR

Dear Mr Flanagan

Thank you for your letter regarding the Scottish Government's recent decision not to make any national changes to Christmas school holidays.

I note the points you raise regarding the health and wellbeing of our workforce and would assure you that, as throughout the pandemic response, the duty of care we have to the health, safety and wellbeing of all of our employees has been at the forefront of the approach we have taken.

You will be aware that, as employers, Councils have responded to the rapidly changing circumstances in which we are all working to ensure that any and all mitigations have been put in place to protect our workforce. We have done so as we recognise not only their value as our colleagues but crucially, the value of their work delivering essential services to our children, young people, families and communities. We have made all our decisions based on the clear guidance of the Chief Medical Officer and Public Health officials at both a local and national level.

We continue to work with the EIS and other Trade Union colleagues to implement fully the national guidance that has been produced. In line with our established position as employers, we would ask any colleague to speak to their line manager in the first instance or contact their local HR, Health and Safety team or indeed their Union rep. You will recognise this as established best practice for employees to resolve any concerns they have. As employers, we will continue to work with individuals to ensure the right mitigations and supports are in place for them.

You will be aware under Coronavirus Act 2020 we are required to have regard to advice of the Chief Medical Officer and Scottish Ministers. You will be aware the Scottish Government published advice from the Coronavirus (COVID-19) Advisory Sub-Group on Education and Children's Issues on the issues, and who were supportive of that existing arrangements continuing with enhanced contract tracing support, and that

“There is no evidence that schools and ELC settings are driving transmission, and there is no clear rationale for disrupting them and children’s education.”

We are also mindful of the advice of the Chief Social Work Advisor that

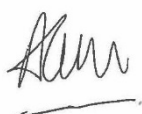
“being in school is a very significant protective factor for the most vulnerable children and the longer children are out of school the more chance there is of hidden harm. With the impact already on our children and young people”

I know you have highlighted the impact of the pandemic to date on our children and young people and we must very carefully balance the four harms that affect us all.

As per the guidance you have highlighted, local incidents management teams dealing with local outbreaks are being provided with Public Health advice to enable effective local decision making. You can be assured that through this process following an outbreak involving a school or where the Council judges it not to be safe to open the school physically, for example due to a shortage of staff, decisions will be made in the best interests of our employees, children and young people and our communities.

Finally I would note that the COVID Education Recovery Group (CERG) continues to review public health advice and consider all of the available evidence on an ongoing basis so as to inform national decision making. This in turn enables us to ensure we can make local decisions that reflect the duty of care we have to all.

Yours sincerely

A handwritten signature in black ink, appearing to read 'AKerr', with a horizontal line underneath.

Andrew Kerr

**Chief Executive**

**Andrew Kerr, Chief Executive**

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