31 December 2020

Dear Secretary of State

We are writing to you, copying in the regional schools commissioners, to apply under the contingency framework that in line with the rest of London, our Borough's primary schools move to online learning until 18 January, other than for vulnerable children and those of key workers.

We are grateful for the clarity provided at the MCHLG ministerial briefing this morning where Schools Minister, Nick Gibb, explained that the criteria applied within the education contingency framework related to rates of infection and rates of growth of infection reported up to and including 29 December.

However, having reviewed the data, we are still struggling to understand the rationale which sees boroughs with lower rates included while ours are excluded. We also fail to understand the rationale for a piecemeal approach to advice on an individual borough level within the capital, when there is such significant population movement across London boroughs, including primary school staff, pupils and families. To date, London has acted together and worked together as one, and this approach sets an unwelcome change to addressing the public health challenges of tackling the current surge in infections in the capital.

We had earlier understood that the Department for Education made their recommendations based on the latest data published by Public Health England on 29 December – we had understood this data related to the seven days up to and including 24 December. We note that inclusion of Christmas Eve may reasonably have affected testing and reporting, and we have considered also the previous day's reported data which covered the 7 days up to and including 23 December. However, we now understand the DfE may have used unpublished data up to 29 December. There are well-established data lags of 4-5 days in reporting of tests and cases, as well as the potential immediate impact of the Christmas holiday period on testing levels which will also affect case rates, and we express concern if DfE has based its decision on such incomplete data to make such an important decision relevant to the control of the epidemic in London.

When reviewing the published data for the period up to 24 December, we find a significant number of the listed authorities who have been advised to close their primary schools fall below boroughs that have been excluded from the list on the two measures of all-age infections and changes in rates, as well as the two 60+ measures.

We have subsequently analysed the same data available for the 7 days up to and including 23 December and the analysis remains the same. Numbers and rates have been rising significantly across London, including in the London boroughs that are not listed for advice to delay the return of primary schools.

We can see clearly that on the two all-age measures, the range of values of non-listed authorities fall entirely within the range of listed authorities. We note that on both measures the lower values of listed authorities are below those of the unlisted boroughs. On the two other measures of the 60+ population, we similarly see that the rate per 100,000 of the unlisted authorities fall within the range of the listed authorities. On the rate of change among this key group aged 60+, we see a wider range among unlisted than listed authorities, including a higher upper rate of change among the unlisted authorities.

Range of values	Listed authorities	Non-listed authorities
All age		
Rate per 100,000	524 - 1290	534 – 866
Change in rate compared with previous 7 days	24% - 80%	26% - 70%
Aged 60+		
Rate per 100,000	293 - 973	305 – 563
Change in rate compared with previous 7 days	48% - 120%	5% - 130%

Source: Derived from Table 1: Table of testing rate, positivity, case rate, and exceedance rating for Lower Tier Local Authorities in London in the 7-day period December 17 2020 to December 23 2020; 20201228_ Regional_SAR_London Report.

For all these reasons, we are struggling to reconcile the implications of the data available to us with your current recommendations.

The omission of ten boroughs ignores the deep interconnectedness of our city, and the many thousands of teachers and students that study or teach in one Borough and live in another, and the health and care systems that serve multiple Boroughs and in some cases the whole city. Since March, London has moved as one, and we have worked across Boroughs, political groups and the public sector with Government to keep London and Londoners safe.

Our priority is keeping our residents safe. While our view continues to be that that the best place for children to learn and develop is in the classroom, it is imperative that we prioritise the safety of our children, teaching staff and the wider community. We are deeply concerned that reopening our primary schools despite the compelling evidence available, could have grave consequences for our communities.

Therefore we ask in the strongest terms that your recommendation is urgently reviewed and that our primary schools are added to the list of those that are advised to move learning online, other than for vulnerable children and those of key workers until 18 January, so that together we can help stop the spread of Coronavirus and save lives.

We are advised by Leading Counsel that the omissions from the list are unlawful on a number of grounds and can be challenged in Court.

We look forward to hearing from you as soon as possible.

Yours sincerely

Cllr Richard Watts, Leader of Islington Council

Cllr Georgia Gould, Leader of Camden Council

Philip Glanville, Mayor of Hackney

Cllr Jack Hopkins, Leader of Lambeth Council

Damien Egan, Mayor of Lewisham

Cllr Danny Thorpe, Leader of Greenwich Council

Cllr Joseph Ejiofor, Leader of Haringey Council

Cllr Graham Henson, Leader of Harrow Council

Deputy Catherine McGuinness, Chair of the Policy and Resources Committee, City of London

London wide table summarising the two all-age and two 60+ key measures on confirmed infections and changes in rates, 7 days to 23rd December 2020.

Note: Authorities on the list are highlighted in yellow; unlisted authorities are not highlighted. Under each of the four measures, the authorities are ranked highest to lowest with accompanying values.

New cases per 100k			7d change in case rate		Case rate 60+		Increase 60+	
LA	**New confirmed cases**	**New cases per 100k**	**LA**	**7d change in case rate**	**LA**	**Case rate 60+**	**LA**	**60+ increase**
Havering	3,348	1289.9	Westminster	80%	Barking and Dagenham	973.3	Islington	130%
Redbridge	3,540	1159.8	Wandsworth	77%	Havering	890.1	Lambeth	122%
Bexley	2,783	1120.9	Southwark	76%	Redbridge	883.1	Southwark	120%
Barking and Dagenham	2,354	1105.7	Barnet	75%	Newham	829.4	Bromley	119%
Tower Hamlets	3,382	1041.4	Hammersmith and Fulham	73%	Bexley	749.3	Westminster	115%
Enfield	3,307	990.7	Richmond upon Thames	70%	Enfield	748.1	Barnet	112%
Waltham Forest	2,727	984.5	Camden	70%	Tower Hamlets	747.7	Enfield	110%
Newham	3,382	957.7	Ealing	68%	Waltham Forest	725.5	Richmond upon Thames	100%
Bromley	2,982	897.3	Hounslow	68%	Haringey	562.9	City of London	100%
Hackney	2,433	865.5	Brent	68%	Barnet	554.7	Camden	91%
Haringey	2,318	862.8	Kensington and Chelsea	67%	**LONDON**	**551.2**	Wandsworth	90%
LONDON	**72,971**	**814.2**	Bromley	66%	Bromley	541	Haringey	82%
Merton	1,673	810	Merton	64%	Harrow	522.8	Harrow	78%
Croydon	3,120	806.8	Lambeth	63%	Hounslow	522.2	Hammersmith and Fulham	77%
Wandsworth	2,625	796.2	Hackney	62%	Hillingdon	521	Kensington and Chelsea	73%
Lambeth	2,535	777.5	Hillingdon	60%	Hackney	515.3	**LONDON**	**71%**
Southwark	2,428	761.5	Haringey	59%	Sutton	510.3	Waltham Forest	70%

Greenwich	2,192	761.3	Croydon	59%	Lewisham	504.8	Tower Hamlets	70%
Barnet	2,950	745.2	Islington	58%	Merton	503.5	Ealing	70%
Sutton	1,530	741.5	Tower Hamlets	55%	Croydon	497.8	Merton	68%
Lewisham	2,229	728.8	**LONDON**	**53%**	Greenwich	494.3	Croydon	65%
Harrow	1,818	723.8	Lewisham	53%	Islington	484.9	Sutton	64%
Hillingdon	2,187	712.7	Bexley	52%	Southwark	473.9	Newham	63%
Islington	1,686	695.4	Sutton	51%	Lambeth	460.7	Hillingdon	61%
Hounslow	1,863	686.1	Greenwich	49%	Wandsworth	446.1	Hackney	59%
Brent	2,234	677.4	Harrow	42%	Brent	441.6	Redbridge	58%
Hammersmith and Fulham	1,210	653.5	Waltham Forest	41%	Ealing	388.6	Lewisham	57%
Ealing	2,171	635.2	Enfield	40%	Kingston upon Thames	365	Barking and Dagenham	56%
Kingston upon Thames	1,100	619.7	Newham	39%	Richmond upon Thames	356.5	Brent	54%
Richmond upon Thames	1,189	600.4	City of London	38%	Hammersmith and Fulham	339.5	Bexley	53%
Camden	1,442	534	Barking and Dagenham	31%	Westminster	332.3	Havering	48%
Westminster	1,375	526.2	Redbridge	29%	Camden	305.2	Hounslow	48%
Kensington and Chelsea	818	523.9	Kingston upon Thames	26%	Kensington and Chelsea	292.6	Greenwich	33%
City of London	40	411.5	Havering	24%	City of London	183.8	Kingston upon Thames	5%