

This email will be sent from Lawyers for Liberty without reference to you or your child's names or details. It is a generic email (version: 3 March 2021). Which has been updated to include:

- Guidance on face coverings up to and including 2 March 2021.
- Staff members are included as a part of the Concerned Individuals.
- Corrected

To: [email address of the school required to send the email]

From: [lawyersforliberty@protonmail.com](mailto:lawyersforliberty@protonmail.com)

Subject: Notice of potential liability with respect to mandatory testing or wearing of masks

Dear [Full name of headteacher],

**Notice of potential liability with respect to mandatory testing or mask wearing at [insert full school name] at [School address] (Your School)**

### **1. Your policy**

We have been contacted by one or more concerned individuals about Your School's policy on mandatory testing or mask wearing (**Your Policy**). Together all individuals that contacted us about Your School are defined as "**the Concerned Individuals**" in this letter. The Concerned Individuals have identified themselves to us as parents, carers or guardians of pupils or members of staff at Your School.

### **2. Who are we?**

Lawyers for Liberty is not a law firm. We are a non-politically affiliated network of lawyers. We monitor, educate and act upon potential legal issues raised by concerned citizens relating to the national coronavirus situation.

### **3. The purpose of this letter**

We write to you on behalf of the Concerned Individuals, to ask you to reconsider Your Policy and, if you have not done already, consider the potential risks and harms of mask wearing and testing in your risk assessment.

This is not a letter before action, nor is it to be construed as legal advice. It is a notice to you that Your Policy may leave you and Your School open to legal claims or challenges by pupils, parents of pupils or members of staff.

### **4. The Register**

We hold a register of all Concerned Individuals that have contacted us about Your School and Your Policy (**Register**). If a harm or injury is suffered by a pupil or member of staff, the Concerned Individuals may rely on this letter.

The Register and this letter will demonstrate that: (i) you had advance knowledge of the potential hazards, risks and harms of Your Policy; (ii) you were on notice of the potential risks and harms at the time Your Policy was implemented; and (iii) you were aware of the legal implications of continuing with Your Policy.

It should be noted that no matter how many Concerned Individuals are on our Register, it is our policy to only send one copy of this letter to you. To avoid any conflict or negative fallout, the Concerned Individuals will remain anonymous to you.

### **5. UKMFA Letters**

Below are two comprehensive and fully referenced letters written by the UK Medical Freedom Alliance (UKMFA), together the “UKMFA Letters”. The UKMFA is a network of medical and scientific professionals that provides advice and analysis on the latest scientific evidence and data. The UKMFA Letters set out the harms of imposing masks and tests.

- Open letter from UKMFA to each of Rt Hon Boris Johnson – Prime Minister et al Re: Current Face Covering Mandates for Children and Adults dated 18 February 2021: <http://bit.ly/UKMFASchoolFaceCoveringLetter>
- Open letter from UKMFA to each of Rt Hon Gavin Williamson CBE MP, The Department for Education, Department of Health and Social Care undated: <http://bit.ly/UKMFATestingLetter>

We urge that you read the UKMFA Letters in full alongside this letter - only key points will be summarised in this letter.

### **6. Medical interventions**

The testing of children and the use of face masks are medical interventions and, as a result, require the full informed consent of staff, parents or pupils (where age appropriate) (**Informed Consent**). The legal basis of Informed Consent is set out in the UKMFA Letters.

However, if a medical intervention (ie. mask wearing or testing) is mandated or if an individual is coerced or manipulated into providing consent to that medical intervention, it would be in direct violation of the principle of Informed Consent and would be a breach of that person’s legal rights.

### **7. Damages Claims**

The UKMFA Letters set out the psychological and physical hazards, health risks and dangers associated with the use of face masks and testing.

As you are aware, you have a legal duty of care (at common law and in statute) to the children and staff under your care. If a child or member of staff at Your School suffers damage, harm or injury (physically or psychologically) as a direct result of Your Policy, then that individual may make a damages claim against you, Your School or your staff. In certain circumstances, you personally may be found liable for any harms or injuries caused.

### **8. Government Guidance**

On Monday 22 February 2021, the Department of Education (DOE) released the [Schools coronavirus \(COVID-19\) operational guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91222/schools-coronavirus-operational-guidance) (**Guidance**). In the Guidance it was recommended that secondary school students wear masks in the classroom, if it is not possible for them to keep two metres apart. The Guidance sets out suggestions to be considered by you when updating Your School’s risk assessment.

On 25 February 2021 in an interview, Nick Gibb, MP, Minister of State for Schools confirmed that face coverings and testing of pupils will “*not be compulsory*” and confirmed that the Guidance is a “*recommendation only*”. Whilst the Guidance requires that you “*implement sensible and*

*proportionate control measures*” to reduce risks to pupils in your care, it does not make wearing masks or testing pupils a legal requirement within schools.

The DOE released a further update with respect to face coverings on 2 March 2021, [Face coverings in education - March 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91411/face-coverings-in-education-march-2021.pdf), (**Mask Guidance**). In the Mask Guidance the DoE states: *“This is guidance, not mandatory activity” ... “any legal exemptions that apply to the wearing of face coverings ... also apply to this advice” ... “Where there is a legal requirement we have made that clear” ... “This guidance does not create any new legal obligations”*.

By virtue of the Guidance and Mask Guidance, Your Policy is not a legal obligation imposed by the DOE under law. Therefore, the statement that Your Policy was ‘required by law’ would not offer a defence against any future legal claims against you.

### **9. Required Action**

In light of the above, we urge you to:

1. Amend Your Policy to ensure that all mask wearing and testing at Your School is:
  - a. entirely voluntary with Informed Consent; and
  - b. those members of staff and pupils who do not consent to these interventions are not discriminated against directly or indirectly - through threats or intimidation by other members of staff or pupils; and
2. Communicate this policy change urgently to all parents and children in advance of Your School re-opening; and
3. Bring this letter (and the UKMFA Letters) to the attention of your insurance provider or seek independent advice about Your Policy.

Due to the urgency of this matter, we ask you to email us by return, no later than 3 days from the date of this letter, to confirm that the above actions have been implemented, so that we can record your response in our Register.

Yours sincerely,

The Lawyers for Liberty Team

[Signature Block for Lawyers for Liberty]