



## THE UK COVID-19 INQUIRY

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### TRADES UNION CONGRESS: CLOSING SUBMISSIONS IN MODULE 7

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#### INTRODUCTION

1. This is the closing statement of the Trades Union Congress ('the TUC') in Module 7 of the UK Covid-19 Inquiry. These written submissions address: (i) support for those at work who need to self-isolate; and (ii) systems for Test, Trace and Isolate ('TTI') within education settings.

#### A. SICK PAY AND FINANCIAL SUPPORT FOR SELF-ISOLATION

2. On the importance of financial support for self-isolation, and the inadequacies of that support in the Covid-19 pandemic, it has been a case of near '*universal agreement*'.<sup>1</sup>
3. The TUC addressed financial support for self-isolation in its submissions to the Inquiry in Module 2. We rely on those submissions, the essential points of which have been further supported by the evidence in Module 7. For ease of reference, relevant extracts from the TUC's closing submissions are included below.

#### The need to financially support self-isolation

4. As in the TUC's written closing submissions to Module 2:

*'Not only is the level of statutory sick pay ('SSP') inadequate – at the outset of the pandemic only £94.25 per week – but an estimated 2 million workers did not qualify at all due to the lower earnings threshold'.<sup>2</sup>*

5. We summarised key evidence given in Module 2 regarding the lack of adequate financial support for self-isolation:

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<sup>1</sup> As correctly observed by Mr Dayle on behalf of FEMHO 30 May 2025 [12/133/21-25].

<sup>2</sup> TUC's Written Closing Submissions to Module 2, para 31.

*'A number of witnesses gave powerful evidence about how clear and obvious an issue the lack of financial support for self-isolation appeared to be:*

- a. *Mr Khan described that: "Early in the pandemic, it was clear from those Londoners who worked in the gig economy or on zero-hours contracts that many of them had no choice but to go to work to put food on the table and keep a roof over their head".<sup>3</sup>*
- b. *Michael Gove "believed that critical to contact tracing and critical to the effective management of the disease was making sure that there were appropriate isolation payments for all those who needed to self-isolate, particularly, obviously, those who were the lower end of the income spectrum".<sup>4</sup>*
- c. *David Halpern explained: "... for reasons that will be plain: ..., if you're an Uber ... driver and you're going to lose your income, that's a pretty big deal and difficult for you' and agreed 'absolutely' that lack of financial support for self-isolation is 'not just an absence of an incentive [but] actually a powerful disincentive'.<sup>5</sup>*
- d. *Professor Sir Christopher Whitty gave evidence that: "My view was that it was far easier to self-isolate, and indeed to self-isolate repeatedly, if people were contacts, if you were in a job which was in permanent employment -- a white collar job, academics, civil servants, various others -- than if you were in a self-employed environment, which many people, particularly on lower incomes, were, and it seemed to me therefore it was essential that we took account of that, particularly given that some of the highest incidence of Covid was in areas of relative deprivation, where there were higher rates of people who were not in continuous employment and therefore covered by ordinary sick leave measures".<sup>6</sup>*
- e. *Mr Cummings explained: "(a) I thought there was a reasonable argument, just in moral terms, that we should compensate people for staying home. (b) there was a practical question that, [...] if I think of my own position, if I had very little money [...] – and I was told: well, you've got to stay at home, but in doing that I wouldn't have the cash to actually look after my own family, then obviously I'm going to ignore a lot of rules and I'm going to go off and I'm going to work and try and keep getting paid. And that was a fundamental problem".<sup>7</sup>*
- f. *Mr Hancock described self-isolation payments as "the most important use of money".<sup>8</sup>*

*It should be self-evident that the risk of losing over a week's wages, or only receiving £94.25 for a week in which one would usually be working, is a powerful disincentive to following self-isolation guidance and testing in the first place – particularly where one's income is such that it becomes a choice between self-isolating and paying bills or putting food on the table'.<sup>9</sup>*

6. As Dido Harding set out in this module: *'If you do not make it easy for people to self-isolate, they will not do it'.<sup>10</sup>* A number of trusted voices of those with relevant expertise repeatedly

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<sup>3</sup> INQ000221436/0058 para 271.

<sup>4</sup> Michael Gove 28 November 2023 [27/166/20-25].

<sup>5</sup> David Halpern 1 November 2023 [16/202/1-10].

<sup>6</sup> Professor Sir Christopher Whitty 22 November 2023 [24/145/9-21].

<sup>7</sup> Dominic Cummings 31 October 2023 [15/252/14-24].

<sup>8</sup> Matt Hancock 30 November 2023 [29/209/8].

<sup>9</sup> TUC's Written Closing Submissions to Module 2, paras 33-34.

<sup>10</sup> INQ000587322/0041 para 7.6.

provided warnings to government. The Independent SAGE Report 40 dated 20 March 2021 set out why supported isolation is crucial in breaking community transmission,<sup>11</sup> concluding in part ‘*Without financial support to self-isolate, any much needed improvements to the FTTIS system will have a marginal impact*’.<sup>12</sup> Advice provided to the Government by SPI-B and SAGE set out that adequate practical and financial support for people to self-isolate should be offered as was the practice in other countries.<sup>13</sup>

### Treasury resistance

7. As observed in the TUC’s further written closing submissions to Module 2:

*‘Throughout the pandemic, numerous red flags arose around the inadequacy of the financial support available to workers but there was a resistance within the Treasury to providing adequate financial support.*

*Mr Case acknowledged in his oral evidence that there was a ‘very big debate all the way through August, September and I think even into October, possibly even longer’ about financial support for self-isolation.<sup>14</sup> Mr Case explained that those responsible for Test and Trace, including Dido Harding, were consistently telling those in Number 10 that the financial support available was ‘not enough’ and were making the point that those on lower incomes, working in care homes, transport and supermarkets, may struggle without their usual income whilst required to isolate.<sup>15</sup> Mr Case acknowledged that the former Prime Minister, Boris Johnson, was at that time “very focused on enforcement” and that the approach was “very much, you know, get people to comply”.<sup>16</sup> Mr Case acknowledged that a lack of adequate financial support for self-isolation was likely to contribute to the disproportionate impact of the pandemic upon certain groups, but that factor was not a significant feature of discussions which he was privy to, including with the former Prime Minister and Chancellor, and – crucially – that it should have been<sup>17, 18</sup>.*

8. And in the TUC’s written closing submissions to Module 2:

*‘In his witness statement, Mr Sunak attempted to justify the Treasury’s resistance to providing financial support for self-isolation with reference to “limited evidence to show that financial reasons were the main driver behind why people did not comply with self-isolation requirements”.<sup>19</sup> He suggested: “ONS survey data showed that the main reasons for breaking self-isolation were to go to the shops (32%), to attend work,*

<sup>11</sup> INQ000535912.

<sup>12</sup> INQ000587487/0021 para 5.27.

<sup>13</sup> INQ000587487/0029 para 6.21. See also: the evidence of Lucy Yardley 18 October 2023 [12/139/25 - 12/140/18].

<sup>14</sup> Dr Simon Case 23 May 2024 [36/198/5-8].

<sup>15</sup> Dr Simon Case 23 May 2024 [36/198/9-17].

<sup>16</sup> Dr Simon Case 23 May 2024 [36/198/12-16].

<sup>17</sup> Dr Simon Case 23 May 2024 [36/198/1 - 36/200/25].

<sup>18</sup> TUC’s Further Written Closing Submissions to Module 2, paras 3-4.

<sup>19</sup> INQ000263374/0099.

*school or university (26%) or for medical reasons (21 %)*.<sup>20</sup> This appears to be a reference to surveys of persons who had tested positive for Covid-19. This is flawed analysis, given that persons who knew they could not afford to self-isolate were unlikely to be testing in the first place. Indeed, Cabinet Office polling from 14 September to 30 December 2020 indicated that only 16%-26% of people with symptoms were getting tested.<sup>21</sup>

*Moreover, breaking self-isolation in order to work was high consequence in terms of transmission of the virus, and particularly high consequence for low-income sectors with high vulnerability. Someone attending to a production line because they are worried about paying the rent, carries a significant risk of transmitting the virus to others, potentially in large numbers, and the fact that some others may break self-isolation for some other reason is of limited relevance to the issue of the need for financial support. On analysis, the Treasury rationale is paper thin as against the factors pointing in favour of support. The real resistance of the Treasury, it is suggested, was simply ideological. As Sir Patrick recorded, for Mr Sunak it was 'all about personal responsibility and get the state out'.*<sup>22</sup>

*Furthermore, the Treasury was concerned that any scheme to address the issue of financial support for self-isolation would "concede the point that Statutory Sick Pay or other existing benefits are perceived to be inadequate".*<sup>23</sup>

*Mr Sunak's oral evidence that financial support for self-isolation "just wasn't relevant earlier because (a) we were in a national lockdown and (b) we didn't have test and trace up and running with the testing volumes to make this a kind of mass consideration", was revealing.*<sup>24</sup> For the many thousands in low paid high-risk jobs, who never stopped working, self-isolation was a crucially important safety measure from 16 March 2020, when the Prime Minister announced that anyone with symptoms should self-isolate for fourteen days – but a measure that was hugely difficult given the inadequacy of SSP'.<sup>25</sup>

### **The false economy of meagre financial support for self-isolation**

9. Mr Gray, on behalf of His Majesty's Treasury ('HMT') addressed in oral closing submissions to this module the provision of financial support for self-isolation, suggesting that the Inquiry ought to be 'cautious' when addressing financial support for self-isolation. It was specifically suggested that the Inquiry ought to be cautious in respect of this issue because *'[i]t is important ... to set any piece of the jigsaw of economic and financial support provided during the pandemic, which totalled almost £400 billion, within the context of the support provided as a whole'*.<sup>26</sup> That must be correct, but there are two angles to the importance of that broader

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<sup>20</sup> INQ000263374/0101.

<sup>21</sup> INQ000119872/0003.

<sup>22</sup> INQ000273901/0653.

<sup>23</sup> INQ000203685/006.

<sup>24</sup> Rishi Sunak 11 December 2023 [33/212/9-13].

<sup>25</sup> TUC's Written Closing Statement to Module 2, paras 39-42.

<sup>26</sup> HMT's Oral Closing 30 May 2025 [12/145/22 - 12/146/3].

context. The first, upon which HMT focuses, is the importance of protecting the public purse in the sense of limiting public expenditure to that which is necessary and reasonable. The second, however, is the absurdity of spending £400 billion on systems of support that depend on effective self-isolation and not supporting self-isolation. Without supporting self-isolation, the £400 billion is not well spent. The £285 million spent in England on the Test and Trace Support Payment Scheme represents 0.07% of that broader £400 billion.<sup>27</sup> As we set out in oral opening it was far less even than the £849 million spent on the six weeks of Eat Out to Help Out.<sup>28</sup>

10. The sum effect of spending such a large sum on the overall response, and such miniscule amounts on supporting self-isolation, was a terrible false economy. Dr Jennifer Dixon (The Health Foundation) highlighted that this failing *‘materially hampered the overall effectiveness’* of the TTI system.<sup>29</sup> The effects were felt in terms of compliance. The CORSAIR study (Smith et al 2021) found that only around 18% of people who were infected or who were contacts of those who tested positive adhered in full with the requirement to self-isolate.<sup>30</sup> We commend to the Inquiry the analysis offered by Baroness Dido Harding: *‘If we had spent even a tiny fraction of the energy and budget expended on expanding testing on better understanding and supporting the most marginalised to isolate, we would likely have reduced the harms of the pandemic. We need to do this work in advance of a pandemic, so we are ready on day one next time’*.<sup>31</sup>
11. As the evidence in Module 7, and in previous modules, has shown, financial support for self-isolation was an area where government was far too ‘cautious’ during the pandemic. The ‘cautious’ approach adopted was rooted in a policy of attempting to identify the absolute minimum which could be provided – such that in August 2020, a pilot scheme trialled paying participants just £13 per day.<sup>32</sup> The result of this approach was a scheme which woefully underperformed.

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<sup>27</sup> Professor Richard Machin 30 May 2025 [12/26/4-7].

<sup>28</sup> INQ000350707/0003.

<sup>29</sup> INQ000475185/0017 para 70.

<sup>30</sup> INQ000587239/0050 para 222.

<sup>31</sup> INQ000587322/0044-45 para 9.3.

<sup>32</sup> INQ000587305/0034 para 127.

### Utilising existing mechanisms of statutory sick pay

12. In respect of sick pay, HMT put forward the following points as to why the level of statutory sick pay was not increased during the pandemic:
  - a. There was a need to mitigate the risk of fraud and to avoid creating a perverse incentive not to work.
  - b. HMT was sensitive to the fact that Statutory Sick pay was paid for by businesses.
  - c. HMT was sensitive to the desire of the then ministers not to change permanently the benefits system.
13. As we set out in our oral closing submissions to this module, *'key workers in a variety of sectors were keeping the country going, at risk. They deserved better than the disdain of being viewed as a fraud risk'*.<sup>33</sup>
14. The fear of burdening businesses should not have been seen as a barrier to amending other aspects of the SSP scheme. As Dan York-Smith noted in his witness statement, in March 2020 the Chancellor introduced a rebate provision for small and medium businesses to reclaim SSP paid for Covid-19 related absences. A rebate scheme could have covered the costs to businesses arising from increasing SSP for those asked to self-isolate.
15. As to the desire of ministers not to set a precedent which might extend beyond the pandemic, as we set out in oral closing submissions, *'that ... was indefensible. It was prioritising a political distaste for sick pay over saving lives in the pandemic, particularly the lives of the most vulnerable'*.<sup>34</sup> It reinforced barriers for those on low incomes and compounded the impacts of structural racism and health inequalities.<sup>35</sup>

### The inadequacies of the Test and Trace Support Payment Scheme ('TTSPS')

16. As to the inadequacies of the system of the support that was introduced, the TUC said in Module 2:

*'Some of the difficulties in the scheme were accurately summarised by Lucy Yardley, who described that Spi-B, 'didn't consider it adequate and we continued to push throughout the pandemic for better financial support, because we had good evidence that people were finding it very difficult to access the support, that it was very limited, lots of people didn't qualify for it, people didn't know that they could qualify for it, they*

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<sup>33</sup> TUC's Oral Closing 30 May 2025 [12/138/20-23].

<sup>34</sup> TUC's Oral Closing 30 May 2025 [12/139/10-14].

<sup>35</sup> Please see the evidence of Dr Zubaida Haque: INQ000587553/0004 para 6; and of Rebecca Evans: INQ000587570/0044-45 para 148.

*couldn't access it quickly enough, and so on. [...] it meant that the people that had the lowest incomes were less able to self-isolate'.<sup>36</sup> Similarly, David Halpern of the Behavioural Insights Team said: "A particular issue was ... how difficult it is to get [the money]. So if you are someone on a low income and we say 'You need to self-isolate. By the way, here's a load of paperwork, you have to go to someone else, hopefully it will get sorted out", that's not great...."'<sup>37</sup>*

*The difficulties were also privately acknowledged within government. Minutes from a Covid-O meeting in January 2021 describe: "The Government currently supported people self isolating on low incomes with a £500 Test and Trace Support Payment (TTSP), however the means tested element was hard to assess, which meant that payment delivery was slow. This was resulting in individuals having uncertainty about whether or not they would receive the TTSP. Ensuring that people got tested and self isolated was key to exiting lockdown".<sup>38</sup> At that meeting, DHSC proposed that the eligibility criteria for payments be removed. However, it was decided to simply increase communications about the existing scheme and provide some further funding for the discretionary part of it. Ultimately, there was not appetite to make the drastic changes needed to improve the efficacy of the scheme.*

*The result was that most workers were not aware of the TTSP scheme; of those workers who were aware of it, they could not be sure whether they would qualify for a payment from the TTSP scheme due to the varying and complex eligibility criteria; if aware of the scheme and eligible, they could not be sure that they would receive a payment due to the low amounts allocated to individual local authorities and low rates of awards made under the discretionary scheme; and, finally, even if aware of the scheme, eligible, and within the small percentage of successful applications, payment would likely take over a week to be received, at which point it may have been too late to provide the required support'.<sup>39</sup>*

17. The TUC stands by those submissions and says that the evidence received in Module 7 supports them. The TTSPS was burdensome on local authorities, and upon those applying for it. Data from Freedom of Information requests demonstrates that 90% of applications to the discretionary scheme, and 70% of applications to the TTSPS were rejected.<sup>40</sup> TUC surveys found that awareness of the scheme was low (only 21% of the public had heard about it, with awareness in target groups even lower: low paid workers (16%), those in insecure work (18%) and those who receive no sick pay (16%)).<sup>41</sup> The logistical issues were well known within government. A DHSC paper for Covid-O entitled 'Improving adherence to self-isolation' set out that the application process for the TTSPS was 'too complex' because individuals were required to find out which local authority they lived in, find the forms on the website and

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<sup>36</sup> Professor Lucy Yardley 18 October 2023 [12/139/25 - 12/140/18].

<sup>37</sup> Professor David Halpern 1 November 2023 [16/206/21 - 16/207/1].

<sup>38</sup> INQ000092295/0002.

<sup>39</sup> TUC's Written Closing Submissions to Module 2, paras 55-57.

<sup>40</sup> INQ000119082/0011.

<sup>41</sup> INQ000192241/0002.

complete the forms including providing evidence such as pay slips and bank statements.<sup>42</sup> The TUC observed in a report: *'that the scheme is failing to financially support workers who have been required to self-isolate. This is for two reasons: the eligibility criteria for the main payment means that many workers miss out; and the lack of funding for the discretionary scheme means most applicants are rejected'*.<sup>43</sup>

18. The failings of the schemes devised were confirmed by one of the expert witnesses to this module, Professor Madelynne Arden: *'Although self-isolation payment schemes were introduced by each of the four UK nations during the pandemic there remained barriers to their utility in promoting adherence. Some of these related to the procedures, assessment of eligibility and the delays to payments. An additional key factor was knowledge of the support available and how to access it with awareness of self-isolation payment being lowest among the groups most likely to be eligible for support (i.e. younger people, women, low paid or insecure workers and people living higher levels of deprivation [...]'*.<sup>44</sup>

#### **The Treasury's eight points in support of the TTSPS**

19. In its closing submissions in Module 7, HMT identified eight arguments in defence of the TTSPS. In summary:<sup>45</sup>
- a. The TTSPS was an 'incentive payment' and was not intended to be an income replacement payment.
  - b. The criticism of the rate paid overlooks that not all recipients were in full-time employment and the TTSPS was payable in addition to existing benefits.
  - c. The £50 per day figure equated to 115% of the National Living Wage for someone working full time.
  - d. The reduction to ten days isolation, and subsequently to seven and then to five days isolation between December 2020 and January 2022 increased the generosity of the scheme in relative terms.
  - e. The lack of evidence to support the assertion that an increased payment would have made a material difference to self-isolation compliance.

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<sup>42</sup> INQ000566269/0009.

<sup>43</sup> INQ000119082/001.

<sup>44</sup> INQ000587239/0073 para 232.

<sup>45</sup> HMT's Oral Closing 30 May 2025 [12/149/16 - 12/152/23].

- f. Feedback from local authorities was that the majority of people claiming support under the scheme were losing approximately £200-300 during the isolation period – rendering the £50 rate adequate.
  - g. That any flat rate scheme would create uneven outcomes.
  - h. A failure to grasp the complexities of a such a scheme for a central or local authority to deliver.
20. Those eight reasons might have more credibility if they were actually core features of the rationale for not having greater financial support. The reality is that they were not: it was a political distaste for sick pay, a culture of distrust in low paid workers, and a concern about setting a precedent beyond the pandemic. Rishi Sunak’s evidence aptly demonstrates these concerns when discussing trials for further support which were piloted in Oldham, Pendle and Blackburn: *‘HMT officials recommended not increasing the amount past £13 per day. Aside from a £13 payment being considered adequate for its proximity in value to SSP, it was determined that increasing the payment and thereby setting it at a rate where some would receive more from the payment than from work could increase fraud-risk’*.<sup>46</sup>
21. An email on 25 November 2020 summarising the discussions of the 'Test and Trace Quad', stated in respect of DHSC’s proposal to introduce universal payments: *‘The challenge is the Chancellor is opposed and SofS noted that Cx main concern is around setting up a new permanent benefit’*.<sup>47</sup>
22. In any event, the eight points are all myopically focused on approaches tending towards low levels of support: *pay the minimum that might incentivise self-isolation... don’t pay without firm evidence of effectiveness... don’t have a system which could potentially be gamed*. Whilst those are not perverse considerations, the fundamental lesson is that there needs to be a far greater emphasis on other fundamentals: TTI fails entirely without effective self-isolation; self-isolation will suppress the R-rate and ultimately save lives; and policy should err on the side of greater support in order to achieve those objectives. In this context, support needs to be bold rather than reticent. That lesson should be a core feature of the Inquiry’s recommendations.
23. Moreover, that the TTSPS was intended to be an ‘incentive’ rather than income replacement belies a fundamental misunderstanding of the position in which low-paid and self-employed workers were placed when asked to self-isolate. Workers did not need to be ‘incentivised’;

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<sup>46</sup> INQ000587405/0025 para 85.

<sup>47</sup> INQ000566254/0002.

willingness to self-isolate was high as the evidence shows – it was ability to self-isolate which was low.<sup>48</sup> As Professor James Rubin set out in a text message to Sir Patrick Vallance: ‘we wouldn’t see *\*maintaining\* income level as an ‘incentive’.*<sup>49</sup>

24. Similarly, a flat rate need not necessarily be used – countries which introduced payments as a percentage of usual earnings performed well in terms of adherence to TTI. For example, Germany implemented a scheme whereby anyone expected to isolate would be paid 67% of their normal salary, which was capped at EUR 2,016 per month.<sup>50</sup> Meanwhile, sick pay equivalent to 80% to 100% of full salary was offered to those isolating in Portugal, Slovenia and Sweden.<sup>51</sup>
25. Analysis regarding the amount of wages lost as a result of self-isolation who claimed compensation via the scheme, equally, misses the point. That data is skewed as a result of the eligibility criteria being based on receipt of benefits. The TUC, and many other witnesses to this module including Baroness Harding and Matt Hancock, suggest that a universal mechanism ought to have been used. In his oral evidence to the module, Matt Hancock stated:

*‘It comes down to the doctrine again. Spending public money to pay people to isolate in order to stop the spread of the virus is not only obviously good for health; it’s actually good for the economy because you have to have fewer other NPIs. So my view is that this would have been good value for money as well as the right thing to do from a health point of view. The Treasury made the argument that they were concerned more about the direct payments. I respect their arguments, and they were made in a respectable way, and I lost that argument inside government, but one of my recommendations would be to have generous universal payments for required self-isolation’.*<sup>52</sup>

26. Clearly, there were complexities to introducing such a scheme – but that did not prevent the introduction of the CJRS nor the SEISS, both of which were adequate in amount, fairly and effectively administered, and accessible. That point only lends weight to the need for pre-pandemic planning in respect of such schemes – and the importance of clear and forthright recommendations on the need to consult, collect evidence and put plans in place *now* before the next pandemic arrives.

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<sup>48</sup> INQ000475152/0010 para 35(e); INQ000587423/0014 para 4.5. See also: INQ000475066/0032-0033 para 81.

<sup>49</sup> INQ000553396/0001.

<sup>50</sup> INQ000587322/0041 para 7.6.

<sup>51</sup> INQ000575988/0031 para 82.

<sup>52</sup> Matt Hancock 22 May 2025 [8/75/21 - 8/76/8].

### **Lessons to be learned**

27. As we set out in oral closing submissions: *‘The evidence is clear, and the TUC invites the firmest of recommendations. The recommendations must go beyond the principle of financial support, and to some of the lessons learned about the mechanics of an effective scheme – as we have described, about its amount, its visibility, and its accessibility’*.<sup>53</sup>
28. We refer the Inquiry to our closing submissions in Module 2, to Kate Bell’s witness statement in this module and to our opening submissions to this module.<sup>54</sup>
29. The evidence from this module demonstrates that delivery of self-isolation payments via a centrally administered system is required. Professor Richard Machin, in his oral evidence to the Inquiry stated:
- [...] there were many inefficiencies and challenges that local authorities had with those payments and so overall, that certainly led me to recommend that self-isolation payments would have been much more efficiently administered if they were done on a central basis rather than on a local basis. This would have created parity between people who were satisfied to self-isolate and those whose employment was interrupted because their jobs were no longer available for period’*.<sup>55</sup>
30. We commend the similar view expressed by Baroness Harding:
- ‘I think, fundamentally, the debate we need to have in peacetime, if you will, is what that sort of isolation payment should be and I would suggest a national system delivered probably via DWP is a better thing to do than creating something completely different’*.<sup>56</sup>

## **B. SYSTEMS FOR TTI IN EDUCATION SETTINGS**

31. Ensuring effective systems for TTI in education settings was *‘central in ensuring pupils could safely return to schools and higher education facilities’*.<sup>57</sup> It was also critical in respect of controlling community transmission and the R-rate. In our written opening statement, we emphasised the importance of the issue, and expressed some uncertainty as to the extent to which Module 7 would grapple with it. Some limited oral evidence has been received by the Inquiry as to the operation of the TTI system in education settings. However, the TUC remains

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<sup>53</sup> TUC’s Oral Closing 30 May 2025 [12/139/15-20].

<sup>54</sup> TUC’s Written Closing Submissions to Module 2, paras 85-106; INQ000587569/0039; TUC’s Written Opening Submissions to Module 7, para 63.

<sup>55</sup> Professor Richard Machin 30 May 2025 [12/3/9-10].

<sup>56</sup> Baroness Dido Harding 28 May 2025 [10/91/1-16].

<sup>57</sup> Per Mark Drakeford, INQ000575983/0087 para 304.

concerned that this may be an issue with urgently required clear and considered recommendations, but which may fall between modules.

32. Our opening submissions identified key areas of concern for the TUC in respect of the TTI systems in education settings:
  - a. A lack of pre-pandemic planning in respect of the TTI system.
  - b. A lack of social partnership with unions, who were in a position to provide advice to ensure that the TTI system would function as effectively as possible.
33. These issues significantly constrained the response to the pandemic in education settings – pertinent examples include the return of education settings in September 2020 without putting in place sufficient TTI systems, including asymptomatic testing of pupils and staff;<sup>58</sup> the difficulties faced by both students and staff in respect of accessing tests during the Autumn of 2020; the late introduction of asymptomatic testing in schools and the late announcement of that plan to secondary schools on the last day of term in 2020;<sup>59</sup> and the inconsistent operation of the asymptomatic testing regime.<sup>60</sup> The TUC's position is that this placed an undue burden on schools, exposed education workers (especially low paid support staff) to risk of infection, and that more training was required, especially in terms of infection prevention and control.
34. Evidence received in this module demonstrates that others were concerned about the poor communication between the Department for Education and education settings, the burden on education staff, and the implementation of the asymptomatic testing regime. By way of example:
35. Mr Neil Rennick (Director of General Education and Justice for the Scottish Government) reported that a majority of local authority respondents '*agreed that additional staffing resource to deal with the administrative burden of the programme in schools could help to improve the testing programme*'.<sup>61</sup>
36. Andrew Garratt (Royal Statistical Society) states that: '*[w]e also highlighted poor communication about test performance sent to schools by the Department for Education and NHS Test and Trace*'.<sup>62</sup> He further refers to '*the Department for Education's failure to monitor the performance of lateral flow tests in the first few weeks of secondary pupils' return to*

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<sup>58</sup> INQ000573909/0001.

<sup>59</sup> INQ000587569/0028 para 96; INQ000575985/0028-0029 para 4.6.2; INQ000075484.

<sup>60</sup> INQ000587569/0030 para 100.

<sup>61</sup> INQ000575983/0108 para 169.

<sup>62</sup> INQ000475156/0030 para 5.4.2.

*schools in March 2021*’ which he explains *‘was important as, due to the low prevalence of infection and low sensitivity of the lateral flow test for asymptomatic testing, there was a high rate of false positives’* and that this failure *‘impacted pupils through lost school days’*.<sup>63</sup>

37. Dame Jenny Harries set out in her witness statement that reported participation in the asymptomatic testing regime between 1 March 2021 and 4 April 2021 *‘varied between secondary school pupils (27%), college pupils (8%), primary school staff (43%), secondary school staff (34%) and college staff (15%), although it was considered likely that there was under-reporting of negative self-tests conducted at home’*.<sup>64</sup>
38. Since opening submissions were delivered in Module 7, we have received disclosure of the Department for Education’s witness statement, which addresses a number of the key issues identified in the TUC’s witness statement and opening submissions. It is welcome that the statement recognises the scale and importance of the TTI system in places of education. It notes that 500 million lateral flow tests were distributed for schools testing in the period to March 2022, which represented 25.1 per cent of the total number of lateral flow tests distributed for England.<sup>65</sup> It describes test and trace in education as *‘one of the largest testing programmes in society, among a cohort with unique and distinctive challenges’* and it is noted that education settings *‘led this work’*, often acting as pioneers in Covid-19 testing.<sup>66</sup> The statement further recognises that *‘the ongoing TTI programme created a significant new burden of work for education settings’*, which stemmed in part from the *‘limited lead-in time schools and colleges were given to develop on-site testing in time for the start of term in January 2021’*.<sup>67</sup>
39. Whilst recognition of the efforts and sacrifice of education workers is welcome, any narrative that the testing regime was a *‘key success of the TTI programme’*<sup>68</sup> should be approached with caution. Reference is made by the Department to that fact that, despite logistical challenges, education settings engaged early in planning and delivery of mass testing such that, on 8 January 2021, *‘a quarter [of secondary schools] had started testing’*.<sup>69</sup> The Department for Education rightly described that it would *‘not have been possible without education staff rising to the challenge and making significant personal sacrifices to make it*

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<sup>63</sup> INQ000475156/0054 para. 7.2.64.

<sup>64</sup> INQ000587365/0068 para 4.117.

<sup>65</sup> INQ000587559/0102-0103 para 8.5.

<sup>66</sup> INQ000587559/0102 para 8.5.

<sup>67</sup> INQ000587559/0103 para 8.6.

<sup>68</sup> INQ000587559/0102 para 8.5.

<sup>69</sup> INQ000587559/0063 para 5.19.

*happen [...]*. However, viewed in its broader context – nine months into a pandemic and in circumstances that lateral flow tests had been available for some time – that is a shortcoming which it is clear was born of a dire lack of planning.

40. In respect of the delay in introducing asymptomatic testing, the Department for Education describes that the late planning and limited preparation of mass lateral flow testing resulted from the worsening epidemiological situation in the run up to Christmas 2020.<sup>70</sup> That is not a defensible analysis. Unions were, as early as March 2020, emphasising the importance of testing in education.<sup>71</sup> In May 2020 there was a call for an effective TTI system to be in operation before the planned return on 1 June 2020.<sup>72</sup> On 11 September 2020, the NEU wrote to the Prime Minister urging the government to ensure regular asymptomatic testing of school and college staff.<sup>73</sup> The importance of asymptomatic testing was not one that simply appeared in December 2020.

#### ***Lessons to be learned***

41. In its statement, the Department for Education considers that a learning for the Department for any future pandemic *'should be around early consultation with the sector on how to staff a future testing regime'*, and giving settings sufficient notice, and states *'Ideally, would want to co-create programmes like this with the sector, giving sufficient time to test approaches and understand and delivery challenges'*.<sup>74</sup> We agree, and we suggest that advance planning, consultation and mechanisms of social partnership would (and should) move this from an ambition contingent on 'ideal' circumstances to a practical reality.
42. The Department's evidence raises well-founded questions: around the provision of training and resources for education settings, and whether education settings should be the delivery route at all for testing staff and children, or whether a universal at-home community testing offer would work better.<sup>75</sup> However, this module needs to move beyond the raising of questions for consideration and must seek to answer them on the evidence available.

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<sup>70</sup> INQ000587559/0063 para 5.37.

<sup>71</sup> INQ000587569/0025 para 88.

<sup>72</sup> INQ000587569/0025 para 88.

<sup>73</sup> INQ000587569/0027 para 92.

<sup>74</sup> INQ000587559/0103 para 8.7.

<sup>75</sup> INQ000587559.



43. The TUC's written opening statement included a number of lessons to be learned,<sup>76</sup> and in oral closing submissions we summarised the key lessons thus:

- a. The co-creation of a detailed plan for deploying testing in schools should not be something which 'ideally' should happen in the next pandemic, but something which *must* happen in advance of it.
- b. On a number of occasions throughout the pandemic, and in its evidence to this module, the education unions have argued that testing in respect of those attending school should be led by directors of public health, in contrast to passing all responsibility to schools and school staff.<sup>77</sup> That was also the evidence of Professor Buchan in some of the limited oral evidence that has touched on this issue.<sup>78</sup>
- c. Third, testing should be undertaken at home, or in a testing centre or medical setting. That is safer and more effective than asking education workers to inexpertly use ill-equipped spaces within schools to operate as test centres. It would also relieve the burden on education workers and release them to the vital work of teaching, running education settings and providing pastoral support.

These lessons have been borne out in the evidence before the Inquiry, and we seek clear recommendations on the issues: TTI in education settings were a large and critical aspect of the overall system, and there are pragmatic steps which can be taken to significantly improve the response in a future pandemic.

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3 July 2025

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<sup>76</sup> TUC Written Opening Submissions, para 63.

<sup>77</sup> TUC Written Opening Submissions, para 63; INQ000587569/0041 para 131.

<sup>78</sup> Professor Iain Buchan 14 May 2025 [3/44/2-9].