

Lateral flow daily contact testing paused

Following last week's Guardian article about the concerns over lateral flow daily testing for those identified as having been a close contact of a person testing positive for Covid-19, Public Health England (PHE) and NHS Test and Trace (NHSTT) have published a position statement to recommend that daily contact testing in schools will be paused.

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Please note: the information contained in this legal update is correct as of the original date of publication.

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The idea of this daily contact testing had been that it provided a rapid turnaround and could therefore be used to keep pupils and staff in school if they had come into close contact with a positive case and would not need to self-isolate. This, of course, is an entirely separate use of lateral flow testing to the mass testing which has been underway to identify positive cases in people who are asymptomatic.

PHE and NHS TT emphasised that initial pilots including contact testing started in October 2020 illustrated the potential benefits of daily contact testing in schools in detecting more positive cases and ensuring continued face to face education. It further states that the pandemic has entered a new phase with the new strain of coronavirus and therefore the balance of the risks of transmission of the virus in schools and onward to households and the wider community, against the benefits of daily contact testing that enables education in a face-to-face and safe setting, is unclear.

The government has accepted the recommendation in all but a small number of secondary schools and colleges where it will continue as part of a detailed evaluation of daily contact testing in a range of private and public settings.

Whilst daily contact testing is being paused, lateral flow tests will continue to be used to test staff regularly (twice-weekly where possible, in line with recommendations for other workforces that need to leave the home to work) and test pupils twice upon their return to school.

Schools and academies should conduct regular testing of staff as well as testing on students upon their return to school as per the guidance. The main difference is that daily contact testing can not be used for individuals who have been in close contact with positive cases to circumvent a period of self-isolation.

It remains important to continue to ensure risk assessments remain up to date. Other control measures in place should continue to apply and be maintained and rigorously adhered to, such as social distancing, cleaning regimes etc.

In addition, we advise schools and academies to keep clear communication with staff, parents and students on the measures in place and on the importance of thoroughly following guidance, social distancing, the wearing of face coverings and good hygiene practices. If a staff member or student is identified as having been in close contact with a positive case then they should follow the guidance and self-isolate for a period of 10 days.

This legal opinion was co-authored by Steph McGarry (Partner) and Daisy May Coster-Hollis (Associate), health and safety experts in our regulatory practice team. For further bespoke advice tailored to your institution, please get in touch.

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