

Lateral flow testing in schools

Lateral flow testing is underway in schools across England to provide rapid Covid-19 testing of staff and students in secondary schools and colleges.

15 January 2021

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

Lateral flow testing is underway in schools across England to provide rapid Covid-19 testing of staff and students in secondary schools and colleges. Testing will be provided when staff and students return to school from working and studying at home and after this staff will be tested once a week on an ongoing basis. Some schools which have remained open for the children of key workers and vulnerable students may also be continue with the testing currently in place.

Students and staff who are close contacts of positive cases will also be tested daily for seven days to enable them to stay in school. This is due to expand to primary schools and universities later this month. The aim of this testing scheme is to quickly identify when asymptomatic individuals have Covid-19 who would not otherwise have been caught, thereby reducing the further spread of infection.

Reports in the media over the last day or two state that the Medicines and Healthcare Regulatory Agency (MHRA) has refused to approve the lateral flow testing in schools. The MHRA is the regulator responsible for regulating medicines, medical devices and blood donations for transfusions within the UK. Concerns have been raised about the accuracy of the lateral flow testing devices for individuals with no symptoms, as evidence suggests that the lateral flow tests are much more accurate at detecting infections in people with high viral loads of Covid-19 and therefore are most effective on those displaying symptoms.

The MHRA has already granted an exceptional-use authorisation for self-use of lateral flow tests to be used to help find asymptomatic cases. This is not a case of the MHRA withdrawing that authorisation and tests can continue to be administered.

The concerns have been raised over the rapid lateral flow tests that promise to give results in 30 minutes. The MHRA has apparently advised the Government this week that it has not given the green light on the use of this 30-minutes daily testing of individuals who would otherwise have to self-isolate. There is a concern that the large-scale use and reliance on this testing will give false reassurance to people if they receive a negative result without fully understanding that this test has lower accuracy levels for asymptomatic people and they will therefore potentially fail to follow appropriate measures or guidance, such as self-isolating when they should do. This misconception about what a negative result means would then have the potential to continue the spread of Covid-19 within schools and trusts and the wider community during a period of significant numbers of positive cases and pressure on public health services.

Neither the Government nor the Department for Education have yet responded to the news reports or to the MHRA's concerns and we will update this guidance as soon as further information is available.

The key for schools and academies is to continue to ensure risk assessments remain current and up to date and that all control measures that are in place are being strictly adhered to. Mass testing using lateral flow might be one of the control measures identified in a Covid-19 risk assessment, but it does not replace all other control measures.

To guard against any potential over-reliance on the effectiveness of any testing undertaken, there should be very clear messaging around what a negative result means for individuals: namely, that the test is negative because the viral load is not high enough to have produced a positive result. It is not the "all clear" and people should continue to follow government guidance and the rules currently in force during this national lockdown.

Even where testing is in place, other control measures will also be in place and therefore schools and academies are advised to ensure that these measures continue to be applied rigorously, such as social distancing when possible, enhanced cleaning regimes, ventilation

and good hygiene practices.

It remains important to keep clear communication with staff, parents and students on the measures in place to control the spread of Covid-19 and on the importance of thoroughly following guidance, irrespective of a negative lateral flow test result.

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](#).

Contact

Stephanie McGarry

Partner

stephanie.mcgarry@brownejacobson.com

+44(0)115 908 4113

Related expertise

Child protection and safeguarding in schools

Health and safety in academies and schools