

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

From: 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 wearing of masks at [insert full school name] at [School address] (Your School)

We have been contacted by the parent of a child or parents of children at your school (**the Parents**). The Parents have asked that we write to you directly to request that you reconsider Your School's policy on mandating testing or mask wearing (**Your Policy**).

Who are we?

Lawyers for Liberty is not a law firm. We are a network of lawyers from across all political parties who monitor, educate and act upon potential legal issues raised by concerned citizens relating to the national coronavirus situation.

The purpose of this letter

We want to ensure that any decision to implement a policy mandating testing or mask wearing in schools, including Your Policy, is made with (i) access to medical and scientific data showing the risks and harms to children and (ii) an understanding of the legal implications if such harms are suffered.

This is not a letter before action, nor 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 parents of children at Your School, if they suffer harms as a direct result of Your Policy.

To avoid potential conflict, the Parents have asked to remain anonymous. However, as a result of this letter being sent to you, we keep an official register of all Parents who contact us about Your School or Your Policy.

If a claim is later made by any Parent that has contacted us connected to Your Policy, the Parent (and other parents) may seek to rely on the distribution of this letter (and the information contained herein) to demonstrate your and Your School's contemporaneous knowledge of (i) the potential risks and harms to their child as a result of Your Policy, (ii) their legitimate concerns, and (iii) the legal implications of Your Policy.

You may want to bring this letter to the attention of your insurance provider or seek independent advice on your obligations and duties.

Medical and Scientific Data

Below are two comprehensive letters written by the UK Medical Freedom Alliance (**UKMFA**), together the UKMFA Letters. The UKMFA is a network of medical and scientific professionals that provide advice and analysis on the latest scientific evidence and data. The UKMFA Letters set out the harms of imposing testing and masks on children in schools. We urge that you read the UKMFA Letters in full alongside this letter:

- 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>

1. Medical interventions

The testing of children and the use of face masks are medical interventions and, as a result, require the full informed consent (**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 child’s legal rights.

2. Damages Claims

You are probably already aware of the widely known hazards, health risks and dangers associated with the use of face masks, which can result in both physical and psychological harm to the user. The UKMFA Letters set these out in detail.

Your School has a legal duty of care (at common law and in statute) to the children under your care. Your School is vicariously liability for your staff and their acts or omissions. And in certain circumstances, you personally may be found liable for any harms caused.

If a child at Your School suffers damage, harm or injury (physically or psychologically) as a direct result of Your Policy, then the child may make a damages claim against you, Your School or your staff.

3. Government Guidance as a defence

On Monday 22 February 2021, the Government 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/90422/schools-coronavirus-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.

Nick Gibb, MP, Minister of State for Schools then clarified the Guidance on 25 February 2021 stating in an interview that face coverings and testing for pupils will not be compulsory and confirmed that the Guidance is a recommendation. Whilst the Guidance requires that you “implement **sensible and proportionate** control measures” to reduce risks, it does not make masks or testing mandatory.

It will therefore not be a defence to rely upon the Guidance.

4. REQUIRED ACTION

In light of the above, we urge you to:

1. Amend Your Policy to ensure that all mask wearing and testing of children at Your School is:
 - a. entirely voluntary; and
 - b. those staff and children who do not consent are no discriminated against directly or indirectly as a result of their decision not to be tested or wear a mask;

2. This policy change is communicated urgently to all parents and children in advance of Your School opening; and
3. Your staff are explained the legal principles set out in this letter.

Due to the urgency of this matter, we ask you to email us by return, no later than 5 days from the date of this letter, to confirm that the above actions are implemented.

Yours sincerely,

The Lawyers for Liberty Team

[Signature Block for Lawyers for Liberty]