To: [INSERT NAME OF PRINCIPAL]  
 [INSERT NAME OF SCHOOL] (the “**School**”)

Date: [INSERT DATE]

Re: Face Covering Policy at the School

Dear Principal / Board of Management,

I refer to the above matter.

I confirm that I am in receipt of the return to school protocol issued by the School (the “**Protocol**”) and wish to note my concerns as regards the mandatory requirement that all students wear face coverings while at school.

As you may be aware, Statutory Instrument number 244 of 2020 which came into operation on 13th July 2020, mandates the wearing of face coverings on public transport for all persons except those with a “*reasonable excuse*” and Statutory Instrument number 296 of 2020, which came into operation on 10th August 2020, mandates the wearing of face coverings in “*relevant premises*” for all persons except those with a “*reasonable excuse*” (together the “**Regulations**”).

Under the Regulations, a person is said to have a “*reasonable excuse*” if:

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| *“(a) the person cannot put on, wear or remove a face covering -*  *(i) because of any physical or mental illness, impairment, or disability, or*  *(ii) without severe distress,*  *(b) the person needs to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise),*  *(c) the person removes the face covering to provide emergency assistance or to provide care or assistance to a vulnerable person,*  *(d) the person removes the face covering to avoid harm or injury, or the risk of harm or injury,*  *(e) the person removes the face covering in order to, and only for the time required to, take medication.”* |

I note with grave concern that the Protocol adopted by the School would appear to be starkly different with regards to exemptions from the requirement to wear face coverings when compared to the Regulations, in that you have provided no exemption for children who might suffer severe distress, which under the law, is considered a disability.

I have discussed this issue with many other parents, who are equally concerned, and ask that you clarify the School’s position as regards excluding children who suffer from a disability (i.e. severe distress) and are therefore not able to wear a face covering while at the School.

For completeness, I set out below the definition for disability under the law:

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| *“(a) the total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body,*  *(b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness,*  *(c) the malfunction, malformation or disfigurement of a part of a person's body,*  *(d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or*  *(e) a condition, disease or illness which affects a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour;”* |

I also wish to address at this point any suggestion that I should be required to secure a GP letter in order to evidence my child’s exemption: It is widely known that GP’s are refusing to provide any such letters – meaning that any such request by the School will place an unreasonable burden on parents in seeking to obtain proof that is not possible to obtain. In order to assist the school with regards to any issue of liability I am happy to provide a declaration noting my child’s exemption from the requirement to wear a face covering. For completeness, I have attached said declaration to this letter.

Finally, in the event that the School still insists that my child must wear a face covering or be excluded from the School, I direct your attention to Article 42 of the Irish Constitution as regards the States duty to provide for free primary education for all children and strongly advise that you seek independent legal advice before making any decision as regards my child which might result in legal action.

I await hearing from you as a matter of urgency.

Yours faithfully,

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[INSERT YOUR NAME, ADDRESS AND CONTACT INFORMATION]

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