



LAWYERS *for* LIBERTY

For the attention of *[Headteacher's name]*

Notice of potential liability of *[Headteacher's name]* of *[School name]* at *[School address]*: COVID 19 Vaccinations for Children

A. Who are we?

Lawyers for Liberty is a non-politically affiliated network of lawyers. We monitor, educate and act upon potential legal issues raised by concerned individuals in England and Wales. Lawyers for Liberty is not a law firm. This is not a legal letter, nor is it the provision of legal advice.

You should take independent legal advice upon the contents of this email and consult your insurance provider.

B. Register

We have been notified by a concerned parent, carer or guardian of a pupil at your School that your School is positively promoting and encouraging the Covid 19 vaccination (the Vaccination) for children aged 12 years and over, without a health & safety assessment or a full risk analysis, and possibly also without parental consent or parent consultation.

We are writing to ensure you understand your obligations as an education provider, and that you are aware of the legal risks associated with providing the Vaccination and providing a venue for the National Health Service (NHS) to deliver the Vaccination on your premises.

This email automatically adds the concerned individual onto our register, so if a harm, loss or injury is suffered by a pupil, that individual may rely on this email as evidence that you were on notice of the possible legal issues and liability in advance. To avoid any conflict or negative fallout, the individual will remain anonymous to you.

C. Background

As you are probably aware, many parents firmly believe that it is 'safer to wait' for long term data to be made available on this Vaccination so that an informed decision can be made by them or their child at the appropriate time. They consider it necessary to afford their child or children protection during this period by exercising their Parental Responsibility during the decision-making process.

If a parent communicates to you that their child is not to be included in the Vaccination programme or does not provide consent, then that decision must be respected, without any further consequences for the child, including direct or indirect discrimination or coercion.

Failure to do so may result in possible legal claims against you personally and for your School. We urge you to read our summary for further background information - this can be found on our website under **Resources > For Schools**. The Legal Note has been prepared for Lawyers for Liberty by Jacqui Sansom of the Jonathan Lea Network.

D. Immediate action to be taken by you and your School

Due to the urgency of this matter, we ask you to write to all adults with Parental Responsibility for pupils of 12 years' and above to confirm that you will take the actions set out in this email below, no later than 3 days from receipt of this email and confirm that no Vaccination of any child registered at your educational establishment will be undertaken until:

- i. a full and final decision has been issued by the courts following the Judicial Review (as defined in the Legal Note) or any other legal case that is brought in the next 5 days;
- ii. a full and proper prior consultation has been completed with all adults with the benefit of Parental Responsibility for every child attending your school; and
- iii. the positive and explicit written consent has been received from all adults holding Parental Responsibility for each child in writing after providing them with:
 - a. Details of a full Risk Benefit Analysis undertaken by the School which takes each child's specific and personal medical history into account together with matters such as allergies to excipients, pre-existing health conditions or genetic variations, whether or not they have already recovered from Covid-19 infection, previous infection results in antibody and immune system priming, to critically analyse the increasing risk of adverse reaction to the injection, AND simultaneously further reducing any potential benefit from the treatment as immunity is already in place. Additionally, the long-term impact on fertility, central nervous system and organ development should be fully considered in such an analysis.
 - b. Details of a full Health & Safety Risk Assessment undertaken by the School for the purpose of risk management of any harm arising from the conduct of the School especially where such conduct could expose pupils to a risk of harm.

Such risk assessment and risk management should be kept under review and revised where there is cause to do so in accordance with the requirements for the employer of the school under the Management of Health and Safety at Work Regulations 1999[1] below as:

- i. "identify what could cause injury or illness in your business (hazards)
- ii. decide how likely it is that someone could be harmed and how seriously (the risk)
- iii. take action to eliminate the hazard, or if this isn't possible, control the risk"

Anything less than a full Risk Benefit Analysis and a Health & Safety Risk Assessment is far too risky, especially when you consider the very sad case of Maddie De Garray[2]

We have asked parents to keep a record of all communications from you on this matter. We do not accept incoming emails and so we are unable to respond to any emails or request for further information from you directly.

E. Consequences if your School fails to take appropriate action

In the absence of you completing the actions above, if a pupil suffers harm, injury or loss as a direct result of the Vaccination, you will attract claims arising from a breach of duty of care to your pupils, such claims are supported by both primary and secondary legislation with significant ramifications for which you may be held personally liable, such as:

- being vicariously liable^[3] for any harm which may come to any child receiving the Vaccination whilst in your care leading to financial sanctions between £180,000 to £20 million and injunctive remedies being imposed; or
- in some instances, criminal culpability for criminal offences which, if convicted, can not only have serious adverse effects upon your career but may also attract prison sentences ranging from 3 years to life imprisonment. ^[4]

Warning of Issue of Proceedings

In the event you do not provide the assurances sought, you may find yourself exposed to the risk of legal action by the parents without any further notice to you. Any such legal action by The Jonathan Lea Network for any parent on the Register is likely to include an application to Court. Any remedies and relief sought will include for declarations in relation to unlawfulness and for interim relief to afford the children the protection they deserve.

It is recommended that you take legal advice on this matter.

And Take Further Notice

Several of the aforementioned claims hold personal liability for you and others within your business, so you are advised to ensure you understand the contents and the implications for you as an individual.

Yours sincerely

The Lawyers for Liberty Team

Annotations

1. <https://www.telegraph.co.uk/news/2021/06/30/letting-children-catch-covid-may-safer-exposing-vaccine-risk/>
2. Children Act 1989 (legislation.gov.uk)
3. Gillick v West Norfolk and Wisbech Health Authority [1985] 3 WLR 830
4. Offences against the Person Act 1861 (legislation.gov.uk) ss39/ 18/ 20/ 47