**Cumbria County Council HR Guidance note 13/07/2020**

**Updated – Staffing issues for September 2020**

**1. Purpose of guidance note**

To update guidance on staffing matters in relation to the preparation for a return for all year groups to all education settings from the beginning of the autumn term following DfE Guidance (2 July 2020)

**2. Background**

The DfE have produced several items of guidance for schools on fully opening schools on, following the initial statements on 2 July 2020.

This has brought up some concerns and issues in relation to staffing which we hope will be addressed in this updated guidance note using the DfE guidance (link below) and HR advice from the local authority.

<https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak/guidance-for-full-opening-schools>

**3. The key principals are:**

Schools, supported by Health & Safety advice, are expected to provide Covid-secure environments for their pupils, staff and any visitors.

* Schools are responsible for signing off risk assessments, though the county council retain responsibility for community schools, and with the relevant Diocese, voluntary controlled schools.
* Voluntary controlled and community schools must complete and submit a local authority risk assessment (these may be updated versions but must be reviewed).
* Schools must complete individual risk assessments for staff or pupils who are, or are felt to be, at particular risk due to Covid 19 - - e.g. shielding.
* Schools must work with national and local test, track and trace approaches and follow outbreak management support where necessary.
* Schools must follow government guidance, but where informal approaches fail to resolve issues, may be managed with health and safety, absence and well-being, or time off policies
* Schools staff are key workers, and are therefore expected to make use of childcare provisions to enable their return where possible.
* Mental health issues (E.g. anxiety caused by potential RTW) connected to COVID must be respected.
* Head teachers will need to work with their HR providers to supportively facilitate returns to work where this is possible.
* Staff members must be reminded of their right to be supported by a workplace colleague or trades union representative.
* All options for facilitating a return including redeployment, homeworking etc. should be explored before consideration is given to stopping pay. Pay deductions can only be issued following careful consultation with the staff member.
* Communication and engagement are a key factor in resolving employee concerns with the aim of coming to an agreed resolution.
* Where an employee is not able to return to work as planned the situation should be reviewed regularly.

**Clinically extremely vulnerable individuals**

From 1st August, the government will pause shielding unless the transmission of COVID-19 in the community starts to rise significantly. The Government advice from 1 August for those who are clinically extremely vulnerable includes the following:

* You may still be at risk of severe illness if you catch coronavirus, so stay at home as much as you can and continue to take precautions when you do go out. You can do this by washing your hands regularly, avoiding touching your face and keeping 2 metres away from people outside of your household or bubble wherever possible.
* You can go to work, as long as the workplace is COVID-secure – but carry on working from home if you can.

Schools should be doing everything possible to ensure that all of their buildings are COVID-secure, however, in some of the working environments and roles this may not always be possible.

Proposed approach:

1. Any employee that has been identified as clinically extremely vulnerable and has been required to shield will need to provide their manager with evidence to support this.
2. The employee should not return to work until an individual risk assessment has been undertaken.
3. Any employee that is clinically extremely vulnerable, but is able to work from home, must continue to work from home where possible. It has been noted by government that social distancing cannot be adhered to in schools so this should be considered when planning for clinically extremely vulnerable staff to return to the workplace.
4. If the employee **is** able to maintain 2 metre distance, then they may be able to return to work following an individual risk assessment with input from the Occupational Health provider where needed and the employee’s line manager.
5. If the employee is not able to maintain a 2m distance, and wants to return to work, they must also provide written permission from their GP / Specialist to confirm that a return to the workplace would be safe.

**Clinically vulnerable people**

Are advised to be especially diligent about social distancing and hand hygiene as they are classed at higher risk of severe illness from coronavirus i.e.:

* aged 70 or older (regardless of medical conditions)
* under 70 with an underlying health condition listed below (that is, anyone instructed to get a flu jab as an adult each year on medical grounds):
* chronic (long-term) mild to moderate respiratory diseases, such as asthma, chronic obstructive pulmonary disease (COPD), emphysema or bronchitis
* chronic heart disease, such as heart failure
* chronic kidney disease
* chronic liver disease, such as hepatitis
* chronic neurological conditions, such as Parkinson’s disease, motor neurone disease, multiple sclerosis (MS), or cerebral palsy
* diabetes
* a weakened immune system as the result of certain conditions, treatments like chemotherapy, or medicines such as steroid tablets
* being seriously overweight (a body mass index (BMI) of 40 or above)
* pregnant women

For employees in this category the following process should be put in place:

* An individual risk assessment should be completed with input from the Occupational Health provider where needed and the employee’s line manager. This should be done before the employee returns to work.
* If up to 2 metres social distancing cannot be maintained then the school should consider other support factors to mitigate the risk such as – e.g. PPE pack to be carried by the individual at all times and used as appropriate. Testing for these employees.
* The employee should seek written permission from their GP / specialist to confirm that they can return to the workplace with a completed individual risk assessment.

**An employee with a vulnerable or extremely vulnerable household member**

In these cases the employee should be considered in their bubble and treated as though they themselves are vulnerable.

**Higher risk groups**

Emerging evidence suggests that individuals in black, asian, and minority ethnic groups are at increased risk of mortality due to COVID-19. Those of Black African and Black Caribbean descent appear to be at greatest increased risk. Health inequalities known to affect the BAME communities in England may be increasing the risk of transmission (overcrowded housing, reliance on transport, living in population centres) and the risk of mortality (high underlying risk of co-morbidities: CVD, diabetes, obesity).

If an employee is in a higher risk group or lives with someone who is in the higher risk groups or they have a multigenerational household they may be anxious about returning to school due to the risk to their household. You should ask them about their home circumstances and discuss what mitigation can be put in place to lower the risk. You should complete an individual risk assessment where appropriate.

**An employee with children at home**

From September all schools and other childcare provisions should be reopened and as such an all staff should be able to return to the workplace. If an employee cannot return to the workplace due to childcare then this should be dealt with through the normal provisions for time off which are detailed in the time off work booklet or as sickness absence which will be managed through the absence and wellbeing procedure.

If an employee cannot attend work at their normal time due to there being no provision before and after school then you should discuss this with them to try to agree a solution e.g. temporary change to working hours or working from home.

**An employee says they don’t feel safe returning to work, or refuses to attend work**

The key to making employees feel safe is communication, training and engagement. Employees should be encouraged to raise their concerns; be fully informed of the protective measures in place, and feel supported by their line manager. If an employee has concerns these should be worked through with them to a resolution which you both agree on.

If a resolution cannot be agreed this will then be managed following government guidance, and may be managed with health and safety, absence and well-being or time off policies. Schools are advised to follow their HR providers’ advice.

**Further advice and issues**

Before the return to work school in the autumn term we anticipate further government guidance will be published and we plan to update this note accordingly during the last week of August. Areas we anticipate further clarification will be around:

Test and trace responses – communications, systems, absences, …

PPE – facemasks, visors

Additional cleaning – responsibilities

Transport

Directed hours, staff meetings, etc…

Visitors / parents –

Extra curricular activities

Emergency procedures – Covid incident or outbreak

Blended learning

Pay progression / appraisal and observations

We strongly advise school leaders ensure that they take care of their own welfare and have a good break between now and the end of August.

Some useful resources are:

<https://www.nhs.uk/oneyou/every-mind-matters/coronavirus-covid-19-anxiety-tips/>

<https://www.mentalhealth.org.uk/a-to-z/b/black-asian-and-minority-ethnic-bame-communities>

http:www.mindcumbria.org.uk

It may also be appropriate to seek further advice from your Occupational Health provider and maybe refer the employee for counselling.

If you need any further support or guidance you can contact your own HR provider.

If you have any queries in relation to this guidance note then please contact Kerry Anderson, HR Business Partner – Education and Skills [Kerry.anderson@cumbria.gov.uk](mailto:Kerry.anderson@cumbria.gov.uk)

Kerry Anderson – HR Business Partner, People Management

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