

## Guidance on Maintaining Staff in WeST Schools and Business Units Safely – Covid-19 - updated (correct at 18<sup>th</sup> January 2021)

### Introduction:

On 2<sup>nd</sup> December the government replaced the national restrictions (previously in place from 5<sup>th</sup> November) with a regionally differentiated approach, with different tiers applying in different parts of the country. At that time Devon and Cornwall were placed into Tier 2 and Tier 1 respectively. On 31<sup>st</sup> December both Devon and Cornwall (with the exception of the Isles of Scilly) were placed into Tier 3 and subsequent to this we have now embarked on a national lockdown.

WeST continues to review the Trust-wide risk assessment model as national guidance emerges and its schools and business units will monitor and update their local risk assessments to ensure they remain fit for purpose and are being followed appropriately by all staff. Please refer to your local Risk Assessment for detailed information. Individual risk assessments for those staff who are CV will also remain under review.

### Staying at work:

The Trust acknowledges that national guidance that 'Public sector employees working in essential services, including childcare or education, should continue to go into work', however, is currently adopting the position that staff who are able and wish to do so (with the exception of CEV staff who are advised to shield and must not be on site) may work from home, subject to participation in provision for on-site education (for vulnerable and critical worker children) as directed by their headteacher.

Under the national lockdown those who are clinically extremely vulnerable (CEV) must work from home. For these staff, leaders will, wherever possible, allocate appropriate duties and activities which can be completed at home. If CEV staff cannot work from home, they should not attend work.

Where it is not possible to undertake their role from home staff will be expected to be at work in their settings. Any member of staff experiencing difficulty in this regard, or with participation in provision for onsite education (for vulnerable or critical worker children) should discuss specific circumstances with their line manager so that flexibilities and options can be explored and considered.

Education support and teaching staff (including those supporting the delivery of wraparound care) are categorised as 'critical workers' and, where this is necessary to support their attendance at work, parents are expected to make use of on-site provision for the children of critical workers in their child's own school.

Any decision on the appropriateness of home working is primarily for Heads/SLT to make using their own professional judgement in consultation with the staff member(s), starting from the perspective that we may require staff to attend work in line with the nationally stated expectations.

Inevitably this may reasonably give rise to some differentiation across the Trust in response to local need and the specific circumstances for delivering remote and on-site education to best support local own communities.

Any homeworking arrangement should be agreed following a conversation with the line manager to confirm ongoing meeting and contact arrangements (this may take place with groups of staff with SLT members or individually).

Homeworking should take place in accordance with the Trust's Homeworking Policy, which is accessible via the WeST Staff Portal (username [staff@westst.org.uk](mailto:staff@westst.org.uk) , password - west ).

The risk of transmission can be substantially reduced if COVID-19-secure guidelines are followed closely in accordance with local risk assessments and extra consideration should be given to those people at higher risk (see following sections).

It remains vital therefore, that everyone follows the latest guidance, and that staff remain vigilant when at school, and adhere to the Government restrictions outside of school.

### **Staff who are considered to be "extremely clinically vulnerable":**

Where an individual has previously been identified as extremely vulnerable this means that they remain at very high risk of severe illness from COVID-19.

As stated above, these staff must work from home – if they cannot work from home, they should not attend work.

Staff may be identified as CEV in two ways:

- They have one or more of the conditions listed below, or

- Their clinician or GP has added them to the Shielded Patient List because, based on their clinical judgement, they are deemed to be at higher risk of serious illness if they catch the virus.

If you do not fall into any of these categories and have not been contacted to inform you that you are on the Shielded Patient List, you should follow the general staying alert and safe guidance for the rest of the population.

If you think there are good clinical reasons why you should be added to the Shielded Patient List, discuss your concerns with your GP or hospital clinician.

People with the following conditions are automatically deemed clinically extremely vulnerable:

- solid organ transplant recipients
- people with specific cancers:
  - people with cancer who are undergoing active chemotherapy
  - people with lung cancer who are undergoing radical radiotherapy
  - people with cancers of the blood or bone marrow such as leukaemia, lymphoma or myeloma who are at any stage of treatment
  - people having immunotherapy or other continuing antibody treatments for cancer
  - people having other targeted cancer treatments that can affect the immune system, such as protein kinase inhibitors or PARP inhibitors
  - people who have had bone marrow or stem cell transplants in the last 6 months or who are still taking immunosuppression drugs
- people with severe respiratory conditions including all cystic fibrosis, severe asthma and severe chronic obstructive pulmonary disease (COPD)
- people with rare diseases that significantly increase the risk of infections (such as severe combined immunodeficiency (SCID), homozygous sickle cell disease)
- people on immunosuppression therapies sufficient to significantly increase risk of infection
- problems with your spleen, for example splenectomy (having your spleen removed)
- adults with Down's syndrome
- adults on dialysis or with chronic kidney disease (Stage 5)
- women who are pregnant with significant heart disease, congenital or acquired
- other people who have also been classed as clinically extremely vulnerable, based on clinical judgement and an assessment of their needs. GPs and hospital clinicians have been provided with guidance to support these decisions

Any members of staff who live in a household with someone who is clinically extremely vulnerable will also be required to attend their settings for work.

## **Staff who remain “clinically vulnerable” or are over 60**

Where an individual has previously been identified as clinically vulnerable (but not extremely vulnerable) this means that they remain at higher risk of severe illness from coronavirus.

Although the government has not categorised those over 60 as clinically vulnerable (CV) it has clarified that they could also be at higher risk of severe illness from coronavirus. For this reason, the Trust has chosen to apply the same measures to any staff who are over 60 and/or CV.

Staff in this group may be expected to attend work as outline above, unless they are able (i.e. their role can be performed satisfactorily) and wish to work from home; primarily this is a decision for the employer to make in consultation with the staff member. These staff must also work at home if it is not possible for the setting to implement the adjustments required by the risk assessment (see below).

The CV and over 60 group should be especially careful, being diligent about social distancing and hand hygiene and will be supported in adhering to the Risk Assessment for their setting as well as having an individual risk assessment to mitigate the particular risks to them as much as possible.

Those in the following group count as clinically vulnerable:

- are 70 or older (regardless of medical conditions)
- under 70 with an underlying condition listed below (that is anyone instructed to get a flu jab each year on medical grounds):
  - have chronic (long-term) mild to moderate respiratory diseases, such as asthma, COPD, emphysema or bronchitis)
  - have chronic heart disease (such as heart failure)
  - have chronic kidney disease
  - have chronic liver disease (such as hepatitis)
  - have a chronic neurological condition affecting the brain or nerves (such as Parkinson’s disease, motor neurone disease, multiple sclerosis or cerebral palsy)
  - have diabetes
  - have problems with the spleen
  - have a weakened immune system as the result of certain conditions or medicines they are taking (such as steroid tablets)
  - are seriously overweight (a BMI of 40 or above)
- are pregnant

Pregnant staff must have an individual 'New and Expectant Mothers Risk Assessment incorporating COVID-19' (Appendix 1) and can attend work.

This includes those over 28 weeks of pregnancy, who can also attend work, although there will be certain tasks that they should not perform as detailed by their risk assessment. Decisions made as part of any risk assessment must be reviewed regularly as circumstances may change as the pregnancy progresses and most certainly at the 28-week point. In addition, where the risk assessment is recording concerns/anxiety from the employee at 28-weeks, and they wish as a result to be deployed to work at home, this can be arranged from that point of their pregnancy onwards.

The individual risk assessment will also take into account any specific medical advice received from the professionals responsible for the pregnant woman's care (e.g. GP, mid wife or consultant) or occupational health if required.

### **Refusal to Attend Work:**

Staff who, despite a thorough and proper risk assessment, feel unable to attend work for personal medical-related reasons, should be referred to their GP and/or OH for a professional medical assessment on their fitness and in the meantime, should be advised to self-certify their absence. This may include staff whose level of anxiety is such that they feel unable to attend the workplace.

Staff in this situation should also be encouraged to seek the support of their union or professional association to enable the HR team to work collaboratively with them on potential options/solutions.

We are aware that some of the classroom teacher unions are advising their members of their specific and individual right to invoke the protection of Section 44 of the Employment Relations Act, which gives protection to individual employees against dismissal and detriment if they refuse to attend work due to health and safety concerns. Employees should provide written notification of their concerns as soon as possible if they intend to rely on this provision as a reason for not attending work. The Trust and school will give serious and careful consideration to the issues raised, where possible take further reasonable steps to mitigate any risk and respond in writing as soon as practicably possible.

Where there is no medical reason/evidence or insufficient health and safety grounds for non-attendance, the risk has been eliminated as much as is practicable, but an individual feels unable to sign the risk assessment or return to work, this should be discussed with the HR Team. Each case will be reviewed on an individual basis to see

what, if any, support can be put in place to facilitate a return to work. This may exceptionally include an agreed period of unpaid leave, but ultimately the Trust may consider more formal action where appropriate.

### **Individual Risk Assessments:**

The Trust has been following a system of undertaking individual risk assessments for staff based on the scientific advice being given out nationally. Having initially been developed whilst individuals were asked to officially Shield, these were further amended upon opening in September 2020 following the pause of Shielding on 1 August.

Dependent on the individual circumstances, health and needs of the staff member, the risk assessment will be more or less detailed. The risk assessment should remain current and should be amended as necessary to reflect in changes in the setting or in the member of staff's condition. The aim of the risk assessment is to eliminate the risk where possible, or to reduce the risk to the lowest level possible, whilst ensuring that the school/business unit can operate appropriately for all pupils/students. A Risk Assessment Proforma is attached (Appendix 2).

### **Support for Staff:**

For any staff working at home as a result of being CEV, a risk assessment, or indeed for other reasons, contact arrangements should be agreed to receive updates and important information.

Maintaining contact is also key to check on wellbeing and ensure that staff do not feel isolated whilst colleagues remain in school.

The use of technology and virtual meetings remains a highly effective tool, and this should be continued so that all staff feel supported and included.

It is also vitally important that staff who are working at home are doing so in accordance with the Homeworking Policy, and continue to receive adequate supervision and management support to ensure that they are able to work at their best, and to ensure that they are not disadvantaged in performance considerations because they are not working in school.

The Trust fully appreciates that staff have been working extremely hard throughout the duration of this pandemic and are really keen to ensure that there is sufficient work-life balance and wellbeing support to all.

Some of the resources available include:

- DfE is providing additional support for both pupil and staff wellbeing in the current situation. Information about the extra mental health support for

pupils and teachers and Wellbeing for Education return programme is available. <https://www.gov.uk/government/news/extra-mental-health-support-for-pupils-and-teachers>  
<https://www.gov.uk/government/publications/wellbeing-for-education-return-grant-s31-grant-determination-letter>

- The [Education Support Partnership](#) helpline for school staff with targeted support for mental health and wellbeing.
- [Able Futures](#) - a mental health support service on behalf of the Department for Work and Pensions.
- [5 ways to wellbeing](#) – a set of resources from Devon NHS Partnership Trust
- WeST staff have 24-hour telephone access to the DAS confidential counselling service on 0117 934 2121.
- The Wednesday Whistle includes weekly articles signposting to additional mental health wellbeing resources and materials; back issues are available via the WeST Staff Portal [WeST Staff Portal](#) (please contact your school/ business unit office or [HR@westst.org.uk](mailto:HR@westst.org.uk) for the username and password).
- We would always encourage staff to seek the additional support of their union or professional association.

Where any member of staff is in need of further support, they should speak to their line manager / headteacher, or contact a member of the HR Team at [HR@westst.org.uk](mailto:HR@westst.org.uk).