

Coronavirus
Frequently Asked Questions for school based employees
Number 8

Question 1:

How does the month-long national lockdown impact on how I can use my staff?

Answer:

During this time schools should review their current risk assessments to take into account the latest government guidance with regard to employees who fall into the following categories:

Employees over the age of 60

The current advice is that those over 60 could be at higher risk of severe illness from coronavirus and should be especially careful to follow the rules and minimise contacts with others. This means that they should follow the same advice as clinically vulnerable employees. Schools are advised to review the school risk assessment with these individuals and undertake an individual risk assessment where this is required.

Clinically Vulnerable

Clinically vulnerable employees (including pregnant and/or BAME workers) as defined in the [latest government guidance](#) should continue to attend work but should be especially careful to follow the rules and minimise contact with others. They should continue to wash their hands carefully and more frequently than usual and maintain thorough cleaning of frequently touched areas in the workplace.

Schools are advised to review the school risk assessment and ensure that they have undertaken individual risk assessments for all clinically vulnerable employees to ensure that these individuals are fully supported to be especially careful.

Clinically Extremely Vulnerable

Some employees are defined, on medical grounds, as [clinically extremely vulnerable to coronavirus](#) – that is, people with specific serious health conditions. Over this period, the Government are advising the employees who are defined as clinically extremely vulnerable to work from home. If they cannot work from home, they are advised not to go to work. Individuals in this group are likely to be identified through a letter from the NHS or from their GP. They may have been advised to shield in the past. Schools are advised to organise for any employees who are clinically extremely vulnerable to be paid as normal and work from home, where possible, during the period of national restrictions.

If an employee lives with someone who is clinically extremely vulnerable, they can still attend work.

Question 2:

How is the absence of Clinically Extremely Vulnerable employees recorded for payroll purposes?

Answer:

To take account of the change in terminology from shielding to clinically extremely vulnerable, new absence reason codes will be available in SAP. The following reason codes should now be used:

- SAP Code: SICEVW, description: Covid - CEV Working (replaces Shield Work at Home)
- SAP Code: SICEVN, description: Covid - CEV NotWorking (replaces Shield Not Working)

Question 3:

Is there any additional funding available to pay for the supply staff that will have to be appointed to cover for Clinically Extremely Vulnerable employee who are unable to attend the workplace?

Answer:

Schools may wish to discuss with their finance providers both eligibility and the process for claiming the costs of cover for members of staff who are unable to attend the workplace as they have been defined as Clinically Extremely Vulnerable.

Question 4:

I have a member of staff who has received a letter saying that they are clinically extremely vulnerable and should not attend work. They want to come to work - can I agree?

Answer:

The instruction for them not attend the workplace is to protect their health and safety and you have a legal duty of care that requires that they are not put in a dangerous situation It is recommended that in this situation Headteachers will need to:

- re-iterate the national guidance
- advise the employee that they will be provided with the necessary equipment to work from home
- ascertain why an individual does not wish to work from home and seek to offer whatever reassurances they can. If during the dialogue, the rationale for them not wanting to work from home is deemed valid further dialogue should take place and then only if the issues cannot be resolved should the employee be allowed to come into the work environment

Managers are able to insist that the individual does not attend the workplace on the basis that this is a reasonable management instruction.

Question 5:

How can I support a member of staff who is pregnant?

Answer:

Pregnant women including pregnant women who are 28 weeks and beyond are in the 'clinically vulnerable' category and should take particular care to follow the preventative measures. Schools are reminded that they must have a risk assessment in place for any pregnant women and this should consider any additional measures required because of COVID-19.

It should be noted that "The RCOG, RCM, FOM Occupational health advice for employers and pregnant women during the COVID-19 pandemic" has now been archived. The [RCOG, RCM and FOM joint statement on Occupational health advice for employers and pregnant women](#) is available to download.

Question 6:

How can I ensure that there is sufficient ventilation, but it is not too cold?

Answer:

Schools should seek to achieve both ventilation and thermal comfort – by opening windows and doors (where fire regulations permit it), keeping heating on and taking other steps to ensure constant flow of fresh air throughout the building. Further advice is available from Health and Safety.

Question 7:

How can I make sure that cleaning and hygiene regimes are sufficient?

Answer:

Schools should ensure regular cleaning throughout the school day and support cleaning staff including via additional paid hours and hiring additional staff where necessary as well as by providing full appropriate PPE.

Question 8:

Are there any practical steps that I can take to support employee workload and wellbeing?

Answer:

There are huge pressures on all staff in schools at the moment and Headteachers will need to take into account the workload and wellbeing of staff when prioritising activities, this may include:

- not undertaking non-essential activities

- organising staff meetings and parent/open evenings virtually to reduce the risk of spreading the virus
- ensuring that all staff receive a lunchbreak as per their contract
- ensuring that arrangements regarding the use of pre-recorded and live streaming lessons are established in consultation with staff and parents and are acceptable in terms of workload, safeguarding, privacy and protection from allegations

Question 9:

Are there any conditions of service I need to consider when deploying staff to meet the needs of the school?

Answer:

You should ensure that:

- staff who lead lessons continue to access PPA time equivalent to 10 per cent of timetabled teaching time
- teachers are not be asked to exceed limits on directed time (1265 hours per year)
- if support staff are asked to work in excess of their contractual working time, this should be by agreement and with appropriate compensation.
- only teaching assistants who are at the appropriate grade (for example, HLTAs and Cover supervisors) and have the support, training, skills and experience are asked to lead whole classes
- the school's policies and procedures facilitate the employment of supply staff, directly employed where possible, to help cover absences

Question 10:

Some of our employees are not able to attend because of support that they need to provide at home - what are their entitlements?

Answer:

If a member of staff is unable to attend work due to responsibilities for dependents arising from illness or a school closure/closure of a bubble then initially schools should work with them to consider flexible working arrangements, including working from home, adapting working patterns to care for children or dependents or taking time off to enable them to identify appropriate support. All family situations are different and unique and whilst it is recognised that this can be a challenge at the moment, these sorts of situations will need to be managed by families in accordance with the current guidance in place. Where arrangements cannot be made for an employee to work from home and there are no alternative arrangements available, there is sufficient scope within the leave of absence policy for Governors to agree time off to staff to remain at home. Whether and how much of this period of absence is paid or unpaid would be up to the Governors to determine based on their Leave of Absence Policy and the information provided by the individual.

The following advice has been provided from the National Shielding Group and may be a useful reference for any staff who are struggling financially as a result of having to take time off to care for a child who is required to self-isolate or shield.

1. What is the advice for parents who can't work from home? What support is there for these parents if they are going to stay at home with their child?

- If an individual is unable to work due to caring responsibilities arising from coronavirus, such as caring for children who are unable to go to school because they are required to self-isolate or who are shielding, they should speak to their employer about the policies they have in place. Some employers may have policies for individuals who are unable to work due to childcare; for example, employers may pay full pay for all or some of the period, allow an employee to take paid holiday for the time they're off work, or offer emergency leave.
- A parent of a CEV child who cannot work from home is eligible for Employment Support Allowance (ESA) under the ESA Coronavirus regulations – subject to satisfying the normal conditions of entitlement.
- Those who need urgent support may be entitled to Universal Credit, depending on individual circumstances.
- There are also employment protections in place to support individuals in these circumstances. Employees have the right to take time off work for dependents in need, although this is unpaid. All employees have the legal right to request flexible working, provided they have worked for the same employer for at least 26 weeks. Employers can only reject a request where they have sound business reasons for doing so. Having flexible start and finish times may help parents to better balance work and childcare needs.

If you have any queries in relation to this document please contact either Ian.McKenzie@derbyshire.gov.uk or Charlotte.Webster-Topley@derbyshire.gov.uk or Carolyn.Lloyd@derbyshire.gov.uk