



# Ensuring safety for staff at higher risk



Coronavirus crisis  
Workplace checklist



**The National Education Union (NEU) remains clear that schools should only open more widely when the union's national tests are met and the necessary safety standards have been adhered to, as detailed in its checklists.**

This document gives advice for NEU members who are in clinically vulnerable groups, or who live with or care for people who are clinically vulnerable, or who are in other groups known to be at higher risk. It includes advice on characteristics such as ethnicity, age and sex, which can increase the risk to individuals posed by Covid-19, in addition to the risk deriving from underlying health conditions. It also gives advice for NEU members who have other concerns about attending the workplace, due to personal circumstances.

**This document sets out advice for NEU leaders responsible for assessing the risks to individual members of staff. It includes a risk assessment tool which can be used to identify those staff members who are at greater risk of adverse outcomes from Covid-19. This can also be used by NEU reps and members who want to ensure those risk assessments have been conducted properly.**

---

## Legal obligations to staff

Every employer must conduct risk assessments as part of planning for wider opening of schools. Staff availability needs to be considered as part of the employer's overall risk assessment of whether the school can safely open to a greater number of pupils.

**The NEU expects employers to carry out a risk assessment relating to every individual member of staff to help ensure safety for staff and their families.** This risk assessment must consider personal health circumstances, including whether the staff member is in an officially recognised clinically vulnerable group. Given the known greater risks of Covid-19 to other specific groups, especially older workers and Black and disabled workers, the risk assessment must also consider whether the staff member is in one or more such higher risk groups.

The Government's position continues to be that everyone who can work at home should do so and that vulnerable people must be protected, whether they are at home or at the workplace. The NEU does not think that requiring staff who are clinically vulnerable, or otherwise at higher risk, to work in school or travel on public transport offers such protection.

The NEU is firm in its advice that staff who are in clinically vulnerable groups, or who live with or care for household members in clinically vulnerable groups, should not be required to return to the workplace and should instead be allowed to work at home. Similarly, staff who are at significantly greater risk due to other personal circumstances, or a combination of factors, should not be required to return to the workplace and should instead be allowed to work at home.

This should be determined by the individual risk assessment. In cases of disagreement about whether individuals should be required to return to the workplace, the NEU advises that medical advice from the GP should be sought and considered.

When employees are working at home, they should in all cases receive full pay and this time should not be treated as a period of paid or unpaid leave.

The following advice is intended to ensure that you are fully aware of your rights. It will also enable you to communicate appropriately to your employer about your personal circumstances, whether or not your employer contacts you for such information. You can download and use our [template letter](#) to write to your employer, which you can adapt to inform your employer of your health and other personal circumstances.

At the same time, the NEU reminds members that employees have rights relating to disclosure of medical information, which mean employers cannot require them to provide such information about themselves or their family members.

The NEU will expect your employer to accept your concerns. You should [seek support](#) from the union locally if you need it.

## Advice to members - illness or self-isolation

If you are absent due to illness (whether or not due to Covid-19), or you are self-isolating because you have symptoms of Covid-19 or live with someone who does, you should already have communicated this to your employer who should take it into account in planning for wider opening. You can find advice on pay and sick pay, notification to employers etc. [here](#).

## Advice to members – clinical vulnerability

### Clinically extremely vulnerable employees

[Government advice](#) says that all people with serious health conditions that make them clinically extremely vulnerable (the “shielding” category) must not attend work. [Department for Education \(DfE\) advice](#) accepts this and states that “staff in this position are advised not to attend work”.

The Government advice lists a series of specific conditions, and notes that other people can be classed by GPs and hospital clinicians as clinically extremely vulnerable based on clinical judgement and an assessment of their needs. If you have one of these specific conditions, you should have received a “shielding” letter from the NHS informing you that you are so defined. If you believe that you should be defined as extremely clinically vulnerable due to a health condition or combination of conditions, you should contact your GP or hospital clinician. If you have been recently informed that you have been removed from this category, you should again contact your GP or hospital clinician.

You and your employer would be in breach of Government advice if, as a clinically extremely vulnerable individual, you were to consider working in school or you were to be asked to attend the workplace.

The NEU advises you to [inform your employer](#) if you are defined as extremely clinically vulnerable or you believe that you should be due to a health condition or combination of conditions. Providing accurate information about your health and other circumstances will help ensure that your employer conducts an accurate risk assessment.

### Clinically vulnerable employees

[Government advice](#) on social distancing lists a series of further conditions, including pregnancy, which put employees at increased risk of serious illness if they contract Covid-19. [DfE advice](#) says that “clinically vulnerable individuals who are at higher risk of severe illness ... should work from home where possible” and that schools “should endeavour to support this”.

The Government advice again lists a series of specific conditions. If you believe that you should also be defined as clinically vulnerable due to a health condition or combination of conditions, you should contact your GP or hospital clinician. Helpfully, the DfE advice itself recognises that the conditions listed in the main Government advice are examples only.

In order to comply with the DfE guidance, your employer must take the following steps before making any request for you to attend school:

- ❑ Consider whether you can work at home, “for example by asking staff to support remote education, carry out lesson planning or other roles which can be done from home”.
- ❑ If you cannot work at home in this way, offer you “the safest available on-site roles, staying two metres away from others wherever possible”.
- ❑ If you would have to spend time within two metres of other people, “carefully assess and discuss with [you] whether this involves an acceptable level of risk”.

Your employer must also carry out a risk assessment for the workforce and for you individually which must, before any request for you to attend school, determine that it is not possible to allow you to work at home as a protective measure and that it is safe for you to attend work.

The NEU advises you to [inform your employer](#) if you are defined as clinically vulnerable by Government guidance, or you believe that you should be due to a health condition or combination of conditions. Providing accurate information about your health and other circumstances will help ensure your employer conducts an accurate risk assessment. You should say that you will not attend school but are available to work at home.

The NEU position is that anyone who is clinically vulnerable should work at home. Even under wider reopening, the way in which schools will be operating should allow all such staff to work at home, undertaking different duties from usual where necessary.

### **Employees living with/caring for clinically extremely vulnerable people**

[DfE advice states](#) that employees who live with extremely clinically vulnerable people should only attend work "if stringent social distancing can be adhered to" and should otherwise be supported to work at home.

In order to comply with the DfE guidance, your employer must be satisfied, before any request for you to return to work, that stringent social distancing can be maintained both at the workplace and on the way to and from the workplace.

The NEU advises you to [inform your employer](#) if you have a household member who is clinically extremely vulnerable. Providing accurate information about your health and other circumstances will help ensure your employer conducts an accurate risk assessment. You should say that you will not attend school but are available to work at home.

The NEU position is that anyone living with or caring for someone who is defined as clinically vulnerable or who is clinically vulnerable due to a health condition or combination of conditions should not be expected to run the risk of bringing the virus home from work. Again, even under wider reopening, the way in which schools will be operating should allow all such staff to work at home, undertaking different duties from usual where necessary.

The needs of staff members living with a pregnant woman should also be fully considered. You can read this [NEU advice](#) on raising these matters with your employer.

## **Advice to members – higher risk groups**

In carrying out their risk assessments relating to individual members of staff, employers must consider all the circumstances which contribute to the risk to that staff member from Covid-19.

Risk will be compounded where individuals are additionally at higher risk for other reasons. The degree to which you are individually at risk is affected most significantly by your underlying health; but it is also affected very significantly by your age and by your ethnicity, sex, and other circumstances described in this guidance.

Given the known greater risks of Covid-19 to specific groups, especially older workers and Black and disabled workers, the risk assessment must consider the additional level of risk, beyond that deriving from their personal health circumstances, to staff and those they live with or care for who are in higher risk groups.

**The risk assessment tool in [Appendix 1](#) sets out the factors that your employer should assess – including matters of underlying health, age, sex and ethnicity – when carrying out risk assessments for the workforce and for individual members of staff.**

In order to comply with the DfE guidance on planning for wider opening, your employer must carry out a risk assessment for the workforce and for you individually. Before directing you to attend school, that risk assessment must have determined that it is not possible to allow you to work at home as a protective measure and that it is safe for you to attend work.

If you need to raise concerns with your employer about working at school due to these issues, you could contact your GP first to discuss risk factors and possible protective measures, in order to help you to explain matters to your employer. Please also inform the NEU rep if there is one, so they can keep up to date on the position of staff who require protective measures or feel unable to work at school.

If you are unhappy with your employer's response, you should contact your GP to discuss it and seek further evidence to support you in trying to reach agreement. Contact your NEU rep or NEU local officers for further advice about what is reasonable to say to your employer, or if you are being asked to work at school when you do not feel it is safe to do so.

Staff who are Black, older, disabled and/or LGBT+ can face stereotypes and prejudice at work. The addition of worries about Covid-19 may make you feel anxious. You are not on your own. If you need support to raise your personal circumstances with your employer, you can talk to your NEU rep or read [this advice](#) on seeking support with mental health and wellbeing.

## Black employees

Black<sup>1</sup> employees are known to be [at greater overall risk](#) from Covid-19. The disproportionate impact of Covid-19 on Black people is not fully understood. Although it is known that occupational patterns, poverty rates and health inequalities are contributory factors, these cannot be assumed to account fully for the different rates of risk faced by different groups of Black adults compared to white adults.

A recent [Public Health England report](#) sets out that different rates of increased risk are faced by different groups of Black adults, with mortality rates in the period studied ranging from 102% higher for people from a Bangladeshi background to a 21% lower rate for people from a mixed White and Black African background.

Black staff often feel less able to raise their concerns within workplaces because of the stereotypes and prejudice they can face. The DfE has confirmed in writing to the NEU that “schools should be especially sensitive” to the needs and worries of Black staff, parents and pupils. Ethnicity must, therefore, form part of every employer’s risk assessments with regards to individual staff. As noted above, risk will be compounded where individuals are also at higher risk for other reasons, with age, sex and underlying health conditions being very significant factors.

Black employees will want to consider whether their health and personal circumstances put them at particular risk and how other factors may mean this risk is increased further. In doing so, you should refer to the sections of this advice on clinical vulnerability or extreme clinical vulnerability, and also to those on age and disability where they are also relevant to you. You may also feel anxious about other members of

your household who also face higher risks related to their ethnicity or age, or about the impact this is having on your mental health.

The NEU advises you to [inform your employer](#) if you do have concerns about working in school or college. Providing accurate information about your health and other circumstances will help ensure that your employer conducts an accurate risk assessment.

## Older employees

Setting underlying health to one side, age is the biggest single factor in increasing the risk from Covid-19. Workers aged over 45 are around sixteen times more likely to die from Covid-19 than workers under 45 and workers over 65 are 100 times more likely to die from Covid-19.

The DfE has issued no advice in relation to employees’ age in any of its guidance. Nevertheless, the issue of age must form part of every employer’s risk assessments with regard to individual staff. Older employees will also want to consider whether their health and personal circumstances put them at particular risk and how other factors may mean this risk is increased further. In doing so, you should refer to the sections of this advice on clinical vulnerability or extreme clinical vulnerability, and also to those on ethnicity and disability where they are also relevant to you. You may also feel anxious for other members of your household or the impact this is having on your mental health.

The NEU advises you to [inform your employer](#) if you do have concerns about working in school or college. Providing accurate information about your health and other circumstances will help ensure that your employer conducts an accurate risk assessment.

## Disabled employees

Even if the nature of your disability does not appear to create any greater vulnerability to Covid-19, your employer should take your disability into account in its risk assessment and planning.

Disabled employees should already have reasonable adjustments in place agreed with their employer. These should, however, be reviewed and adjusted where necessary to take account of changed working arrangements.

---

<sup>1</sup> ‘Black’ is used by the NEU in a political context to encompass all members who self-identify as Black, Asian and any other minority ethnic groups who do not identify themselves as white.

You will also want to consider whether your health and personal circumstances put you at particular risk and how other factors may mean this risk is increased further. In doing so, you should refer to the sections of this advice on clinical vulnerability or extreme clinical vulnerability, and also to those on ethnicity and age where they are also relevant to you. You may also feel anxious for other members of your household or the impact this is having on your mental health.

The NEU advises you to [inform your employer](#) if you do have concerns about working in school or college. Providing accurate information about your health and other circumstances will help ensure that your employer conducts an accurate risk assessment. You should let your employer know if you think current adjustments need to be reviewed to enable you to carry out your job.

### **LGBT+ employees**

There is no consistent data collection and therefore no reliable data on the risk of Covid-19 to LGBT+ people specifically. We know, however, that several risk factors for Covid-19 are more prevalent within the LGBT+ community.

As an LGBT+ staff member, you may have specific experiences that employers should consider. Due to isolation and homo/bi/transphobia, LGBT+ employees are more likely to experience poor mental health in general and research shows that the Covid-19 crisis has exacerbated mental health challenges faced by many LGBT+ people, sometimes because of the loss of access to LGBT+ community and social support.

You may not be 'out' to your employer and you may not feel comfortable to share details of your household with employers. You do not need to disclose information about your sexual orientation or trans status if you do not want to. Employers should not make assumptions about family structures when making enquiries for individual risk assessments.

LGBT+ employees will want to consider whether their health and personal circumstances put them at particular risk and how other factors may mean this risk is increased further. In doing so, you should refer to the sections of this advice on clinical vulnerability or extreme clinical vulnerability, and also to those on ethnicity and disability where they are also relevant to you.

You may also feel anxious for other members of your household or the impact this is having on your mental health.

The NEU advises you to [inform your employer](#) if you do have concerns about working in school or college. Providing accurate information about your health and other circumstances will help ensure that your employer conducts an accurate risk assessment.

## **Advice to members – other groups**

### **Employees who are feeling anxious about returning to the workplace**

While the DfE has not issued any advice in relation to staff who are feeling anxious about returning to school or college, employers do need to consider the mental health of employees as part of their risk assessments as well as their general duty of care. This is particularly true where staff have previously experienced mental health conditions as this might suggest a greater risk.

Employers should therefore consider the wellbeing of employees who say they are anxious about returning to the workplace. Such symptoms could easily become more significant and make them unwell. Again, the way in which schools will be operating should allow your employer to consider how to support your mental health.

The NEU advises you to [contact your employer](#) in such circumstances. You should not simply stay away from work as your employer may treat your absence as unauthorised.

### **Other personal circumstances**

The DfE has not issued specific advice to schools about other circumstances but, for example, the Prime Minister has said that he expects employers to take account of childcare difficulties where experienced by employees. Another specific situation is that of staff whose previous transport arrangements (eg car sharing, lifts) cannot continue and who may even be unable to travel to work as a result. Some in this group may also have concerns about the risks involved in travelling by public transport, especially involving lengthy journeys or changes.

Employers should consider the position of employees who say that their personal circumstances are creating difficulties with regard to returning to work. Again, the way in which schools will be operating should allow your employer to consider how to support you.

The NEU therefore advises you to [contact your employer](#) as above. You should not simply stay away from work as your employer may treat your absence as unauthorised.

## **Advice on conduct of risk assessments relating to staff**

The NEU expects employers to carry out risk assessments for individual staff members which inter alia take full account of their personal health and other circumstances and whether they are in higher risk groups. This process must support conversations with staff about increased vulnerability to Covid-19 which include consideration of health conditions, age, ethnicity, sex or disability.

The risk reduction framework below, which is based on an NHS model, can guide employers on conducting their risk assessments of the workforce, identifying and protecting vulnerable staff members. It should be used in conjunction with the advice to NEU members in vulnerable and higher risk groups above.

The NEU recommends the risk assessment is completed by a line manager or senior manager in a one to one consultation with their staff in a sensitive manner, taking into consideration staff mental well-being.

Employers should identify those staff who may have increased vulnerability. Age and sex of staff should already be known to managers but not necessarily any underlying health condition or other relevant matters including ethnicity or disability.

In normal circumstances, it is not appropriate for managers to seek health information from staff beyond functional capabilities. In the current situation, making enquiries about any underlying health conditions is not unreasonable, subject to caution about sensitivity, confidentiality and the right of staff to choose not to disclose. The opportunity should also be given to all employees to inform the employer of matters which they wish to be taken into account.

It is important to consider all aspects including the workforce, workplace and the individual. There is a need for supportive conversations between staff and managers which take into account staff concerns and preferences, allowing effective decision making about deployment. This should include adjustments in the workplace where appropriate, and redeployment to working at home.

Some staff, including Black staff and those who are disabled or have underlying health conditions, will have legitimate concerns and anxieties about protecting their health and this must be taken seriously in order to support their mental well-being. Black workers are more likely to know family members who have been affected by Covid-19, for example.

The framework also helps employers take into consideration local circumstances and other structural factors in relation to the workplace when making decisions in negotiation with their staff. Factors would include the level of deprivation and health inequality in the local area, the availability of NHS capacity and the advice from local authorities about the 'R' rate.

## Key questions to ask about employer risk assessments on staff safety

### Does the employer's risk assessment:-

- ❑ identify the underlying health conditions of all individual members of staff, including staff who are disabled and who are pregnant?
- ❑ identify employees who are or should be defined as clinically extremely vulnerable, for whom shielding at home is currently advised, or clinically vulnerable?
- ❑ identify employees who live with or care for people who are clinically extremely vulnerable or clinically vulnerable?
- ❑ take account of employees' ethnicity, age and/or disability, and the degree to which they are consequently at greater personal risk?
- ❑ take account of other concerns that employees may have about returning to work?

Does the risk assessment confirm that employees who should therefore be permitted to work at home to ensure their safety are permitted to work at home?

## Contacting your employer

Download and use our [template letter](#) to write to your employer if you need to.

Dear [add name]

I am writing regarding your planning for possible wider opening of the school, your risk assessment regarding staffing matters in particular, and my own position.

I would like to draw your attention to the following matters, which I would like you to consider when you are looking at staff availability and my role following any wider reopening:

- insert information regarding your personal position as discussed above

I would like you to agree that, given these circumstances, I will be able to continue to work from home and confirm to me that that will be the case.

If you propose to require me to return to the workplace, I would be grateful if you let me know the reasons (including a copy of the risk assessment and where appropriate the equality impact assessment relating to my position) for that request.

With best wishes.

[Your name]

## Contacting your union

Please ensure that you tell your workplace rep that you have sent a letter to the head – they will need this information to best represent the members with the head. If there is no rep in your school, please [volunteer](#).

Details on how to contact the NEU can be [found here](#) if you require further support.

# Appendix 1

## Risk reduction framework

### Different levels of risk assessment

**Employers have a duty of care requiring them, as far as reasonably practicable, to secure the health, safety and welfare of their employees. This must include an equitable approach to effective risk management and risk reduction of potential workplace hazards for all staff.**

**This requires:**

### Workplace assessment

- > Workplace assessment – take into consideration the context of deprivation, health and inequality in local community.
- > Review of type of setting, e.g. special schools or PRUs
- > Measures to reduce exposure to Covid-19 in the workplace including:
  - > Small class sizes
  - > Reduction by hygiene measures
  - > Safe systems of work

### Individual assessment



### Workforce assessment

Six factors need to be considered:

1. Age: Those aged over 70 have already been identified clinically vulnerable
2. Sex
3. Ethnicity: Black staff known to be at increased risk, particularly where older and/or with co-morbidities.
4. Pregnancy, in particular those who are over 28 weeks or have underlying health conditions
5. Disabled staff at increased risks, particularly where certain health conditions apply.
  - > Check whether staff live with family members in the categories above.

- > Identify those individuals with increased vulnerability to infection or poorer outcomes from Covid-19
- > Government guidance has identified three categories of vulnerability:
  - > Specific long-term health conditions
  - > Older age
  - > Pregnancy
- > Evidence suggests that staff from particular ethnic backgrounds may also be associated with increased vulnerability
- > Availability of option to continue to work at home
- > DfE says that schools should be especially sensitive to the needs and concerns of Black staff and Black parents.

# Covid-19 – Risk Reduction Framework for Education Staff

Employers to score health, safety and welfare of employees including:

**Workplace assessment**



**Workforce assessment**

**Individual assessment**



## Age and ethnicity

Black workers, particularly older and/or with underlying health conditions

Older workers

Risk to family member, consider whether staff live with vulnerable groups

## Underlying health conditions, including:

CLINICAL VULNERABLE GROUPS INCLUDING:

- > Hypertension
- > Cardiovascular disease
- > Diabetes Mellitus
- > Chronic Kidney Disease
- > Chronic Obstructive Pulmonary Disease (COPD)
- > Obesity

## Pregnancy:

- > All pregnant women should have risk assessment
- > All pregnant women should be recommended to stay at home

Employers need to discuss implications and to take appropriate measures to mitigate risk of Covid-19 infection risk to staff

- A. Risk Reduction Framework needs to be used in conjunction with the NEU vulnerable workers guidance.
- B. Employers need to take into consideration the impact of discrimination in workplaces and proactively take steps to protect staff welfare, and use individual risk assessments to minimise risks to staff, mindful of patterns of discrimination and inequality, which affect the power dynamics within all workplaces.