

General Secretaries letter to all employers

Dear colleague,

We are writing to all school and college employers and all head teachers and principals in order to ensure you are aware of our concerns about the impact of increasing case rates and other developments in relation to COVID19 which impact on members of your staff who are at greater risk if they contract the virus.

As a trade union with members who are at greater risk, we have great concern to see they are treated in ways which keep them safe - concerns which we are sure that you will share.

With the difficulty of maintaining social distancing, the new concern about airborne transmission and the number of positive cases and hospital admissions rising, we believe that the safety of some of those staff at greater risk is now at imminent risk, in particular in areas of highest incidence.

On those three points:

- Firstly, we have consistently expressed concern about the capacity of staff to maintain safety through effective social distancing. Teachers and support staff are told to maintain a 2m distance, but all feedback we have suggests that most of these staff believe they cannot carry out their job effectively and are indeed approaching children more closely than this. It is important to note that this is taking place in classroom settings where masks are not worn and where ventilation is often inadequate.
- Secondly, the PHE advice on transmission has also been revised, now saying that “airborne transmission may also occur in poorly ventilated indoor spaces, particularly if individuals are in the same room together for an extended period of time”, so even maintaining 2m distancing cannot be said to be sufficient protection. Many of our classrooms have poor ventilation and as we move into the colder and wetter months, the capacity to maintain ventilation while at the same time maintaining acceptable working temperatures will become ever more challenging.
- Thirdly, whilst the risk of picking up the virus obviously depends on its prevalence the data on case rates set out in the ONS report of Friday 9th October suggests that rates are significantly higher among young people of secondary school age than in the general population.

On our reading of this ONS data we believe that in the highest rate areas there could be cases amongst around 2.5% of the secondary age pupil population, meaning that there are on average 3 pupils with Covid in every 4 secondary classes in these regions.

Consequently, we now believe that with this combination of factors, individuals at greater risk are also now at imminent risk.

Before the start of this term, the NEU and partner education unions published [guidance on supporting staff in medically vulnerable and higher risk groups](#). That guidance set out detailed advice on the issues to be considered by employers when undertaking risk assessments in relation to such staff. It sets out the case for specific measures to ensure the safety of such staff and argued that, for clinically extremely vulnerable staff, this should include the right to be permitted to work from home where desired.

As the law and our guidance both make clear, risk assessments must be kept under review and updated as necessary when circumstances change. In our view, the current situation is such that all such risk assessments should now be reviewed and consideration given to extending the protection offered to such staff.

Therefore, we believe that:

- Risk assessments for higher risk staff should be re-visited in the light of the new advice on airborne transmission and the higher case rates.
- All those staff defined as clinically extremely vulnerable (CEV) and who were previously shielding should, as we have previously advised, now be permitted to work at home as a safety measure. (We are sure that you will agree that there is significant work which such staff can do at home including supporting those children currently at home.)
- All employers should act in accordance with World Health Organisation advice that “adults aged 60 or over, or who have any underlying health conditions such as heart disease, diabetes or lung cancer, should wear a medical mask because of their higher risk of getting seriously ill from Covid-19”. Employers should therefore provide medical masks for all such staff and encourage them to wear such masks.

We think these measures would be a proportionate way of you discharging your duty to keep staff safe.

The joint union advice on risk assessments continues to set out the circumstances which must be taken into account in conducting risk assessments. These include the individual's own health circumstances and other relevant domestic circumstances; the prevalence of COVID19 in the local area (which affects the likelihood of contracting the virus both in the workplace and when travelling to and from the workplace); the general arrangements made for ensuring safety for all staff and students in school; and the particular circumstances of the individual's own working arrangements and workspace.

Supplementary advice for SEND settings considers specific concerns such as the increased risk from particular pupil behaviours and the necessity for much closer working with children than in other schools. Please do revisit this guidance to assist you in reviewing your risk assessments.

We have asked our local representatives to ensure that our vulnerable colleagues are supported appropriately, including through a collective response from members .

We hope, however, that you will appreciate both the worrying situation facing vulnerable staff and the effective contribution that they will be able to make when working at home. Our local representatives will be happy to share examples of how home based working has allowed other school staff to continue to work effectively, as I am sure will your head teacher colleagues locally.

With best wishes

Yours sincerely
K&M