

Joint union advice on medically vulnerable and higher risk groups

Advice for safe opening

September 2021

Coronavirus crisis
Workplace checklist



This joint unions' advice is for staff working in schools and colleges who are medically vulnerable - whether clinically extremely vulnerable (CEV) or clinically vulnerable (CV) - or otherwise at higher risk from Covid-19, or who live with or care for such people, and for their employers. It applies specifically to England, but its principles also apply in Wales and elsewhere.

The situation at the start of the 2021/22 academic year

While most school and college staff will now have the protection from double vaccination against Covid-19, infection rates remain high, and vaccines do not provide complete protection against coronavirus and its ill-effects. At the same time, the Government has removed the need for most mitigation measures in schools and the majority of pupils remain unvaccinated. Those staff who are at greater risk of adverse outcomes, should they contract the virus, will understandably have concerns and employers will, as previously, need to continue to consider and assess the risks to them as individuals and the safety measures which should be adopted.

In particular, while the Government's shielding advice to [those defined](#) as CEV has ended, the current Government advice on individual measures which those who are CEV should take to protect themselves focuses on matters such as limiting close contacts, particularly where community Covid-19 rates are high, meeting people in well-ventilated areas, and use of face coverings by others. These principles can also be adopted in workplaces, for those and other employees, without disrupting others' work or education.

The importance of individual risk assessments

Health and safety law continues to require employers to demonstrate that a safe work environment is in place by undertaking risk assessments, putting in place proportionate control measures and keeping them under review.

This includes assessing the individual circumstances for employees who are at known greater risk from contracting Covid-19. These include the individual's own health conditions and any factors which place them at higher risk for other reasons. The degree to which individuals are at risk is affected by their underlying health and by their age, ethnicity, sex, disability and pregnancy. Risk assessments should take account of personal and household circumstances (for example a member of staff may live with someone who is CEV), local prevalence of Covid-19 and, where necessary, medical advice.

The Local Government Association's (LGA's) most recent advice to local authorities and schools is clear that CEV staff in particular should be offered individual risk assessments and that their requests to continue working from home should be properly considered and granted unless there are compelling reasons not to do so.

Where there are concerns that a risk assessment does not adequately address individual risk factors, staff should seek to resolve the matter by speaking to their employer and union rep and where necessary, seeking advice from their GP.

Joint union advice for staff defined as CEV including those unable to be vaccinated for medical reasons

1. Individual risk assessments should always be carried out – and reviewed where previously carried out – for staff defined as CEV or unable to be vaccinated for medical reasons.
 2. Consideration should be given to appropriate additional risk mitigation measures specific to the individual, including working from home, implementing additional social distancing, additional PPE such as FFP2 or FFP3 grade masks, and safer and better-ventilated working locations in the workplace.
 3. Key questions to be addressed as part of this process for such staff include:
 - ❑ Can working arrangements be adapted so that they are based in locations where the risk is lower, for example because it is easier to maintain social distancing?
 - ❑ Will they be allocated the best ventilated classrooms or other work areas, and will CO2 monitors be available so that ventilation levels can be checked during the day?
 - ❑ Will the groups of students with which they work be kept as consistent as reasonably possible, including in relation to staff movement, to minimise the extent of their exposure to students?
 - ❑ Will FFP2/FFP3 face masks, which provide protection for the wearer as well as others, be provided to them?
 - ❑ Will students in Y7 and above who are in close contact with them in a classroom or in other setting be encouraged to wear a face covering if that makes the staff member feel more reassured and comfortable?
 4. CEV staff should be supported to work from home by their employer where they request to do so following medical advice or an individual risk assessment, in accordance with the LGA's most recent advice to local authorities and schools that requests to continue working from home should be properly considered and granted unless there are compelling reasons not to do so.
 5. The risk assessment should be the subject of consultation between the member of staff and management. The member of staff should also regularly consult their GP or consultant about measures to keep them safe while working. The situation is dynamic and medical advice may change according to local prevalence of the virus.
- ❑ How will any concerns be addressed which they have in relation to working closely with staff who may not have been vaccinated?
 - ❑ Will the school encourage all staff and students to undertake twice weekly lateral flow testing to provide a minimum level of reassurance, daily lateral flow testing (for staff and students) when someone in their class tests positive, and PCR tests when someone in their household or other close contact tests positive?

Joint union advice for staff defined as clinically vulnerable and others at significantly greater risk

Individual risk assessments should also be offered to other staff previously defined as clinically vulnerable or with characteristics that may put them at significantly greater risk, such as ethnicity, disability, being male and being aged 60 or above, and for any staff concerned about vulnerable household members. Such assessments should consider the same type of additional safety measures as above. Appropriate PPE should be provided for any staff within the workplace who are at significantly greater risk.

Joint union advice for pregnant staff

The [joint advice](#) summarised in the following two paragraphs, from HM Government, the Royal College of Midwives, the Royal College of Obstetricians & Gynaecologists and the Health & Safety Executive, should be followed by all education employers.

Those staff who are less than 28 weeks' pregnant with no underlying health conditions that put them at greater risk of severe illness from Covid-19 must have a workplace risk assessment in consultation with their employer and occupational health team. They should only continue working if the risk assessment advises that it is safe to do so, which means that the employer should remove or mitigate any risks. If employers cannot do this, pregnant staff should be offered suitable alternative work or working arrangements (including working from home), or be medically suspended on normal pay.

For those staff who are 28 weeks' pregnant and beyond or with underlying health conditions that put them at greater risk of severe illness from Covid-19, a more precautionary approach is needed because of an increased risk of becoming severely ill and of pre-term birth if COVID-19 is contracted. The guidance sets out that for many workers this may require working flexibly from home in a different capacity. Employers are asked to support home working and where

adjustments to roles are not possible to work from home, pregnant women should be medically suspended on paid leave.

The joint unions' advice is therefore that risk assessments for pregnant women in the third trimester should follow the same approach as set out above for staff defined as CEV. We also advise that all pregnant women who are working from home or are medically suspended on maternity grounds should write to their employer to confirm they intend their maternity leave to start at the expected week of childbirth (EWC).

Contacting your union

Details on how to contact unions locally can be found [here](#) for NEU members; [here](#) for UNISON members; [here](#) and [here](#) for GMB members; and here for [Unite](#) members.

Further advice

NEU members can read [this advice](#) about seeking support with mental health and wellbeing. UNISON members can seek confidential advice and support from the union's welfare charity, [There for You](#). GMB guidance can be found [here](#).

Specific and fuller UNISON advice can be found [here](#) for schools and early years staff and [here](#) for college staff. GMB guidance can be found [here](#). Unite guidance is [here](#). NEU advice for members generally can be found [here](#) and its advice for supply staff can be found [here](#).

Appendix

Contacting your employer

Use the template letter below to write to your employer if you need to.

Dear [add name]

I am writing regarding your planning for staffing levels, your risk assessment for staff, 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 my role in the current circumstances:

[Insert information regarding your personal position as discussed above]

I would like you to agree that, given these circumstances, I will be able to work at home and confirm to me that that will be the case. If you propose to require me to come into the workplace, I would be grateful if you would 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]

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