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| **Telford & Wrekin Council**  **HR Advisory Service** | **Corona Virus (COVID-19) – HR Advice for Headteachers**  **Originally issue : Friday 13 March 2020**  **Updated:**  **Wednesday 18 March 2020**  **Friday 3 April 2020**  **Tuesday 20 May 2020**  **Monday 13 July 2020**  **Thursday 24 September 2020 (Any updates are highlighted in Yellow)** |

All updates are highlighted and listed below.

Key Updates are as follows:

Page 4 – Quarantine – included what to do if country status changes whilst the employee is there.

Page 6 – extended the section on childcare responsibilities on school closure to include bubble closure

Page 7 – Pregnant staff over 28 weeks – discretion to allow them to continue in school up to maternity leave commences, subject to individual risk assessment.

Page 10 – Wellbeing resoures

I have also removed sections that are no longer relevant.

This HR advice to headteachers may change as the situation changes and we will continue to update you.

Government Guidance for Educational Settings can be found via this link: <https://www.gov.uk/government/collections/guidance-for-schools-coronavirus-covid-19>

**Employees who DO NOT HAVE SYMPTOMS but have been advised to ‘self-isolate’ or shield for up to 12 weeks or longer as you or someone you live with is in the clinically exteremely vulnerable/clinically vulnerable group (including over 70s and pregnant women)**

See Appendix for Absence Reasons for recording purposes on the MyView system.

For further details on who is in the vulnerable category please follow this link: <https://www.gov.uk/government/publications/staying-alert-and-safe-social-distancing/staying-alert-and-safe-social-distancing#clinically-vulnerable-people>or those that have been informed they meet the criteria for shielding (extremely clinically vulnerable) <https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>

This will distinguish them from other employees who are isolating for 7 or 14 days due to exposure.

If this is the case then they should be told to self-isolate in line with the strong government advice for this group. You can ask for evidence of their vulnerability if you wish.

Where possible you should discuss with the employee if they are able to work from home or not, even if this is for only for part of this period (obviously excluding periods of schools holidays).

If they are able to work from home then this does not need to be recorded as paid leave, it is only if they cannot do this that you will need to record this.

You will be asked to give an end date and in most cases this will be 12 weeks from the start of isolation, however, if it is due to pregnancy the expected Due Date (Date of Confinement on MatB1) should be entered.

They will receive full pay for the full period and it will not count against their sickness entitlement.

**Employees who live in the same household as someone who has symptoms**

See Appendix for Absence Reasons for recording purposes on the MyView system.

* They should be sign posted to the NHS Advice <https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-advice/>
* They should stay at home for 14 days from the day the first person got the symptoms. If possible they should try and undertake some work at home and this should be discussed with you.
* If anyone in their home gets symptoms, they should stay at home for 10 days from the day their symptoms start. Even if it means they're at home for longer than 14 days.
* If they can work from home then you will NOT need to record this as paid leave – this applies to Support Staff Only (see section for teachers below)
* **For Teaching Staff** this is covered under Teachers Terms and Conditions in the Burgundy Book paragraph Section 4, Paragraph 10, specifically 10.3, and the interpretation and guidance based on this from the West Midlands Employers is that:

Where the teacher is self-isolating as someone in the household is suffering from an infectious disease this will be counted as sick leave and paid in line with the sick pay provisions in the Burgundy Book. However, this will not be reckoned against sick pay entitlement but will be for SSP purposes.

**Employees who develop symptoms / have a positive test**

See Appendix for Absence Reasons for recording purposes on the MyView system.

* Any employees who have any of the following main symptoms:
* **high temperature** – this means you feel hot to touch on your chest or back (you do not need to measure your temperature)
* **new, continuous cough** – this means coughing a lot for more than an hour, or 3 or more coughing episodes in 24 hours (if you usually have a cough, it may be worse than usual)
* **loss or change to your sense of smell or taste** – this means you've noticed you cannot smell or taste anything, or things smell or taste different to normal

They need to self-isolate for 10 days from when there symptoms started. Employees should use the NHS 111 on-line coronavirus service if their symptoms are serious or they do not get better after 10 days.

* They should follow NHS advice <https://www.nhs.uk/conditions/coronavirus-covid-19/>. Information is also available at <https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection>
* There is no requirement for Fit Note for absence related to Covid-19. There is no change to Fit Note requirements for other absences though.
* If the employee becomes unwell for another reason during any period of isolation/school closure they should contact the school in the normal way and this is be recorded on MyView as an alternative reason – once they are well this would revert back to the previous category or normal pay.

**Employees who have been told to self-isolate by the NHS Test & Trace service**

If employees are contacted by the NHS Test & Trace service because they have been in close contact with someone who has tested positive for Covid-19, they should self-isolate for 14 days from the point of contact.

If possible they should be able to work from home. If this is not the case they should be on a period of paid leave and this should be recorded as absence on MyView (See appendix)**.**

If they develop symptoms, you should remain at home for 10 days and this should be recorded on MyView (see appendix).

If they live in a household with someone who has been advised to self-isolate by the Test & Trace service, they do not need to self-isolate.

**Employees who have been told to self-isolate by the NHS as they or a member of their household is due to be admitted to hospital for planned/elective care**

If an employee or a member of their household is due to be admitted to hospital for planned or elective care/surgery (including day surgery), they should self-isolate for 14 days prior to the patient being admitted.

If possible they should be able to work from home. If this is not the case they should be on a period of paid leave and this should be recorded on MyView (see appendix)**.**

**Quarantine following overseas holidays**

Although the list of countries that require UK nationals to either quarantine on arrival or on return back the UK has decreased, there is still the need to consider the position for staff who are taking overseas holidays during any school holiday period.

You should ask employees to let you know if they are proposing to take overseas holidays during school holiday periods and whether these are to countries that have restrictions/require a period of quarantine, either on entry to the country or on return to the UK, a full list of travel corridor countries can be found here <https://www.gov.uk/guidance/coronavirus-covid-19-travel-corridors>

The National Joint Council (NJC) who set the national terms and conditions of schools support staff have set out the following principles for employers to follow in this situation and we would advise that this is the relevant advice you should follow.

If possible the option to work from home should be considered for those who return from overseas and are required to quarantine for 14 days in the UK, where this impacts on them being able to return from the start of the Autumn Term.

If they are unable to work from home you could require employees to:

* take additional paid annual leave (from their usual leave allowance) – for those that work the full academic year.
* take unpaid annual leave
* take special leave (paid/unpaid)
* make up the 14 days’ leave over a period of time

These arrangements should be clear, understood and agreed by both parties before the employee embarks on leave that will require quarantine.

You should consider using a combination of some or all of the different types of leave options shown above and give sympathetic consideration to certain circumstances which could include:

* an employee who has extenuating circumstances such as a family funeral abroad
* pre-booked holidays that cannot be cancelled without incurring financial cost (ie. insurers will not reimburse cost) that were arranged before quarantine could have been envisaged
* pre-booked holidays that the tour operator has not cancelled but has instead rescheduled on fixed dates which, if cancelled by the customer, would be at financial cost to them

Where the status of a country changes whilst the employee is in that country and they should be paid commence a period of paid special leave if they are unable to attend work/work from home for up to 14 days for quarantine purposes.

**Death in Service due to Covid-19**

We all hope that we won’t have to deal with this situation but it is important to understand what needs to happen if this is the case for any staff. It goes without saying that it is important that is dealt with sensitively, not only for the family of the employee but also in supporting colleagues, and the wider school community.

There are employment procedures that need to be followed in this situation and this is covered in the management guidance [here](https://telfordcorporate.sharepoint.com/sites/TWHRAdvSchools/Shared%20Documents/Forms/AllItems.aspx?viewid=fc5e8092%2D7e51%2D4efc%2Dbf3f%2D3d2bb93e9d35&id=%2Fsites%2FTWHRAdvSchools%2FShared%20Documents%2FModel%20HR%20Policies%2C%20letters%20and%20guidance%20documents%2FDeath%20in%20Service) and is also attached to the email with this document.

Support for employees

Remember that the new **Employee Assistance Programme** offers counselling services 24 hours a day 7 days a week via a confidential helpline from Health Assured **0800 783 2808.**

It may be possible for the EAP to provide tailored support for the specific situation for a group of employees.

Please link in with HR for advice on how to access this specific support.

**Pay Arrangements for those staff working over the School Holiday Periods**

Staff cannot be instructed to work during this period however you can request that they do this. The advice from Trade Unions is that schools should be looking at operating a rota during the school holiday period which should factor in all staff having the required break where at all possible, this can run over into the start of the next term/half term if required. This is something that we would also advise you do if at all possible.

For those hopefully rare occasions where a period of break cannot be offered then the following pay arrangements are in place for Support Staff. We have yet to receive any national guidance on pay for those on Teachers Terms and Conditions.

Support Staff

For those Term Time only support staff who have agreed to work additional days/weeks over the school holiday period then they can be paid for these hours as additional hours via a timesheet. If there is the option for them to have this as time off in lieu at a later date then that can also be considered.

**Enhancements for bank holidays** will be paid in line with your conditions of service, for example for those working in Telford & Wrekin maintained schools this is in line with National Conditions and will be paid at double time as this is outside of their normal working hours. Academies will need to refer to their negotiated terms and conditions in relation to these payments.

**Casual Workers**

* These workers may have an entitlement to Statutory Sick Pay either if they become sick or have to self-isolate (as above), however, this will be dependent on whether they have earnt over £118 on average over the preceding 8 weeks. Please see below re those casual workers that work regularly.
* If self-isolating these workers should be paid for the shifts they were booked to work either as Paid Special leave or Statutory Sick Pay whichever is the greater. Please contact your Payroll Officer who should be able to advise on their entitlements. Please see below re those casual workers that work regularly.
* If they decide to take this as SSP this should be recorded on my view for the period of isolation as Sickness: Coronavirus (COVID-19) unconfirmed or Coronavirus (COVID-19) confirmed. SSP will be paid from day 1 in these cases as opposed to day 4. Please see below re those casual workers that work regularly.
* If not SSP they will be paid for the shifts booked and this should be recorded as Paid Leave: COVID-19 Self Isolation. Please see below re those casual workers that work regularly.
* For those casual workers who are sick with Covid-19 symptoms this should be logged on MyView (see appendix) **–** this should be for the hours they were booked to work. Their entitlements will be assessed automatically via payroll based on this information. For absence related to Covid-19 SSP is paid from day 1 rather than the 4th day.
* For those that are not eligible for SSP payroll will issue them a claim form regarding alternative benefits – Universal Credit for example.
* If booked shifts are cancelled due to early school closure for example then they should receive pay for these hours. You will need to submit a timesheet/claim for these hours in the usual way.

**School Closures**

At the moment where decisions are taken to close schools then the usual provisions for payment of staff will apply. They would receive full pay for the period of the closure. Obviously where staff can work at home this should be the case, particularly for those staff who will be responsible for delivering lessons/setting work virtually, assessing this and providing support to pupils.

For staff that are off sick (for any reason) immediately preceding the school closure they will continue to be on sick leave and sick pay. Should they become fit for work during the school closure period they should inform the Headteacher and will revert to normal pay. There sickness should be ended on MyView in the normal way.

**Individual School Closures/bubble closures – impact on staff with childcare responsibilities**

Following any individual school closures/bubble closures there may be an impact on your employees being able to attend work as this affects their childcare arrangements. The advice would be to look at supportive measures for those affected staff in the usual way.

* Working from home
* Sharing of childcare with the other parent/another relative/partner
* Adapting working patterns to care for children
* Where all other options have been exhausted then taking time off through paid special leave arrangements. (See appendix for how to record this type of leave)

Staff who are anxious about returning to school

Schools have discretion and are encouraged to deal with those staff not wanting to attend on a case by case basis.

The guidance states:

*“It is natural that some staff will be worried about coming into school even if the risks for them are very low. You will know your staff best and so will be in the best position to work out how to proceed in individual cases. We are working in an unprecedented context, and more reassurance and discussion than usual may be required. It is always best, if at all possible, to work out a sensible way forward in individual cases that acknowledges any specific anxieties but which also enables the school’s responsibilities to be effectively discharged. If you need support in finding a solution, speak to your local authority or trust.”*

We would go along with this advice and advise you to have supportive discussions with staff, involve TU reps/Health & Safety reps in planning and risk assessments, share these with all staff and take some time to walk them through the safety measures prior to their return.

If despite this some staff feel that they are not well enough to attend work, due to their current mental health and anxiety, they would need to follow the sickness absence process and obtaining a fit note from their GP should this absence be more than 7 calendar days. We would advise that you maintain contact with them in the usual way and continue to provide reassurance and offer support, signposting them to the Employee Assistance Programme and if needs be an Occupational Health referral could be considered.

**Staff should not attend if they have symptoms or are self-isolating due to symptoms in their household.**

**Guidance on Full Opening of Schools from 1 September 2020**

The DfE guidance on the Full Opening of Schools can be found here <https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak/guidance-for-full-opening-schools>

The guidance makes the following points on staffing from the 1 September 2020. The Local Authority will be adopting this position unless stated otherwise below.

“Following the reduction in the prevalence of coronavirus (COVID-19) and relaxation of shielding measures from 1 August, we expect that most staff will attend school”.

It is recognised that the ability for staff to work from home will be significantly reduced, this may be limited to a small number of roles, such as administration for example.

Staff who are clinically vulnerable or extremely clinically vulnerable

Staff in these categories should be able to return to work in schools as long as the DfE guidance is followed, and whole school risk assessments and individual risk assessments are undertaken.

This includes those who were considered to be clinically extremely vulnerable and received a letter advising them to shield, who have now been advised they can return to work from the 1 August as long as they maintain social distancing. School leaders should be flexible in how those members of staff are deployed to enable them to work remotely where possible or in roles in school where it is possible to maintain social distancing.

It should be acknowledged that those who have been “shielding” may feel more anxious about returning to work that others. They should be provided with reassurance on the safety measures in place and must have an individual risk assessment. It may be appropriate to consider some form of phased re-introduction to the workplace and you could use the phased return option as set out in your Absence Management Policy for this purpose.

If there are significant physical/mental health needs then it may be appropriate for them to seek advice from their GP who may recommend that they are not well enough to attend work. They should then follow the usual absence reporting process.

Where despite risk assessments and reassurance they do not feel able to return to school, and it is not appropriate for them to be signed off sick by their GP, then paid special leave should continue. This should be reviewed on a weekly basis with a view to them returning to work in the very near future.

Staff who are pregnant

As a general principle, pregnant women are in the ‘clinically vulnerable’ category and should therefore be able to return to work in line with other staff in this category. However, a Covid-19 individual risk assessment alongside the usual pregnancy risk assessment should be undertaken.

Those over 28 weeks (3rd Trimester) – changes from the 21 September 20

Schools can exercise discretion in whether or not to permit those over 28 weeks pregnant to attend school.

In line with the DfE guidance these pregnant staff in the third trimester are able to return/continue working in schools up to the start of their maternity leave, subject to a Maternity Risk Assessment and a Covid Individual Risk Assessment being undertaken and them not having any other Covid risk factors (as per conditions listed for Clinically Extremely Vulnerable/Clinically Vulnerable people or they are BAME). This is also on the basis that the school has all Covid-Safe measures in place.

It should be acknowledged that this staff group may feel more anxious about returning to work that others. They should be provided with reassurance on the safety measures in place and the individual risk assessments that have been undertaken. It may be appropriate to consider some form of phased re-introduction to the workplace and you could use the phased return option as set out in your Absence Management Policy for this purpose.

If there are significant physical/mental health needs then it may be appropriate for them to seek advice from their GP who may recommend that they are not well enough to attend work. They should then follow the usual absence reporting process.

Where despite risk assessments and reassurance they do not feel able to return to school, and it is not appropriate for them to be signed off sick by their GP, then paid special leave should continue until either they feel able to return or their maternity leave commences whichever is the sooner.

For those affected staff who have already commenced a period of special leave prior to this advice changing there is no expectation that they return to work prior to their maternity leave unless they wish to do so, in which case as set out above risk assessments should be undertaken.

Staff who live with those who are clinically extremely vulnerable or clinically vulnerable

These staff can attend the workplace.

Other staff with higher risk factors – BAME etc..

Staff in this group, such as those from a BAME group can return to the workplace and again any return should be subject to an individual risk assessment.

Staff who are anxious about returning to school

Schools have discretion and are encouraged to deal with those staff not wanting to attend on a case by case basis.

The guidance states:

*“It is natural that some staff will be worried about coming into school even if the risks for them are very low. You will know your staff best and so will be in the best position to work out how to proceed in individual cases. We are working in an unprecedented context, and more reassurance and discussion than usual may be required. It is always best, if at all possible, to work out a sensible way forward in individual cases that acknowledges any specific anxieties but which also enables the school’s responsibilities to be effectively discharged. If you need support in finding a solution, speak to your local authority or trust.”*

We would go along with this advice and advise you to have supportive discussions with staff, involve TU reps/Health & Safety reps in planning and risk assessments, share these with all staff and take some time to walk them through the safety measures prior to their return.

If despite this some staff feel that they are not well enough to attend work, due to their current mental health and anxiety, they would need to follow the sickness absence process and obtaining a fit note from their GP should this absence be more than 7 calendar days. We would advise that you maintain contact with them in the usual way and continue to provide reassurance and offer support, signposting them to the Employee Assistance Programme and if needs be an Occupational Health referral could be considered.

**Staff should not attend if they have symptoms or are self-isolating due to symptoms in their household.**

**Risk Assessment**

Whole School Risk Assessment

Schools will need to have risk assessments in place to cover their full re-opening. All Telford & Wrekin maintained schools will need to have submitted these to the LA Health & Safety Team to be RAG rated and signed off prior to re-opening. These should be kept under regular review.

Individual Risk Assessments

As set out above for staff in the vulnerable groups and BAME staff these will need to be reviewed/undertaken.

Consultation with Trade Unions representatives/Health and Safety Representatives

**There is a legal right of employers to consult with employees on health and safety issues**, and the LA have consulted with them on the T&W risk assessment toolkit for schools. However, you will need to ensure that in relation to the specific risk assessments for your settings, you consult with your employees directly, **or through a safety representative that is either elected by the workforce or appointed by a trade union.**

**General Advice:**

**Employee sickness**

* As a general rule and particularly at this time, employees who are sick or unfit for work should remain at home, rather than come into the workplace. It is important that employees’ focus on their recovery.
* Using these periods of Covid-19 absence towards triggers for management action in line with your policy – this is about being reasonable and it would therefore not seem appropriate in relation to those who are absent either self-isolating on special leave or who are sick due to the Virus. There is a potential here for discrimination claims, particularly in terms of the vulnerable group’s category too – therefore be cautious with this one and take a view on a case by case basis with advice from HR.
* We would advise that as there schools are now fully open then normal absence management should take place, particularly for those staff with long term absence that is not necessarily related to Covid-19.

**Recruitment activities**

The DfE Guidance on Full Opening makes it clear that normal recruitment and selection activity should resume from September, ensuring that social distancing measures are in place for interviews. All of the usual Safer Recruitment Administration processes should also resume from September.

### Appraisals and performance management processes for teachers

### Maintained schools must continue to adhere to the [School Teachers Pay and Conditions Document (STPCD)](https://www.gov.uk/government/publications/school-teachers-pay-and-conditions), which includes the requirement to ensure that all pay progression for teachers is linked to performance management. However, we would expect schools to use their discretion and take pragmatic steps, consistent with the Education (School Teachers’ Appraisal) (England) Regulations 2012 to adapt performance management and appraisal arrangements to take account of the current circumstances, for example, by basing performance on the period schools were open, adjusting, if necessary, for expected trajectory had there been no closures.

### The advice on performance pay progression for 1 September 2020 is that unless a teacher was being managed through the formal stages of the Capability Procedure they should be awarded pay progression if appropriate.

### In terms of setting performance targets for this academic year our advice would be to be mindful that Covid will impact the majority of this school year and therefore you will wish to consider appropriate objectives, maybe taking into account their response to Covid/blending learning provision/development of ICT skills/wellbeing support for students etc….

### Staff Wellbeing

### Please be reminded of the resources out there to support staff wellbeing at this time.

**Employee Assistance Programme through Health Assured** offers counselling services 24 hours a day 7 days a week via a confidential helpline from Health Assured **0800 783 2808.**

The [NEOST/LGA Wellbeing Guide](https://telfordcorporate.sharepoint.com/sites/TWHRAdvSchools/Shared%20Documents/Forms/AllItems.aspx?FolderCTID=0x01200080E5358BF2A093489854311ED1F1FD72&id=%2Fsites%2FTWHRAdvSchools%2FShared%20Documents%2FOther%20Information%2FOccupational%20Health%20%26%20Wellbeing%2FNEOST%20Staff%20Wellbeing%20guide%20for%20schools%20and%20trusts%2Epdf&parent=%2Fsites%2FTWHRAdvSchools%2FShared%20Documents%2FOther%20Information%2FOccupational%20Health%20%26%20Wellbeing) which has previously been issued provides some useful information and resources.

The LA’s [Wellbeing Training for staff and headteachers](https://telfordcorporate.sharepoint.com/:w:/r/sites/TWHRAdvSchools/_layouts/15/Doc.aspx?sourcedoc=%7B9F8F7BC0-7F07-40FA-93C0-6A75507A0406%7D&file=Schools%20Wellbeing%20Training.docx&action=default&mobileredirect=true) provided to all of our maintained schools.

***Further advice will be issued as the situation develops***

**If you have any queries then please contact your named HR Advisor:**

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**Or**

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