

All updates are highlighted and listed below.

Key Updates are as follows:

Page 5 – Average Pay for Regular Casuals – reinstatement of this for the period of the new National Lockdown – removed now schools are full open.

Page 5 – Updated information for those unable to work due to issues with childcare – updated to reflect schools are now fully open.

Page 7 – Long Covid Absence Management

Appendix 2 & 3 - Updated position re Clinically Extremely Vulnerable and those over 28 weeks pregnant as shielding will pause from the 1 April 2021.

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 shield

Further information on shielding can be found here:

<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>

If a member of staff is CEV they will need to shield in line with the letter from the government (**when shielding advice is in place – currently until the 31 March 2021**). You can ask to see a copy of their letter should you wish.

Where possible you should discuss with the employee if they are able to work from home or not.

If they are able to work from home then they will be placed on a period of paid leave for this period and this should be recorded on MyView. (see Appendix 1 for Absence Reasons to use)

You will be asked to give an end date and this should be the date specified on their shielding letter 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.

Further information on CEV is also provided at Appendix 2.

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

See Appendix 1 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 10 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.
- 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 1 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 their 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 10 days from the point of contact. These 10 days start from the day after exposure.

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

Whilst there are still some restrictions on overseas travel and some countries remain red-listed there is 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, further information can be found here <https://www.gov.uk/guidance/how-to-quarantine-when-you-arrive-in-england>

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/alternative location off site should be considered for those who return from overseas and are required to quarantine for 10 days in the UK, where this impacts on them being able to return to work.

If they are unable to work from home/an alternative location 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 10 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 they should commence a period of paid special leave if they are unable to attend work/work from home/alternative location for up to 10 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](#) 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 earned 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 give advice 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.
- 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

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. Their sickness should be ended on MyView in the normal way.

Childcare – 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.

- Forming a childcare bubble if their child is 14 years or younger – more information is available [Making a childcare bubble with another household - GOV.UK](#)
- Sharing of childcare with the other parent/partner/someone from their own household
- Working from home in discussion with yourselves – even if this is undertaking alternative duties
- Adapting working patterns to care for children, either if able to work some hours on site or if working at home (for example, undertaking work in the evenings/weekends at home)
- 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/remaining in 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.

Staff who are refusing to attend work on the basis of Health & Safety Concerns

Immediately prior to National Lockdown from the 5 January 2021 Trade Unions were providing their members with advice to refuse to attend work on the basis of concerns about their safety. This position has obviously changed now.

On the 7 January a statement from the DfE was sent to all Headteachers advising that the TU's had withdrawn this advice to their members.

Please note however that individuals are still able to raise concerns individually either informally or more formally in writing. You should engage with staff where they raise specific concerns on schools risk assessments/practice and involve Trade Union representatives as appropriate. Section 44 of the Employee Rights Act is about them being protected from any detriment when they raise Health & Safety concerns so please be mindful of this and seek advice from HR/H&S as appropriate.

Risk Assessment

Whole School Risk Assessment

Schools should have risk assessments in place to cover their setting and these should be regularly reviewed and adhered to. Further guidance and updates will be provided by the Health & Safety Team as appropriate.

Individual Risk Assessments

For staff in the vulnerable groups individual risk assessments should be undertaken and reviewed regularly (see Appendix 2 & 3 for more details). This risk assessment should be undertaken before any return to work.

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 be inappropriate 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. If you need to discuss specific cases then please contact your HR Advisor.
- **Long Covid Absence Management** – where employees are suffering with long Covid, as defined below, they may be on a period of long term continuous absence or it they may be absent for intermittent periods, in both cases we would advise that you manage them in line with the long term absence process as set out in your policy, being mindful of being more flexible around timescales as the absence is attributable to Covid.

Long Covid Definition:

“signs and symptoms that develop during or following an infection consistent with Covid-19, continue for more than 12 weeks and are not explained by an alternative diagnosis”

Recruitment activities

The DfE Guidance (updated on the 7 January) states that recruitment can continue as normal. However, it does state that “As DfE guidance advises limiting the number of visitors, it may be appropriate for schools to consider a flexible approach to interviews, with alternative options to face-to-face interviews offered where possible”.

The DfE teaching blog provides some information on the experience of implementing interviews remotely <https://teaching.blog.gov.uk/2020/05/29/recruiting-during-lockdown-how-we-did-it/> There is also advice that can be sent to candidates on how to prepare for remote interviews <https://teaching.blog.gov.uk/2020/06/12/attending-your-first-remote-interview/>

If you are in the process of or about to start recruiting, you will need to consider how you will manage this process and if it will be possible to assess candidates remotely or not, also taking into account the requirements around Safer Recruitment. You may need to consider pausing any recruitment activity if possible and looking at other options for the short term, such as offering fixed term contracts to existing casual/supply staff or extending current fixed term contracts.

If you have a new starter due to join your school within the next few weeks, you will need to consider how to undertake induction with them and how you will manage and support them during a time when they may be working remotely more often.

Please bear in mind that if a new employee has accepted an offer of employment, and a start date has been agreed, even if this was just verbally then you will be contractually obliged to honour the offer, unless they are in agreement to a later start date. At this time you will need to find a balance between staffing at an appropriate level but also consider the impact of a postponed start date on the new employee i.e. they may have resigned and be left with no income. You may in turn lose that candidate.

If you are thinking that you may need to withdraw or delay an offer of employment, please speak to HR in the first instance as this will need to be considered on a case by case basis.

We previously developed some guidance on virtual recruitment with the Education Safeguarding Team and this can be found at Appendix 4.

Pre-Employment Checks

- Right to Work in the UK Checks

There are new temporary measures where video calls can be used to carry out checks and candidates can send relevant documents via email or mobile app instead of sending originals. Right to Work checks remain mandatory as it will be still an offence to employ anyone who does not have the right to work in the UK.

You must:

- Ask the candidate to submit their documents scanned or photo via email or mobile app.
- Schedule a video call and the candidates hold the original to the camera and you need to check against the digital copy
- Date of this check recorded as “adjusted check undertaken on (date) due to COVID-19” on your SCR.

Then as soon as possible after starting you can then ask them to bring in the original documentation and check this in the usual way.

- DBS

A temporary relaxation of the checking guidance came into force as of 19th March for the DBS standard and enhanced ID checks. The changes are as follows:

- ID documents to be viewed over video link and
- Scanned images to be used in advance of the DBS check being submitted
- The applicant will be required to present the original versions of these documents when they first attend their employment or volunteering role.

Appraisals and performance management processes for teachers

Maintained schools must continue to adhere to the [School Teachers Pay and Conditions Document \(STPCD\)](#), 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 fully open, adjusting, if necessary, for expected trajectory had there been no closures.

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....

Appraisals for support staff should continue in line with your Appraisal Policy with any relevant adjustments being made to objectives as required.

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](#) which has previously been issued provides some useful information and resources.

The LA's [Wellbeing Training for staff and headteachers](#) provided to all of our maintained schools.



Education Support Line 08000 562 561
<https://www.educationsupport.org.uk/>

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<http://www.inspireducate.co.uk/headsup.html>

Twitter: @HeadsUP4HTs

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

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