|  |  |
| --- | --- |
| **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** **Thursday 17 December 2020** **Thursday 7 January 2021 (Any updates are highlighted in Yellow)** |

All updates are highlighted and listed below.

Key Updates are as follows:

Page 6 – Average Pay for Regular Casuals – reinstatement of this for the period of the new National Lockdown

Page 7 – Updated information for those unable to work due to issues with childcare – please note the change to Unpaid Special Leave.

Page 7 – Information for those who live with CEV children

Page 7 – Information for those who live with CEV adults – please note the change to Unpaid Special Leave.

Page 8 – Staff who refuse to attend work for Health & Safety Reasons

Page 9 – Recruitment Activities – move back to virtual recruitment and temp arrangements re DBs and Pre Employment Checks.

Appendix 2 & 3 - Updated position re Clinically Extremely Vulnerable and those over 28 weeks pregnant in Tier 4 as shielding has been reinstated (for CEV only).

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 10 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 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 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 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**

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 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.

**Arrangements for the payment for Regular Casual Workers**

You may have casual workers who you use on a regular basis.

The Local Authority has taken the decision to look at some form of salary payment for those regular casual workers who we are unable to offer work to or who cannot undertake work due to Covid-19.

This is on the basis that we want to support and protect this valuable group of workers who we rely on to provide cover as and when required. Many other Local Authorities are taking the same approach although there is no legal requirement to do so.

**This will therefore apply to all Community & Voluntary Controlled Schools as Telford & Wrekin are the employer. For Trust/Aided/Foundation and Academies you will have to take your own decisions on whether to apply this or not.**

Therefore, those casual workers that have worked regularly (at least once per month for the three months from 1 September to 30 November 2020) will be paid their average monthly pay based on their earnings during September, October and November.

This average payment will only need to be paid;

* If you are unable to provide them with work during this period, include work from home. **Unless it was clear that the requirement for that casual work would not have been continuing prior to the National Lockdown from the 5 January 2021.**

(For Community & Voluntary Controlled schools where the LA is the employer this may include temporary re-assignment to other Covid-19 priority roles within Telford & Wrekin Council)

* For those that have been informed they meet the criteria for shielding <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> who cannot be required to work in the community/in schools and CANNOT work from home, even on alternative duties.

For those regular casual workers who are offered work and refuse it, either in their own school, another school or more widely for Telford & Wrekin Council (Voluntary Controlled and Community Schools only) **no** average payment should be made.

Those schools that have casual workers who have worked every month from September-December will receive a spreadsheet from us which will detail those workers and their average pay. This sheet will be sent to every school we provide services too, obviously if you have taken a decision as a non-Community or VC school to not apply this payment then please ignore this spreadsheet when you receive it.

You can then use this information to determine who you wish to pay average pay to using the criteria above.

This email will also include details on how and when to submit these claims.

**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.

**Childcare – impact on staff with childcare responsibilities**

Schools remain open for Critical Worker children and therefore for staff with school age children they should look to utilise this place, also nurseries for pre-school children remain fully open. Where staff do not wish to access key worker provision or their nursery setting they should consider the following options:

* 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](https://www.gov.uk/guidance/making-a-childcare-bubble-with-another-household)
* 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 these options are not suitable and they are unable to work then our current advice would be that this should be **Unpaid Special Leave.**

**For those staff who have children that are CEV** and are therefore shielding the options above should be explored where appropriate. However, if they are unable to undertake any work it would be appropriate to place them on **PAID Special Leave.**

**For staff that live with adults who are CEV**

They are able to continue to attend work to support the provision for Critical Workers and Vulnerable Children. However, you should be supportive in your discussions with staff in these situations and the option of working at home can be considered on a case by case basis, even if this is undertaking alternative duties/working flexibly at different times in the day. If they are unable to undertake work then our advice would be that this should be **Unpaid Special 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 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. If you need to discuss specific cases then please contact your HR Advisor.

**Recruitment activities**

Although no updated guidance has been provided at this time it would seem appropriate to adopt the approach taken during the Lockdown period in the Spring.

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)](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 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….

### 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/%3Aw%3A/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.

****

**Education Support Line 08000 562 561**

[**https://www.educationsupport.org.uk/**](https://www.educationsupport.org.uk/)

Free confidential support for all staff working in Education.

Headteacher Wellbeing



@Headrest\_UK on Twitter

[Headrest (headrestuk.co.uk)](https://www.headrestuk.co.uk/)

A free wellbeing telephone support service for headteachers, ran by ex-headteachers

“Call us if you need to speak to an experienced ex-headteacher in total confidence. It’s free and we are here to listen. DM us your details and we’ll call you back between 7 and 8pm or at a time to suit you”.



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

Twitter: @HeadsUP4HTs

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

**Ruth Gwilt: Phone: 01952 381039 email:** **ruth.gwilt@telford.gov.uk**

**Maria Bowen: Phone: 01952 381063 email:** **maria.bowen1@telford.gov.uk**

**Rosemary McLeish: Phone: 01952 383516 email:** **rosemary.mcleish@telford.gov.uk**

**Lauren Sidhu: 01952 384027 email:** **lauren.sidhu@telford.gov.uk**

**Or**

 **Via the HR Helpdesk 01952 383601 or via email:** **hrhelpdesk@telford.gov.uk**