**Bradford Council Education Settings HR related Frequently Asked Questions**

The following FAQ document covers HR-specific frequently asked questions in light of Government Guidance for schools, colleges and local authorities on maintaining educational provision.

Please note that we are updating these FAQ’s in line with updated government guidance and in consultation with the relevant Trade Unions.

**These FAQ’s are up to date as at 15th June 2020. Replacing the FAQ’s document dated 28th April 2020**

**Summary of Key Changes**

* Questions surrounding the Easter and May holidays removed
* Additional question regarding school’s responsibility to risk assess
* Staff availability expectations revised in line with Government guidance
* Updated information of deploying staff to other sites
* Requirement to report on staff attendance updated
* Additional information on procedure for cases of coronavirus in school
* Amended information on children of key workers to reflect recent Government guidance
* Questions on conducting formal procedures removed – Separate guidance document now available that covers topic comprehensively
* Update to Self-isolation process with addition of school staff’s entitlement to testing
* Definitions of vulnerability updated
* Flowchart of staffing considerations for school’s wider reopening included in appendices

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# Agency/Casual Workers

## In the event of insufficient demand on school re-opening will agency workers remain entitled to be paid where employees continue to be paid?

The expectation is that all categories of worker should be treated consistently with other employees in terms of pay even if they are unable to perform work for the employer, for example because of a workplace closure in circumstances when they are unable to do their work from home. That may mean they will be receiving ‘normal’ full pay during that period.

Whether an agency worker will remain entitled to be paid will depend first on whether they have a right to be paid under the Agency Worker Regulations 2010. That right only applies after a 12-week qualifying period.

Broadly speaking, those Regulations give agency workers the right to equal treatment in terms of "basic working and employment conditions", as if they had been employed by the hirer to do the same job. In many cases, this means that agency workers will be entitled to the same rate of pay as a comparable employee, so if a comparable employee is being paid during the school closure period, then the agency worker may be entitled to be paid.

Importantly though, any entitlement under the Regulations will apply only for the length of the assignment. For example, if an agency worker had been engaged to cover absence for a week, then they would remain entitled only to be paid until the end of that week. To determine the length of the assignment, the first step will be to check the agreement between the agency and the school to see whether that sets out its length. In some cases, the length of the assignment may be more difficult to determine, for example if they were covering sick leave on an open-ended basis. In such cases, schools may need to assess how long the assignment might reasonably be expected to have lasted.

If the agency worker does not have any entitlement to pay under the Regulations, schools should still check whether there is any contractual obligation with the agency and/or worker which would require them to continue paying for the worker.

In some cases, where the work has ceased or been postponed to an undetermined date, it may be that the employment agency will be able to consider furlough using the Government’s Coronavirus Job Retention Scheme, under which 80 per cent of the agency worker’s pay would be funded by the scheme. In such cases authorities might want to discuss top up pay with the agency so the worker does not receive a drop in pay.

## What will happen to Supply Teachers who are not provided through an Agency?

You will need to examine the contractual arrangement under which they were engaged.

If they were engaged as a casual worker, you will need to consider the casual worker guidance for entitlement to continued payment.

If they were engaged on a freelance self-employed basis, then the relevant Government guidance on continued payment will need to be considered.

## We have Casual Workers some of whom work fairly regularly and others very occasionally, do I need to continue paying them?

You may do. If hours of work had already been offered and agreed then you will need to pay them for those hours, irrespective of whether they were actually worked. If you had given the Casual Workers an expectation that work would continue, then you will need to pay them for the expected duration of the work. You should consider if the work can be done from home.

See the Casual Worker guidance on the consideration of continued payments.

The expectation is that all categories of worker should be treated consistently with other employees in terms of pay even if they are unable to perform work for the employer, for example because of a workplace closure in circumstances when they are unable to do their work from home. That may mean they will be receiving ‘normal’ full pay during that period.

## I’m not using my casual staff – can I stop paying them?

The expectation is that all categories of worker should be treated consistently with other employees in terms of pay even if they are unable to perform work for the employer, for example because of a workplace closure in circumstances when they are unable to do their work from home. That may mean they will be receiving ‘normal’ full pay during that period.

The government guidance suggests that in general terms, *payments should continue to be made for planned or reasonably expected use of casual staff.*

If they are true casual workers who you call upon very occasionally as and when required and it is work that they can decide to accept or not, then yes you don’t have to pay them (unless they had already agreed to take the work.)

If they are working regular hours and often, then you should continue to pay them for the period of work and hours that you had already agreed (or created a clear expectation of work) with them.

# Annual Leave

## Are staff allowed to take holiday if it has already been booked?

That would be an operational matter to decide on school need and staffing levels.  If it had previously been booked the likelihood is with the travel ban an individual may prefer to change it to a different time. It is the school’s decision whether or not to allow the employee to cancel their leave; being mindful that if they do not take the leave there may be a short window of time later on in the year where a large number of staff all have accrued annual leave to take.

## Can you impose that staff members who work all year round take their leave?

Yes, as it is the employer’s decision whether someone takes leave. If this is the case, you need to give the employee double the amount of notice for the leave they are instructed to take. For example, if you require them to take one week’s leave, you should give them two week’s notice.

It should be noted however that an exception to this would be if the contract of employment gives more favourable rights.

# Impact of Re-opening School

## How should school prepare for wider re-opening?

## All schools should conduct a risk assessment or refresh their existing risk assessment if one is in place prior to opening, in addition to updating any other existing health and safety advice for pupils and staff and ensuring compliance with health and safety checks ready for wider re-opening. This will assist the school in identifying and implementing any protective measures designed to reduce the risk of transmission. Risk Assessments are dynamic documents that should be refreshed each time there is a material change such as changing or increasing the number of staff or students in the school or changes in the guidance. These should be shared with staff.

## All schools should also ensure they complete an Equality Impact Assessment as part of their risk assessments for both individual staff members and for the wider re-opening of the schools. This will highlight where safety measures implemented in school as part of the wider risk assessment may affect different groups of staff, whether this is positively or negatively, or whether they are not affected at all and will assist the school in developing a plan for mitigating any impact.

## Who can we expect to be available for work from Monday 1st June 2020 when schools are operating under the new guidance?

We expect any employee that does not need to be “off-site” due to either:

- Self isolation;

- Illness (recovery and quarantine);

- extreme clinical vulnerability;

- risk assessed as needing to be off-site;

who would usually attend work, to be available for work and organised into “bubbles” with minimal staffing on site and as little change to the working groups as possible to limit possible transmission. Schools should be seeking to minimise risks by having the least number of staff on site to support the service provided at that time.

## Can I support another school by asking my staff to temporarily deploy to that site?

You can ask. If this is done by mutual agreement then that is fine, however, you cannot instruct your staff to work at a different site. Please seek HR and legal advice prior to any decisions to deploy staff to other sites.

## If I deploy staff to a different school site – who is responsible for paying their salary?

They are your staff and therefore you would be responsible for paying them if deployed elsewhere.

## If my school is not open for students– should my workforce still attend site?

Please use discretion and follow the government guidance. If your staff are not required to be in school due to your school not being open, then the staff in school should be limited.

Use home working and discretion where possible.

## **Can my staff bring their own children to work with them**?

This should not be necessary as all your teaching and support staff are classed as key workers and therefore their children will have access to attend an educational setting. The expectation is that staff attend work as normal which would not include bringing their dependents to site. It is acknowledged that all schools may not remain open and issues such as location and public transport may be a concern therefore all situations must be considered sensitively, and home working and special paid leave may be granted where warranted.

## How do I handle it if someone is unwilling to attend the school site?

Fear of contracting the virus is not a valid reason to not attend work.

Head Teachers can choose to be flexible and allow a concerned employee to cover in other ways, however in a school setting this could be difficult. Where teaching/support staff are employed to work 52 weeks a year, annual leave could be considered.

In summary our advice would be to speak to the person to identify the specific concerns and situation so that you can try to reach agreement on the role that individual can and will play over the coming months. You can also seek advice from your HR provider and/or Trade Union colleagues.

Would furlough leave apply to school staff?Councils (and schools) are not expected to furlough their directly employed workforce - this includes casuals, zero hours staff and apprentices all of whom should continue to be paid as normal. Where work cannot be undertaken from home and redeployment is not a possibility, some employees will remain on normal pay during this period even if there is no work they can do.

In schools, where roles are not sourced from public funding e.g. if they are parent funded, are performed under separate contracts, paid on separate PAYE payroll numbers, the employees cannot be redeployed and where the alternative would be redundancy, then furloughing may be the best available option.

 **Please refer to separate guidance on furlough for more details.**

Do I need to report on staff attendance?Yes, the DfE requires a short daily return be completed via an online form to capture children and staff in attendance. This only includes staff working in schools; staff working from home should not be included. See guidance [here](https://www.gov.uk/government/publications/coronavirus-covid-19-attendance-recording-for-educational-settings) for further information.

## **My child’s school is closed, and I don’t want to send my child to a different school?**

All Council employees are key workers and therefore guaranteed childcare at a school. From 1st June schools conducting a phased reopening are required to prioritise children of key workers and vulnerable groups above Reception, Y1 and Y6 (Please refer to government definitions of key workers and vulnerable groups [**here**](https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision).) Re-opening schools will have effective infection protection and control measures in place. Others may remain closed as it is not feasible to adhere to government guidelines. In this instance, where necessary, another school may provide temporary education and care for children of key workers and those in eligible year groups. The government has required this provision so that key workers can remain in work. Unless your child can be cared for at home by somebody who is not a key worker, then you should take up the childcare place(s) at the school allocated.

## What happens if there is a confirmed case of coronavirus (COVID-19) in school?

When a child, young person or staff member develops symptoms compatible with coronavirus (COVID-19), they should be sent home and advised to self-isolate for 7 days and arrange to have a test to see if they have COVID-19. They can do this by visiting NHS.UK to arrange or contact NHS 119 via telephone if they do not have internet access. Their fellow household members should self-isolate for 14 days. All staff and students who are attending an education or childcare setting will have access to a test if they display symptoms of coronavirus (COVID-19), and are encouraged to get tested in this scenario.

Where the child, young person or staff member tests negative, they can return to their setting and the fellow household members can end their self-isolation.

Where the child, young person or staff member tests positive, the rest of their class or group within their childcare or education setting should be sent home and advised to self-isolate for 14 days. The other household members of that wider class or group do not need to self-isolate unless the child, young person or staff member they live with in that group subsequently develops symptoms.

As part of the national test and trace programme, if other cases are detected within the cohort or in the wider setting, Public Health England’s local health protection teams will conduct a rapid investigation and will advise schools and other settings on the most appropriate action to take. In some cases a larger number of other children, young people may be asked to self-isolate at home as a precautionary measure – perhaps the whole class, site or year group. Where settings are observing guidance on infection prevention and control, which will reduce risk of transmission, closure of the whole setting will not generally be necessary.

# Key Workers

## What if my staff have their own children to care for? They are keyworkers as well.

Children of key workers are already eligible to attend school and will have priority regardless of year group during wider school opening. They should attend school providing no one within the household displays symptoms and there are no shielding concerns for the child or their household.

What evidence is required to establish if parents are key workers?The Department for Education advises schools ask parents for ‘simple evidence’ that they are a critical worker such as ‘a work ID badge or payslip’.

# Procedures for Managing Staff

## How will schools be able to assess performance objectives for the current appraisal year (2019/20)?

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). This 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 e.g. by basing performance on the period schools were open.

## Staff are saying that they cannot get Fit Notes in time to comply with sickness reporting procedures, is that acceptable?

Yes. Because of the impact on GP surgeries, employees may not be able to obtain Fit Notes in time and schools should be flexible and not take any action against employees for not meeting Fit Note deadlines during this time. There is additional guidance below in relation to this

<https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection>

## Do I need a fit note for someone who falls ill whilst self-isolating or whilst working from home?

Yes, they will need to notify you that they are ill and provide a sick note should their illness last more than 7 days. It is particularly important that anyone with coronavirus notifies the school as soon as possible.

## I have an NQT who will not be able to complete their induction year, what will happen to them?

There is now guidance from the DfE in relation to this and can be found below. Some NQT’s have already been contacted regarding this by the local authority.

<https://www.gov.uk/government/publications/coronavirus-covid-19-induction-for-newly-qualified-teachers>

## I have a member of staff who wishes to resign; can I refuse to accept their resignation as I might need them?

Employees have a right to terminate the contract by resigning and giving the requisite notice.

If you feel that allowing that member of staff to leave would leave your school at a detriment and they are an essential member of staff, you can discuss this with them and ask them to postpone their resignation or give you a longer period of notice to support the school through this unprecedented period.

# Self-isolation

## Can I ask for a fit note or medical proof that someone is self-isolating?

Employees can obtain a digital isolation note if they have been advised to self-isolate, either because of their own symptoms or symptoms of someone in their household. Once generated the isolation note will be sent to the individual via email. More information including where the notes can be accessed is found [here](https://www.gov.uk/government/news/online-isolation-notes-launched-providing-proof-of-coronavirus-absence-from-work).

When do I need to self-isolate, and what should I do?If you have any of the main symptoms of coronavirus (COVID-19), you must stay at home (self-isolate) and get a test.

**Main symptoms**

The main symptoms of coronavirus are:

* **a high temperature** – this means you feel hot to touch on your chest or back (you do not need to measure your temperature)
* **a 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)
* **a 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

Most people with coronavirus have at least 1 of these symptoms.

**What to do if you have symptoms**

If you have any of the main symptoms of coronavirus:

1. **Stay at home (self-isolate)** – do not leave your home or have visitors. Anyone you live with, and anyone in your support bubble, must also self-isolate.
2. **Get a test** – get a test to check if you have coronavirus as soon as possible. Anyone you live with, and anyone in your support bubble, should also get a test if they have symptoms.

[**Get a test to check if you have coronavirus**](https://www.nhs.uk/conditions/coronavirus-covid-19/testing-and-tracing/ask-for-a-test-to-check-if-you-have-coronavirus/)Test can be obtained by visiting: [www.nhs.uk/ask-for-a-coronavirus-test](https://www.nhs.uk/ask-for-a-coronavirus-test).

Managers may also refer key workers and their households for a test by contacting the Council’s Central Co-ordination team on 01274 437070

Coughing and a loss of taste and smell may persist for several weeks after the infection has gone. Self-isolation is only necessary for a 7-day period from becoming ill.

See also the government's [stay at home guidance](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection).

If a member of staff is self-isolating due to having symptoms can they continue to work from home?Where an employee is well enough to work from home and continues to do so, full pay should continue to be paid as normal. Staff will not be required to take annual leave and the absence will not be recorded as sickness absence. School should keep in regular contact with the member of staff as a duty of care and to ensure that their condition is being monitored. If their condition deteriorates and they are not able as they are too sick to work, then it will be classed as sickness absence and they will be paid sick pay and recorded appropriately.

What happens when a member of staff is self-isolating as they have Covid-19 symptoms and they are too unwell to work?This will be classed as sickness absence and recorded appropriately. The staff member’s entitlement to sick pay will apply; as per the Government’s decision statutory sick pay will be paid from day one and occupational sick pay will be paid as applicable in line with the employee’s contract of employment. School should keep in regular contact with the member of staff.

I have a member of staff who is self-isolating due to a member of their household. How is this recorded and what impact will this have on their pay?This will not be recorded as sickness absence and full pay will be paid for the 14-day isolation period. They will need to submit an isolation note. Staff should work from home wherever possible and discuss the appropriate arrangements and priorities with their line manager. School should keep in regular contact with the member of staff as a duty of care and to ensure that their condition is being monitored and work is being completed. If their condition deteriorates and they become too sick to work, then it will be classed as sickness.

# Vulnerable/High Risk Staff

What makes a person a “vulnerable” person?
Specific medical conditions have been identified that place some individuals at greater risk of severe illness from coronavirus.

## I have a member of staff who falls under the vulnerable category but wishes to remain in work – can I insist they work from home or can I allow them to attend school premises?

Clinically extremely vulnerable individuals are not advised to work outside of their own home. Whilst shielding is a personal choice, schools should insist employees within this category continue to work from home to mitigate risk and liability. Staff will be in receipt of normal pay if this situation applies.

Clinically extremely vulnerable individuals include:

1. Solid organ transplant recipients.
2. People with specific cancers:
	* people with cancer who are undergoing active chemotherapy
	* people with lung cancer who are undergoing radical radiotherapy
	* people with cancers of the blood or bone marrow such as leukaemia, lymphoma or myeloma who are at any stage of treatment
	* people having immunotherapy or other continuing antibody treatments for cancer
	* people having other targeted cancer treatments which can affect the immune system, such as protein kinase inhibitors or PARP inhibitors
	* people who have had bone marrow or stem cell transplants in the last 6 months, or who are still taking immunosuppression drugs
3. People with severe respiratory conditions including all cystic fibrosis, severe asthma and severe chronic obstructive pulmonary disease (COPD).
4. People with rare diseases that significantly increase the risk of infections (such as severe combined immunodeficiency (SCID), homozygous sickle cell).
5. People on immunosuppression therapies sufficient to significantly increase risk of infection.
6. Women who are pregnant with significant heart disease, congenital or acquired.

GP’s and hospital clinicians may categorise others as ‘clinically extremely vulnerable’ based on an assessment of their needs.

Clinically vulnerable employees

Clinically vulnerable employees (not extremely) are able to attend work providing school are able to adhere to government guidelines on social distancing. In circumstances where this is not practical or possible and the member of staff still wishes to attend work, discussion between school and the employee should take place to assess what both parties deem an acceptable level of risk.

Clinically vulnerable individuals are those who are:

* aged 70 or older (regardless of medical conditions)
* under 70 with an underlying health condition listed below (that is, anyone instructed to get a flu jab each year on medical grounds):
* chronic (long-term) mild to moderate respiratory diseases, such as asthma, chronic obstructive pulmonary disease (COPD), emphysema or bronchitis
* chronic heart disease, such as heart failure
* chronic kidney disease
* chronic liver disease, such as hepatitis
* chronic neurological conditions, such as Parkinson’s disease, motor neurone disease, multiple sclerosis (MS), or cerebral palsy
* diabetes
* a weakened immune system as the result of certain conditions or medicines they are taking (such as steroid tablets)
* being seriously overweight (a body mass index (BMI) of 40 or above)
* pregnant women

Pregnancy**:** In the absence of a MATB1, pregnant teaching/support staff could be asked to complete an Application for Maternity Leave Form with the expected date of confinement being accepted and discussions around risk assessment needs taking place. It is important to remember the member of staff may be unable to obtain a certificate of expected confinement due to surgeries / clinics being under increased pressure.

Vulnerability within staff member’s household**:** Where a member of staff shares a household with a family member in the clinically extremely vulnerable category, and, as a consequence, has a justified concern that working in the school will increase the risk of infection to the family member, should be reassured of the measures in place by school to mitigate the spread of coronavirus. If social distancing is not viable or practical within school, then the member of staff should be allowed to continue to work from home.

# Working Arrangements

## Should school staff be expected to be visiting families or dropping off food?

All such activities must either be stopped or carried out differently where possible or risk assessed if not. This has not been at the request of the Local authority that school staff should do this, however, some schools have chosen to do this for vulnerable families that don’t have food.

Advice has been given around how to do this safely.

## When working from home, some school staff have been asked to contact families using their own personal phones and/or personal emails, what is the LEA’s expectations?

Where staff are asked to contact parents/pupils then the school must provide a safe way for staff to do this, either by using a work email and/or a school phone. We would never advise staff to contact parents / pupils using their own equipment due to safeguarding reasons.

## Are all available staff expected to be in school on their usual working days?

No, not if there is no need, for example, if there are very few pupils in that day.

There are occasions where children are not reporting for school in the morning but are arriving for lunch and then remaining in school for the afternoon. There needs to be a balance, schools need to maintain goodwill & have a common-sense approach. Schools cannot always predict who will attend for lunch or for the afternoon. Staff are doing an excellent job and we don’t want to be too prescriptive with schools in order to maintain cooperation.

We have a member of staff who is returning from maternity leave but whose planned childcare is no longer viable due to this emergency, will she have to delay her return?No, these circumstances are beyond the control of employees and a pragmatic view must be taken. An underlying principle is that employees should not lose pay in these circumstances. Other staff are being required to remain off work on full pay and the returner should be paid from her given return date whilst alternative childcare is considered.

## I’m being asked to communicate with parents and pupils outside of my normal working hours, is this correct?

There is no expectation that teachers or support staff should be responding to parents and/or pupils outside of normal hours.

## How do we ensure all staff are being treated fairly?

Staff cannot be made to change their usual working patterns. However, it would be expected that there is some goodwill applied. Once it is clear what staffing is available, this may not need all the staff to be in for their usual contracted hours and that may help when we ask staff to work a different pattern during the day, i.e. an earlier or later start time.

## Should I expect my staff to stick to their usual working hours?

Yes, where possible and if needed. You may find that you have staff available to work but are not needed on site, due to only having a small number of children on site. Please note this does not affect their normal pay.

It would be advised that if staff cannot be utilised from home or elsewhere in school that you put a rota together so that you’re being fair and treating people equitably. Children and staff in a bubble must not mix between bubbles or use facilities, rooms or spaces that have not been cleaned between uses by any bubble.

## Can I ask staff to work adjusted hours so I can offer support to key workers from earlier/until later in the day?

Yes, you can ask staff but you cannot force them so this needs to be managed carefully within school. Where this involves additional hours, they should be paid for the additional hours or offered the ability to take TOIL at a later date.

## How do I help my staff with social distancing whilst still attending work?

Head Teachers and Managers will need to think about how they can do this based on the size of their school. You may look at the use of all the space throughout the school, to keep staff and pupils further apart than they would be usually and using every classroom in the building to ensure that staff and pupils are more distanced than usual. This may be context specific, but rearranging furniture may be needed to support social distancing. Extensive government guidance on implementing protective measures in school is available [**here**](https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings)

## I have staff willing and able to create work-packs for home schooling, including online resources and videos. Is this ok? What should I consider?

Yes, this is completely acceptable and could form part of the work that staff can do at home in an attempt to maintain social distancing in school.

## How can I ensure everyone is “in the loop” even when working remotely?

It would be advised that you try to speak with colleagues who are working remotely on a regular basis. This may be a telephone call, or you may be able to do a video conference.

## What if a member of staff relies on public transport to get to and from work? Can I insist they continue to use this and attend work?

No, it would be better for the member of staff to look at alternative ways to get to work. Could you stagger their start times so they can use public transport at a time when it is less busy? All other forms of transport should be considered before opting for public transport.

## What PPE would I be providing to my staff who will continue to attend school site?

Some staff will need PPE, especially if they are involved in cleaning. Face masks are only beneficial where social distancing is not practiced, so use in school is not recommended under most circumstances. For other staff, the advice is that extra care should be taken regarding hygiene, such as regular hand washing for 20 seconds. Further guidance from the LEA on the use of PPE is available [here](http://intranet.bradford.gov.uk/news/pages/newsarticle.aspx?id=1959&cat=Coronavirus).

I’m being asked to work in a special school and I’m concerned about not being provided with adequate personal protection equipment (PPE)PPE is only required in instances where a child’s care routinely involves it’s usage due to intimate care need or becomes unwell with symptoms of coronavirus and requires direct personal care whereby social distancing cannot be maintained. PPE must be provided and if it is not in place then the school will need to conduct risk assessments and would need to consider whether they should stay open. Every effort is being made to ensure that where required, everybody has the appropriate PPE. We understand that currently there is enough PPE for such schools.

## Do I need to report COVID-19 related issues to the Health & Safety Executive under RIDDOR?

[The Health and Safety Executive have clarified](https://www.hse.gov.uk/news/riddor-reporting-coronavirus.htm) that, in specific circumstances, employers **do** have an obligation to make a report under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013), or ‘RIDDOR’ in the following 2 circumstances:

* **Reporting of Dangerous Occurrence** - Where an unintended incident at work has led to someone’s possible or actual exposure to coronavirus.
* **Reporting of Diseases** - A worker **has been diagnosed as having COVID-19 and there is reasonable evidence that it was caused by exposure at work,** you must report this to the Health and Safety Executive. An example might be a healthcare professional diagnosed with COVID-19 after treating patients - could easily include care homes and similar settings.

If you think you may have one of these occurrences, then please seek further guidance from your Health & Safety Adviser.

## I have staff returning from Maternity/Paternity/Adoption leave/sickness absence – should they stay away?

Every case should be considered on an individual basis but, in general there would be no reason to ask an employee to remain away from the workplace unless they fall into the clinically extremely vulnerable category. You may however wish to keep in regular contact with those individuals to ensure you have a good understanding of their situation and bring them up to speed with the situation in your workplace.

## Can I ask my caretaking and cleaning staff to work longer hours?

You can ask! It is appreciated that the cleanliness of the site and facilities has increased in importance in order to ensure the spread of the virus is reduced and controlled where possible. You may wish to discuss adjusted rotas with your cleaning and site staff during this time, ensuring individuals are given a fair opportunity to take additional hours and are paid appropriately for the work they undertake.

Should I be working from home?

Please see appendix 1

# Appendix 1: Opening School: Staffing Considerations and Decisions Flowchart

