**QUESTIONS AND ANSWERS**

**Q. What is a risk assessment?**

Regulation 3 (1) of the Management of Health and Safety at Work Regulations 1999 states that: ***“Every employer shall make a suitable and sufficient assessment of the risks to the health and safety of his employees to which they are exposed whilst they are at work; and the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking”.*** A risk assessment is a legal requirement and HSE guidance states risk assessments should follow five simple steps -Identify the hazards; Decide who might be harmed and how; Evaluate the risks and decide on precautions; Record findings and implement them; Review assessment and update if necessary.  The schools risk assessments should be comprehensive and identify all risks, before and after control measures have been put in place.

**Q. What is an individual risk assessment and should I have one?**

The latest guidance from the National Employers for Local Government Services states ***“If an employee expresses concerns about returning to the workplace it is important that their manager and / or HR ascertains and seeks to address the reason for the concerns and carries out an individual risk assessment. Concerns raised by the employee could include, but are not limited to, their BAME background, gender, age, physical or mental health conditions, other caring responsibilities, vulnerable members of the household or practicalities of uncertain childcare arrangements.”*** A collective group / whole school risk assessment will not always be sufficient in identifying your individual risks as it does not look at your specific circumstances and individual role to identify and assess risk to you. To address your particular concerns or worries, you can request that an individual risk assessment is completed. This risk assessment may look at your role, your interactions and your movements around the school and assess them for risk, look at ways to minimise and mitigate risk and put in place any control measures or it may look at your personal circumstances and any responsibilities you may have. For TAs, an individual risk assessment may cover the pupils and work involved in one to one and small group working. Pupils with behavioural issues, may change the level of risk for a member of staff and different control measures and PPE could be required. You may also need an individual risk assessment if you believe someone you live with is at greater risk from COVID-19.

Whilst the DfE guidance states a record of interactions should be kept when schools reopen in September, these interactions may also need to be part of an individuals' risk assessment, especially if someone is being required to work across different classes and groups. It should be conducted jointly so that you feel it is a “done with” rather than “done to” process. It may be appropriate for you to ask to see the risk assessment document and paperwork before the one to one conversation takes place. **All** Clinically Extremely Vulnerable and Clinically Vulnerable school support staff should request and receive an individual risk assessment. Please see below.

**Q. I am in the category of Clinically Extremely Vulnerable or Clinically Vulnerable or live with someone who is Clinically Extremely Vulnerable. What should I expect from my Employer?**

The government advises that people in the CEV group can return to work, as long as the workplace is COVID secure, but employers should support CEV employees to work from home in the first instance. Now that national shielding has been paused, where it is not possible for workers to work from home, employers must regularly review individual risk assessments, and do everything reasonably practicable to protect those workers from harm.

If your employer will not facilitate you working from home then an individual risk assessment must be completed prior to any return to work and this assessment should make clear what steps are being taken to protect you, for example discussing an option to reassign you to tasks where stringent social distancing guidelines can be followed, if that cannot be assured in your normal role. This also applies to workers living with someone in the shielded group.

For those considered to be Clinically Vulnerable, working from home should also be considered in the first instance. The latest LGA guidance states “As restrictions are continued to be eased, this group should take particular care to minimise contact with others outside their household, so homeworking may continue to be an important option”.

If you are being requested to attend work, GMB would advise you to use the template letter attached and ask your employer to inform you of the reasons (including a copy of the risk assessment and where appropriate the equality impact assessment relating to your position) for that request. GMB does not believe it is acceptable for Employers to just decide that, as the DfE advice considers it generally safe for such employees to return to work, that the protective measures being put in place for employees in general are sufficient. Each employee should have an individual risk assessment which considers their personal and local circumstances and the protection they require (which should be reviewed if circumstances change). GMB, along with other Unions, is asking employers to accept that it is likely that not all employees will be able to go in to work from September and reflect this in their planning for September opening, and beyond.

**Q. What should I do if I believe my workplace is unsafe?**

Staff faced with a dangerous working environment have rights under employment law if they reasonably believe there is a risk of being exposed to serious and imminent danger. In such circumstances, if an employee left their place of work in response to such a risk the law states there should be no detriment for taking such action nor should employment be terminated in response to such actions. This is taken from sections 44 and 100 of the Employment Rights Act 1996 **but** the application of these legal rights, to the risk from COVID-19, is untested and therefore if you believe there is such a risk you should contact GMB immediately and **take advice before** considering removing yourself from the workplace.

**Q. What is the difference between a face covering and Personal Protective Equipment (PPE)?**

The difference between a face covering (as required on public transport and in shops) and a PPE mask is who is being protected. Face coverings do not protect the wearer- they protect everyone else by preventing the wearer spreading COVID-19. A mask issued as PPE, protects the person wearing the mask. Therefore, if you feel you are at risk because of a specific activity which forms part of your role, your individual risk assessment should address this and detail the need and effectiveness of PPE.

**Q. What do I do if I am asked to perform cleaning duties which I do not think are reasonable, for example cleaning toilets?**

GMB appreciates that at this time, extra cleaning measures are required. These extra measures though should only extend to requiring non-cleaning staff to wipe down frequently touched surfaces within the classroom, or equipment after use. Cleaning is a specialist activity, requiring training and appropriate PPE. We know school support staff are already working to full capacity and do not consider it fair or practicable for these members to be used in place of cleaners. Any budget issues schools may face as a result of extra cleaning costs need to be addressed with the relevant Local Authority and DfE. GMB has been trying to address the need for extra funding from Government to pay for such new expenditure and lack of Government funding for schools should not become the responsibility of our members.

**Q. What happens if I get contacted by Test & Trace and told to isolate?**

If you are contacted by NHS Test and Trace and instructed to self-isolate, Part 2 Para 10.9 of the ‘Green Book’ will apply and your absence should not be recorded as sickness absence. Employees who can work from home should do so. For employees who cannot work at home, employers will have no option other than to accept that they must stay at home on full pay for the duration of the self-isolation period.

As you are ‘well’ at this stage you should stay on normal full pay for the duration of the self-isolation period unless you are confirmed to have contracted the virus, at which point you would transfer to sickness absence leave and the usual provisions of the sickness scheme would apply.

**Q. I am due to have a procedure in hospital and need to self-isolate prior to admission - do I get paid?**

The NHS has instructed that anyone who is due to go into hospital as an in-patient (including day surgery) for planned or elective1 surgery / medical care must self-isolate, along with all members of their household, for 14 days prior to admission. Unless already on sick pay, and in line with previous NJC guidance, all employees should remain on normal full pay for the duration of the self-isolation period. Those who can work from home (either in their own role or on alternative duties), should do so.

**CHECKLIST FOR RETURN TO SCHOOL IN SEPTEMBER**

* Have you seen the whole school risk assessment for the full reopening in September?
* Have you been provided with the findings of the risk assessment and what the key risks of COVID- 19 transmissions are, and how they will be controlled?
* Have you seen your individual risk assessment which details your role, your personal circumstances and your concerns?
* If you have a medical condition, including any mental health conditions, which may put you at greater risk because of COVID-19, have you requested an occupational health professional completes an individual risk assessment?
* If you are Clinically Extremely Vulnerable, or Clinically Vulnerable have you requested to work from home (if your role allows)?
* Are there any new policies or protocols in place because of COVID-19 and if so, have you received copies of these and made sure you understand any changes?
* Are there any additional duties to you usual role and are you confident and comfortable in being able to carry these out?
* Have you been provided with the information you need to make sure you clearly understand how to work safely once the school is reopened?
* Does your role require PPE, for example if you work with challenging behaviours that may included spitting, and is PPE available?
* Will you be expected to work longer or different times?
* Do you know your workplace rep or the details of your local Branch or Regional Organiser should you need advice?

**ROLE SPECIFIC CONSIDERATIONS**

**Catering Staff**

* How will staggered lunch times impact on your working hours?
* Are there any changes within your working environment, such as new hygiene or cleaning requirements you need to be aware of?
* What extra cleaning and hygiene measures are in place for shared spaces such as toilets and changing facilities?

**Classroom Based Staff**

* Are there specific pupils who may pose a risk because of challenging behaviours? If so, this needs to be risk assessed and PPE provided if there is any risk of spitting, coughing etc.
* Will staggered start and finish times impact on your working hours?
* What extra cleaning and hygiene measures are in place for shared spaces such as toilets and staff room?

**Cleaning Staff**

* How will the new cleaning requirements impact on your working hours? Will you be expected to work longer or different times? How will these new guidelines affect your usual work within the school?
* Have you been provided with a supply of gloves, aprons and bags for disposing of the PPE and waste?
* Is there new equipment or cleaning products for you to use? Can you do this safely?

**Office Staff**

* What extra cleaning and hygiene measures are in place for your workspace?
* Are there new cleaning protocols for shared equipment?
* Can you socially distance and are there signs to discourage people entering your office?
* Will you be dealing with parents or external visitors coming on to the site? What protective measures are in place for this e.g. social distancing, Perspex screens etc.
* If you are responsible for first aid or medical emergencies, what PPE will you have and are you aware of how COVID-19 impacts on any such practices?
* What extra cleaning and hygiene measures are in place for shared spaces such as toilets and staff room?

**Site Manager**

* Will the new staggered start and finish times impact on your role?
* Will you be expected to have contact with external visitors and contractors to site and are you aware of the protocols for this?
* Is there adequate provision of cleaning materials and space for the safe storage of waste?
* Will there be changes to the working hours of cleaning staff which may impact on you?

**SMSAs**

* Will staggered lunch times affect your hours of work?
* Are there different rules in place for children in the playground?
* Will you be working with just one group of children and if not has the risk of you working across several bubbles been risk assessed?
* Have the first aid or medical emergency protocols changed because of COVID-19?

