**COVID-19 Coronavirus -**

**Management Guidance for Schools**

This guidance was updated on: 15 May 2020

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# 

# **Self-Isolation**

Further to Government guidance, advice on self-isolation has been updated:

* If you, or a member of your household has a cough or a temperature you should self-isolate at home for 14 days;
* If you have other cold/flu symptoms you should self-isolate for 7 days, then you may end your self-isolation after 7 days. The 7-day period starts from the day when you first became ill;
* If new symptoms in the household then the new case isolates for 7 days from the start of their symptoms but rest of household can go back to normal at the end of the 14 days;

People must:

* + Stay at home as much as possible
  + Work from home if they can
  + Limit contact with other people
  + Keep your distance if you go out (2 metres apart where possible)
  + Wash your hands regularly

Employees must contact the headteacher in accordance with the sickness absence policy and remain in contact throughout the self-isolation period.

Headteachers must take account of the epidemic situation and should not act under the sickness absence policy as employees must not feel under inappropriate pressure to attend work when this risks infection of citizens and colleagues.

## How do I record my employee’s self-isolation/absence?

It is crucial that employee absence/leave records are kept up to date.

If a teacher or support staff is self-isolating with symptoms, the following table provides information on what should be recorded:

|  |  |  |
| --- | --- | --- |
| **Teacher** | | |
| **Type** | **Record as** | **Secondary Reason** |
| Diagnosed as having COVID-19 - caught directly while in employment | Paid Leave - 1300 | COVID-19 |
| Diagnosed as having COVID-19 - not caught directly while in employment | Sickness/Infectious Disease | COVID-19 |
| Contact with COVID-19 | Sickness/Infectious Disease | COVID-19 |
| Workplace Closed\* | Not to be recorded\* | Not Applicable\* |
| High Risk | Paid Leave - 1300 | Self-Isolate no symptoms |
| High Risk - member of family | Paid Leave - 1300 | Self-Isolate no symptoms |
| Off due to partner ill not COVID-19 | Paid Leave - 1300 | As appropriate |
| Unwell not COVID-19 related | Sickness | As appropriate |
| Emergency Voluntary Leave | Unpaid Leave | Emergency Voluntary Leave |
| Concerned about COVID-19 | Refer to guidance/FAQ's |  |
|  |  |  |
| **Support** | | |
| **Type** | **Record as** | **Secondary Reason** |
| Diagnosed as having COVID-19 | Sick Leave /Infectious Disease | COVID-19 |
| Contact with COVID-19 | Paid leave -1300 | Self-Isolate with symptoms |
| Workplace Closed\* | Not to be recorded\* | Not Applicable\* |
| High Risk | Paid leave -1300 | Self-Isolate no symptoms |
| High Risk - member of family | Paid leave -1300 | Self-Isolate no symptoms |
| Emergency Voluntary Leave | Unpaid Leave | Emergency Voluntary Leave |
| Concerned about COVID-19 | Refer to guidance/FAQ's |  |

**\***This is revised guidance however absences already recorded do not need to be amended.

**Schools should continue to record sickness and other absence not attributed to COVID-19 in the normal way.**

## What is the impact on an employee’s sick pay if the school is closed?

If a school is closed the same principles of the sick pay scheme will apply as set out in the provisions of the Burgundy Book for teachers and NJC Green Book for support staff. In summary:

* Support staff who report they are self-isolating receive paid leave.
* Support staff who are diagnosed with COVID-19 receive sick pay.
* Teachers who report they are self-isolating receive paid leave.
* Teachers who are diagnosed with COVID-19 that has been contracted whilst in the workplace receive paid leave.
* Teachers who are diagnosed with COVID-19 that has been contracted whilst **not** in the workplace receive full pay, such pay being sick pay.

## If an employee has any related absence due to COVID-19 they should be able to obtain an isolation note from the NHS website and forward this to their employer - is this correct?

Employees in self-isolation need to follow their workplace's usual sickness reporting process. However, the current guidance states that if you are self-isolating with no symptoms and able to work from home you will not need to obtain an isolation note from the NHS website.

Employees can 'self-certify' for the first 7 days off work. This means following their workplace process but not having to get a note from a doctor or NHS 111.

Those self-isolating due to coronavirus for more than 7 days can get an online self-isolation note from the:

* NHS website - <https://111.nhs.uk/isolation-note/>
* NHS mobile phone app – for those registered with a GP in England - <https://www.nhs.uk/using-the-nhs/nhs-services/the-nhs-app/>

Headteachers might need to be flexible if asking for self-isolation notes. For example, an employee with severe symptoms might not be able to get a note straight away.

Where employees are in the ‘shielded group’, that have been contacted by the NHS and instructed to self-isolate for a 12-week period, this absence should be recorded as self-isolating (no symptoms) including an end date, in line with guidance.

## Vulnerable employees with existing health conditions/long-term conditions

The virus that causes COVID-19 infects people of all ages but for some, the risk is higher. The [NHS](https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk-from-coronavirus/whos-at-higher-risk-from-coronavirus/) states there are two levels of higher risk: high risk **(clinically extremely vulnerable)** and moderate risk **(clinically vulnerable)**.

## Clinically extremely vulnerable adults (shielding)

Clinically extremely vulnerable individuals are advised not to work outside the home. The Government are strongly advising people, including education staff, who are clinically extremely vulnerable (those with serious underlying health conditions which put them at very high risk of severe illness from coronavirus and have been advised by their clinician or through a letter) to rigorously follow shielding measures in order to keep themselves safe. Staff in this position are advised not to attend work. Read [COVID-19: guidance on shielding and protecting people defined on medical grounds as extremely vulnerable](https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19) for more advice.

People at high risk from coronavirus include people who:

* have had an organ transplant
* are having chemotherapy or antibody treatment for cancer, including immunotherapy
* are having an intense course of radiotherapy (radical radiotherapy) for lung cancer
* are having targeted cancer treatments that can affect the immune system (such as protein kinase inhibitors or PARP inhibitors)
* have blood or bone marrow cancer (such as leukemia, lymphoma or myeloma)
* have had a bone marrow or stem cell transplant in the past 6 months, or are still taking immunosuppressant medicine
* have been told by a doctor they you have a severe lung condition (such as cystic fibrosis, severe asthma or severe COPD)
* have a condition that means they have a very high risk of getting infections (such as SCID or sickle cell)
* are taking medicine that makes them much more likely to get infections (such as high doses of steroids)
* were born with a serious heart condition and are pregnant

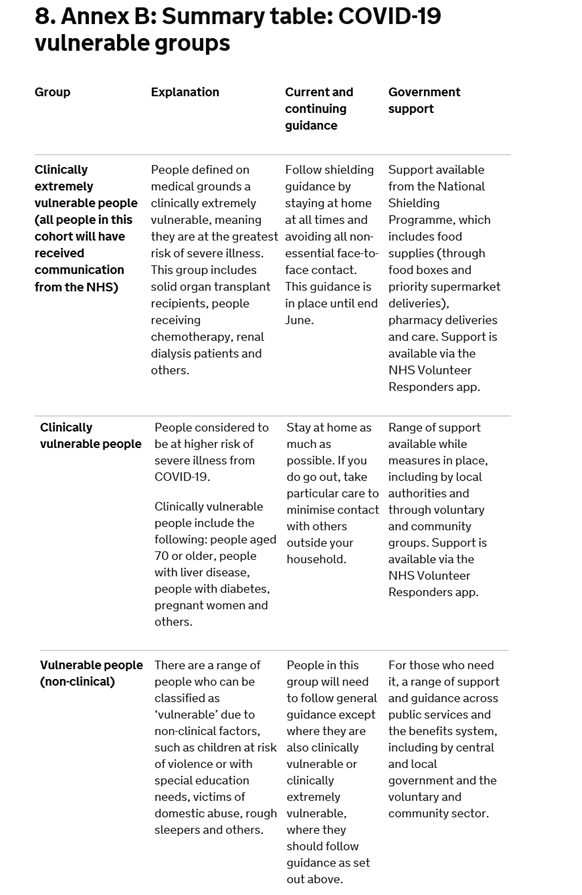
## Clinically vulnerable adults

Employees at moderate risk (clinically vulnerable) from COVID-19 will not receive a letter from the NHS advising them to stay at home at all times however they must follow the advice on [social distancing](https://www.nhs.uk/conditions/coronavirus-covid-19/staying-at-home-to-avoid-getting-coronavirus/staying-at-home-and-away-from-other-people/). This means they should stay at home as much as possible however can go out to work (if they cannot work from home) and for things like getting food or exercising.

Clinically vulnerable individuals who are at higher risk of severe illness (for example, people with some pre-existing conditions as set out in the [Staying at home and away from others (social distancing) guidance](https://www.gov.uk/government/publications/staying-alert-and-safe-social-distancing/staying-alert-and-safe-social-distancing#clinically-vulnerable-people) have been advised to take extra care in observing social distancing and should work from home where possible. Education and childcare settings should endeavour to support this, for example by asking staff to support remote education, carry out lesson planning or other roles which can be done from home. If clinically vulnerable (but not clinically extremely vulnerable) individuals cannot work from home, they should be offered the safest available on-site roles, staying 2 metres away from others wherever possible, although the individual may choose to take on a role that does not allow for this distance if they prefer to do so. If they have to spend time within 2 metres of other people, settings must carefully assess and discuss with them whether this involves an acceptable level of risk.

People at moderate risk from coronavirus include people who:

* are 70 or older
* are pregnant
* have a lung condition that's not severe (such as asthma, COPD, emphysema or bronchitis)
* have heart disease (such as heart failure)
* have diabetes
* have chronic kidney disease
* have liver disease (such as hepatitis)
* have a condition affecting the brain or nerves (such as Parkinson's disease, motor neurone disease, multiple sclerosis or cerebral palsy)
* have a condition that means they have a high risk of getting infections
* are taking medicine that can affect the immune system (such as low doses of steroids)
* are very obese (a BMI of 40 or above)

See table below for vulnerable groups – ~~~~

## An employee has notified you that they are classed as a vulnerable person. As an employer am I obliged to see the evidence?

**Clinically extremely vulnerable (shielding)**

Headteachers can request to see the NHS letter that confirms they are classed as clinically extremely vulnerable and advised to shield.

**Clinically vulnerable**

Employees should notify headteachers of their existing health conditions, so headteachers can ensure these employees are supported and prioritised to self-isolate if required.

Employees with pre-existing conditions can be referred to Occupational Health to seek advice.

## What is the position on self-isolation if there is someone vulnerable in an employee’s household?

If an employee lives with someone who is clinically vulnerable (but not clinically extremely vulnerable), including those who are pregnant, they can attend their education or childcare setting.

If an employee lives in a household with someone who is extremely clinically vulnerable, as set out in the [COVID-19: guidance on shielding and protecting people defined on medical grounds as extremely vulnerable guidance](https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19), it is advised they only attend an education or childcare setting if stringent social distancing can be adhered to.

There may be exceptional circumstance in some cases where working from home is required and this should be reviewed at the headteachers discretion. In such cases schools can ask to see evidence, such as an NHS letter, before making a decision as to whether the employee should be on the rota or working from home. Please contact your ER Consultant for further advice regarding specific cases.

Additional precautions for  employees  with caring responsibilities including through maintaining good hygiene and social distancing can be found [here](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-you-have-a-vulnerable-person-living-with-you).

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#living-with-other-people).

## Where an employee advises they are in the ‘high risk’ (clinically extremely vulnerable) category but they have not received a letter from the NHS

In accordance with [NHS guidance](https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk-from-coronavirus/whos-at-higher-risk-from-coronavirus/) people who are at **high risk** will be contacted by the NHS via text message or letter.

If an employee or other family member in the household have not received a text or letter from the NHS and they feel they are at high risk from COVID-19 they should contact their GP or hospital care team about this matter.

Employees at moderate risk (clinically vulnerable) from COVID-19 will not receive a letter from the NHS advising them to stay at home at all times however they must follow the advice on [social distancing](https://www.nhs.uk/conditions/coronavirus-covid-19/staying-at-home-to-avoid-getting-coronavirus/staying-at-home-and-away-from-other-people/). This means they should stay at home as much as possible however can go out to work (if they cannot work from home) and for things like getting food or exercising.

## What can headteachers do to help employees who are self-isolating?

Headteachers should all be preparing for more flexible working patterns, including home working where necessary. It is important that you have ensured that all members of staff know how they can work remotely. Headteachers must ensure regular contact with employees and should agree when and how this contact will be maintained.

Where employees are on site, reinforce the clean desk policy. This is essential to enable cleaning staff to clean down the desk areas regularly. Headteachers must enforce this strictly to make the school safer.

## If a colleague is unwell with a new continuous cough or high temperature

The risk of spread within the workplace is relatively low as we rarely are within 1m of a colleague for a prolonged period of time (more than 15-20mins). Therefore, there is unlikely to be a need for colleagues to self-isolate if they have been in contact with the person, however if a member of staff then becomes unwell with a new, continuous cough or a high temperature, they should be sent home and advised to follow the stay at home guidance.

If a member of staff has helped someone who was taken unwell with a new, continuous cough and/or a high temperature, they do not need to go home unless they develop symptoms themselves. They should wash their hands thoroughly for 20 seconds after any contact with someone who is unwell with symptoms consistent with coronavirus infection.

Further Government advice can be found at: [Guidance for schools and other educational settings](https://www.gov.uk/government/publications/guidance-to-educational-settings-about-covid-19?utm_source=73156638-93f5-438d-b600-bee222bc7493&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate).

## If a colleague is diagnosed with COVID-19

If an employee develops symptoms compatible with coronavirus, they should be sent home and advised to self-isolate for 7 days. Their fellow household members should self-isolate for 14 days. Employees will have access to a test if they display symptoms of coronavirus, and are encouraged to get tested in this scenario.

Where the employee tests negative, they can return to their setting and the fellow household members can end their self-isolation.

Where the employee 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.

# **COVID-19: Getting Tested**

The Government recently announced plans for testing essential workers.

Testing is now available for:

* Essential workers with symptoms
* People who live with essential workers and have symptoms

Employers can register and refer self-isolating staff or members of their household on the Government’s new online portal. This will make the process of getting an appointment quicker and easier, while reducing the burden on business.

In addition, self-isolating employees can book tests online themselves.

**Using the new online portal**

For employers wishing to support their employees by managing their test registration, the first step is to email [portalservicedesk@dhsc.gov.uk](mailto:portalservicedesk@dhsc.gov.uk) for access to the portal. Please include your organisation name and sector, as well as the name and email address of up to two people who will use the portal.

**Employee Self-Referral**

Essential workers who are self-isolating can also now book their test online directly by visiting [www.gov.uk/coronavirus](http://www.gov.uk/coronavirus) and clicking on one of the options under “Testing for coronavirus (COVID-19).”

If you need further guidance and support, please contact DHSC at [opshub@dhsc.gov.uk](mailto:opshub@dhsc.gov.uk).

Government guidance on testing can be found [here](https://www.gov.uk/guidance/coronavirus-covid-19-getting-tested#who-can-be-tested).

## 2.1 How do I communicate to staff about getting tested?

The government have provided wording below that can be used in staff newsletters and intranet articles to explain to staff that you can refer them for testing if they are self-isolating:

***MAKING IT EASIER TO GET TESTED FOR CORONAVIRUS***

*Coronavirus testing for essential workers or their household member(s) self isolating with symptoms is vital to help get people back to their important work as soon as it is safe to do so. The NHS has set up this system for us to make sure that every essential worker who needs a test can get one. This includes YOU.*

*Now we can refer our essential workers to this type of testing through a new online portal. This means that we can register and refer our staff or members of their household we know to be self-isolating. This will make the process of them getting an appointment quicker and easier. They will then be invited for a test via text message, prompting them to book and attend an appointment at one of our drive through testing sites across the country.*

*The tests are entirely optional and we will not have access to your test results, nor will you be expected to share the results with us. If you test negative and feel well enough to return to work, you may choose to do so knowing you’re no more likely to spread the virus than anyone else. Only you will know their test results and whether you feel well enough to come back to work.*

*Testing gives you the information you need whether to continue your isolation and protect the vulnerable and the NHS, or if you don’t have coronavirus, whether you can get back to work, and back to your teams, as soon as you feel well enough.*

## Can I get members of staff tested?

The National Testing Programme has expanded capacity to test even more essential workers who are self-isolating due to having coronavirus symptoms or because a member of their household has symptoms.

The full list of eligible workers can be found [here](https://www.gov.uk/guidance/coronavirus-covid-19-getting-tested#who-can-be-tested).

## Who can get a test?

As teachers and support staff are classed as essential workers (see list above), tests can be offered to the following:

* Any self-isolating members of staff who have coronavirus symptoms
* Member of staff does not have symptoms, but members of their household do, they can get tested.

## How do I offer the test to my employees?

A new employer referral portal is now available to make the process as easy as possible. Headteachers can upload spreadsheets containing the details of essential workers who need to be tested into the secure employer referral portal. The system will generate invitations to the essential workers via SMS and email. Essential workers can then log into the system and book an appointment directly.

A user guide has been issued to all eligible employers giving step by step directions on how to use the system. Headteachers should email [portalservicedesk@dhsc.gov.uk](mailto:portalservicedesk@dhsc.gov.uk) to be given access to the employer referral portal.

The portal also has a self-referral function for employees to self-register, which will take some of the administration burden off Schools.

## What kinds of tests are offered?

The test confirms if an individual currently *has* the virus. There are two options for individuals to get tested that will be available via the new website:

* Driving to a regional test site OR
* Employees requesting a home test kit which will be delivered to their home

Where members of the household require testing, **up to three** can attend a regional test site with the essential worker. The total of four, reflects the maximum number of occupants that can be safely tested in a single vehicle.

If the essential worker is registering a test on behalf of a member of their household, that employee does not have to attend the test site with the household member. As long as that symptomatic individual’s name has been booked as the person who needs the test, it will be their name on the list at the test site.

The maximum number of home test kits an essential worker can order is five.

## How many employees can access testing?

Please refer all your employees who are self-isolating because they or their household member(s) have coronavirus symptoms for testing via the employer referral portal.

## If an employee has tested negative, can they come back to work straight away?

Employees with negative results should only return to work if they feel well enough to do so. If everyone with symptoms who was tested in their household receive a negative result, the employee can return to work immediately, providing they are well enough, and have not had a fever for 48 hours.

If a household member tests positive, but the worker tests negative, the worker can return to work on day eight from the start of their symptoms if they feel well enough and have not had a fever for 48 hours.

If the worker does not have symptoms but a household member tests positive, the worker should continue to self-isolate in line with national guidance.

Employees should discuss their return to work with their employer, following the steps outlined in [Flowchart describing return to work following a SARS-CoV-2 test](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/880057/Flowchart_for_return_to_work.pdf).

If, after returning to work, they later develop symptoms they should follow national guidance and self-isolate.

## Will I be told if a member of staff has tested positive for coronavirus?

The programme **does not return the results to an employer.** It is the individual’s responsibility to discuss their test result with the headteacher as part of their return to work conversation.

## Can contractors and part time staff be tested?

Yes. Contractors and part time staff can be tested.

## How does the self-referral portal work? As an employer of essential workers, can I just direct my staff there instead of uploading their details myself?

Yes you can direct your eligible employees to the [self-referral portal](https://self-referral.test-for-coronavirus.service.gov.uk/). They can book a test for themselves or for members of their household who have coronavirus symptoms. Employees will be able to book tests at regional test sites or order home test kits.

## What other support is available for my employees?

There is a Coronavirus Testing Call Centre for employees who have been referred or booked a test themselves, which is contacted on 0300 303 2713. Lines are open daily 08:00 – 20:00. This call centre does not offer medical advice. If your employee is unwell, they should call NHS 111 and in a medical emergency, dial 999.

# **Working from Home**

Where possible employees are expected to attend work as they are considered to be front-line key workers. If it is not possible for an employee to attend work, then working from home can be considered by the headteacher.

## Who should work from home and what work can employees do whilst working from home?

School employees are recognised as front-line key workers and are therefore required to attend work if they are fit to do so. However, schools should operate a rota system to ensure sufficient cover is available for the number of children attending. Employees not on the rota should be available to work at home with the direction of the headteacher.

If the employee cannot work from home, schools must determine whether alternative duties can be undertaken and if so, what and how this will be undertaken along with agreeing communication channels and frequency.

Schools should maintain contact with employees about workload and mutual expectations whilst working at home and agree communication channels and frequency of contact.  Headteachers should encourage regular team catch up meetings via Teams to discuss progress, issues and solutions. This would be a useful platform to share ideas and ask what employees are working on.

Headteachers should agree:

* How they will keep in touch with employees working from home
* How work-life balance will be managed, for example taking regular breaks and switching off from work at the end of the day
* Rules around storing information and data protection
* How performance will be managed and measured - taking into account employee's circumstances where necessary
* Who employees should contact if they have any problems or their circumstances change

Employees must remain in contact with the school and be available during normal working hours. Headteachers should consider how they monitor performance/ output normally and look to adapt this for remote working. It is important to build up a healthy relationship of trust and confidence and focus on results rather than activity.

Schools should be following the guidance both on social distancing and self-isolating and enacting their business continuity plans which include home-working arrangements.  All employees who can work remotely from home should be doing so in line with national guidelines.

Individuals who have symptoms or are in a household where there is someone else who has symptoms should be self-isolating in line with the guidelines.

There is a specific group of people with very high-risk medical conditions, i.e. the immunocompromised, who now go into 12 weeks of isolation; (but this does not apply to the majority of the flu jab group).

There is a variety of work that can be undertaken at home, some tips and examples are below:

* Check that your signature on the bottom of your emails is accurate, which should include your preferred telephone contact number whilst you are working from home;
* Do not use out of office auto responses if you are working from home – this is not necessary and is driving up email volume;
* If employees are absent (ill/on leave) they should activate their ‘Out of Office’ message to signpost in their absence, detailing when they are not available;
* Virtual meetings using Office 365 tools like Microsoft Teams or Skype;
* On-line training modules offered by the school;
* Read information/guidance/policies available from the School;
* Continuous Professional Development (CPD);
  + Other online training, e.g. with professional bodies, industry guidance etc;
* Background reading related to work activities;
* Telephone/Teams conversations into work meetings;
* Support other colleagues to deliver schoolwork;
* Check in with work colleagues so that you have contact on a regular basis.

Schools should agree how to make the best use of Teams/Skype/Phone conferences to maintain contact and ensure meetings go ahead as planned, where possible.

## What happens if employees do not have the technology to work from home?

If the employee’s role is such that working from home is not possible (because of little or no ICT or involves tasks that cannot be carried out from home), then in such instances **employees will be expected to remain at home during the period of lockdown without having to register this as sick leave or special leave, and without any impact on their contractual pay**.

However, in such instances it is expected that a discussion should take place with the employee about work activities they could complete from home. The school’s continuity plan will have critical activities and you should refer to this and talk to the employee about tasks they can complete.

**All employees that are fit to work whilst self-isolating must remain available to work and maintain contact with the Headteacher.**

## Does an employee need to complete a risk assessment before working from home?

No, in this exceptional circumstance, and following national guidance, preventing potential death and the spread of COVID-19 are our priorities by observing social distancing and self-isolation protocols. Of course, health and safety is of utmost importance and a brief guide to home-working, including key aspects of workplace assessment has been provided. In the longer term, a further assessment of the home-based workstation may be required. For employees that have significant adaptations to their workstation schools will need to discuss the practicalities of relocating this equipment with the employee. All employees should take adequate breaks and should move around when working remotely.

## Health and Safety guidance when working from home

## What should you advise an employee about confidential information when working from home?

Schools should advise employees that they must ensure they protect confidential information and comply with the School’s policy and procedure regarding obtaining confidential data. It is acceptable for employees to utilise personal shredders to dispose of confidential waste.

## Can employees claim expenses associated with working from home?

It is important to recognise that for most employees costs associated with travel to/from work will cease during this period. The council will not reimburse utilities costs relating to homeworking during the COVID19 crisis to any of its staff, including those in schools and academies. However, employees may be able to apply for tax relief on £6 per week, employees can find out more and fill out a P87 form [here](https://www.gov.uk/guidance/claim-income-tax-relief-for-your-employment-expenses-p87).

## Social Media

## Employees are still expected to follow the Schools E-Safety Policy. Any comments on Social Media which may be viewed as bringing the school into disrepute will be dealt with as a disciplinary matter.

# **Wellbeing**

It is important to remember that COVID-19 has and is likely to affect many people from many different countries, so empathy for anyone who has the disease, or is self-isolating should be a consideration, and we should not attach the disease to any ethnicity or nationality.

## What support can I offer my employee for wellbeing?

It is recognised that employees may be concerned, anxious and stressed before, during and after any epidemic. Headteachers can offer referrals to Occupational Health, Employee Assistance Program (EAP) (if purchased) and stress risk assessments.

This is a free, confidential service that will provide information, expert advice by telephone 24 hours a day, 7 days a week. The service gives employees a place to turn for support any time of day or night, 365 days a year for whatever issues you might be facing. To use this service, you can contact the freephone number **0800 111 6387,** the email facility on their website ([helpline.wellness@vhg.co.uk](mailto:helpline.wellness@vhg.co.uk)) or via the website (<https://my-eap.com/>).

**For more wellbeing help and support see the links below:**

* [Employee health and wellbeing top tips.](https://shrscontent.birmingham.gov.uk/downloads/download/376/employee_health_and_well-being_top_tips)
* [Coping with anxiety during COVID-19](https://www.birmingham.gov.uk/info/50231/coronavirus_covid-19/2159/mental_health_during_covid-19)
* [Eating and drinking well during COVID-19](https://www.birmingham.gov.uk/info/50231/coronavirus_covid-19/2165/eating_and_drinking_well_during_covid_19)
* [Looking after yourself and others](https://www.birmingham.gov.uk/info/50231/coronavirus_covid-19/2064/looking_after_yourself_and_others)
* [Smoking and COVID-19](https://www.birmingham.gov.uk/info/50231/coronavirus_covid-19/2135/smoking_and_covid)
* [Staying active during COVID-19](https://www.birmingham.gov.uk/info/50231/coronavirus_covid-19/2134/active_at_home)
* [Managing money during COVID-19](https://www.birmingham.gov.uk/info/50231/coronavirus_covid-19/2158/covid-19_managing_money)

The WME is providing free coaching sessions for school leaders that can be accessed using the following link. <https://shrscontent.birmingham.gov.uk/downloads/download/377/wme_free_coaching_sessions>

## Domestic Abuse (includes controlling, coercive, threatening, violent or abusive behaviour)

The government’s advice on self or household-isolation will help reduce the spread of COVID-19 but for many victims of domestic abuse staying at home may not be the safest option.

We know that any external factors that add stress and financial strain can negatively impact victims and create circumstances where their safety is further compromised. As always, **if you or someone else is in immediate danger please call 999 and ask for the police.**

If you or someone you know are experiencing domestic abuse and are under quarantine amid the coronavirus outbreak, local and national organisation’s want you to know: **You are not alone, and help is still available.**

Information below provides details of key contacts providing support across the West Midlands as well as some key regional and national helplines available during the coronavirus outbreak.

**Regional/National Helplines**

* West Midlands Forced Marriage (24hr helpline): 0800 953 9777
* [National Domestic Violence Helpline](http://www.nationaldomesticviolencehelpline.org.uk/) - 24hr helpline 0808 2000 247
* National Centre for Domestic Violence - 0800 970 2070 or Text NCDV to 60777
* National LGBT+ domestic abuse helpline: 0800 999 5428
* Rape Crisis England and Wales: 0808 802 9999
* Men’s Advice Line: 0808 801 0327
* Respect helpline (for anyone worried about their own behaviour): 0808 802 0231
* [Citizens Advice](https://www.citizensadvice.org.uk/family/gender-violence/domestic-violence-and-abuse/)
* [Women’s Aid](https://www.womensaid.org.uk/information-support/)

**Useful Apps for victims**

* [Hollie Guard](https://hollieguard.com/)
* [Bright Sky](https://www.hestia.org/brightsky)

## What can I do if I have concerns about domestic abuse/violence of one of my employees?

We encourage employees to raise concerns or access support from appropriate services.  Further information can be found [here](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-you-have-a-vulnerable-person-living-with-you).

## Bereavement Support

During this time, many will unfortunately experience the loss of loved ones under very different and difficult circumstances. All of this is likely to have a lasting psychological impact on employees which may heighten the need for psychological and emotional support such as counselling and therapy to help them come to terms with what they have experienced. Support is available on the council website for [managing grief and trauma during Covid-19](https://www.birmingham.gov.uk/info/50231/coronavirus_covid-19/2143/relationships/2).

The Employee Assistance Programme have also produced articles to support yourself and others during a life transition, which is available on [the Covid-19 staff guidance pages](https://www.birmingham.gov.uk/info/50234/covid-19_staff_guidance/2148/covid-19_health_and_wellbeing).

Headteachers are reminded that the special leave policy contains bereavement entitlement for employees. During these unprecedented times, headteachers should be compassionate and supportive as possible and exercise discretion if the request for a period of leave exceeds the entitlement.

# **Leave & Absence**

## Schools should continue to record sickness and other absence not attributed to COVID-19 in the normal way.

## Annual Leave

If headteachers grant annual leave, employees need to be made aware that it is conditional on the school being able to support the absence at the time. If annual leave is refused the appropriate amount of notice must be given, for example, if an individual has requested one week’s leave, they must be given at least one week’s notice that the leave has not been approved – assuming the employee has provided the appropriate notice in the first place. Failure to give the requisite notice in these circumstances may constitute a breach of the Working Time Regulations 1998.

Headteachers can ask employees to cancel or postpone annual leave if it is necessary to maintain service delivery. However, they must give the appropriate notice as above. Headteachers may also agree to employees carrying over or being paid for leave they were unable to take by the end of their leave year; due regard should be given to individual circumstances and potential financial hardship that may result from booked leave being cancelled.  At the end of the annual leave year, headteachers should consider where employees have not been able to take their annual leave due to COVID-19.

Where employees had booked leave, and now wish to cancel, as they cannot go on holiday, this can be agreed by management, however, managers and employees must recognise the wellbeing benefits of time away from work.

In this exceptional circumstance where employees have been unable to book leave due to COVID-19 may carry forward 20 days A/L in 19/20 and 20/21.

## What is the position for employees who are due to return from leave, but unable to travel back to the UK?

This should be dealt with under headteacher’s discretion in accordance with the special leave procedure. However please liaise with your ER Consultant in the first instance.

## If a pregnant employee is self-isolating are they required to start their maternity leave?

No. Pregnant employees would not be required to start their maternity leave early. However, the usual rules apply – if an employee becomes sick with a pregnancy related illness four weeks before the expected date of childbirth then they must start their maternity leave, if they have not already done so.

## What is the position on caring for children where schools are closed?

Schools should support employees who have caring responsibilities throughout this crisis, with an extended period of paid compassionate leave in the shorter term, until there is more clarity. Schools are expected to allow employees to work from home, and to work flexibly.

However, where this is not possible, and in the first instance, schools should approve Special Leave (paid) where employees have caring responsibilities and cannot continue to work.   As this is a health and medical emergency situation - the most paramount importance is that we are observing national guidelines for social distancing and self-isolation (as applicable) for our employees, therefore schools  should be considerate that the pressures on employees with caring responsibilities will have an impact on productivity – especially if the employee is working from home.

Alternatively, if there are no childcare arrangements for the employee, it is expected that arrangements should be made for the children to be bought into the employees own workplace.

## How do employees prove they are a key/critical worker for the school if they are challenged whilst travelling for work?

It has been agreed with West Midlands Police that school identity passes will be accepted as evidence of critical worker status whilst travelling around the city. Employees are advised that they must protect identity passes (ensuring these are hidden in public) as there is a potential risk of people wanting to steal these.  If an employee is challenged about their critical worker status, please contact HR Ops in the first instance.

## Employee refuses to attend school stating that it is ‘too dangerous’. They do not have any underlying medical conditions.

Stating that it is “too dangerous” is not an accepted reason for absence.  Support and duty of care for the health and wellbeing of employees is paramount and schools will have measures in place to ensure this takes place.

Schools need to balance the duty of care with the impact on business/children and their contractual obligations.  Equally employees should be made aware of their contractual obligations to attend work.

The LGA advise that it is anticipated that employees will, as far as possible within the constraints of school closures, caring responsibilities and complying with Government advice on self-isolating and social distancing, continue to perform their duties and be flexible to ensure that services continue to be provided. If difficulties arise with a refusal to attend work or a refusal to carry out certain duties, managers should ascertain what the concerns are, consider what, if anything, can be reasonably done to address those concerns and take action accordingly, to encourage the individual to work.

If this has been done, but the individual still refuses to attend or perform the task then this may constitute unauthorised absence or partial performance (ie where they are only prepared to carry out certain tasks rather than their full range of duties). This may be a disciplinary issue, which may justify withdrawal of pay. The manager should explain the individual’s contractual obligations and the consequences of refusing to work. If there is still no change in the individual’s position, immediate advice should be sought from ER to ensure an appropriate and consistent approach can be taken.

# **Health & Safety**

## General advice on Personal Protective Equipment (PPE) – Guidance for all schools

This information should be used alongside the school’s protocols and guidance for working during COVID-19. PPE is not needed in all circumstances.

Wearing a face covering or face mask in schools or other education settings is not recommended. Face coverings may be beneficial for short periods indoors where there is a risk of close social contact with people you do not usually meet and where social distancing and other measures cannot be maintained, for example on public transport or in some shops. This does not apply to schools or other education settings. Schools and other education or childcare settings should therefore not require staff, children and learners to wear face coverings. Changing habits, cleaning and hygiene are effective measures in controlling the spread of the virus. Face coverings (or any form of medical mask where instructed to be used for specific clinical reasons) should not be worn in any circumstance by those who may not be able to handle them as directed (for example, young children, or those with special educational needs or disabilities) as it may inadvertently increase the risk of transmission.

The majority of staff in education settings will not require PPE beyond what they would normally need for their work, even if they are not always able to maintain a distance of 2 metres from others. PPE is only needed in a very small number of cases including:

* children, young people and students whose care routinely already involves the use of PPE due to their intimate care needs should continue to receive their care in the same way
* if a child, young person or other learner becomes unwell with symptoms of coronavirus while in their setting and needs direct personal care until they can return home. A fluid-resistant surgical face mask should be worn by the supervising adult if a distance of 2 metres cannot be maintained. If contact with the child or young person is necessary, then disposable gloves, a disposable apron and a fluid-resistant surgical face mask should be worn by the supervising adult. If a risk assessment determines that there is a risk of splashing to the eyes, for example from coughing, spitting, or vomiting, then eye protection should also be worn

Education, childcare and children’s social care settings and providers should use their local supply chains to obtain PPE. Where this is not possible, and there is unmet urgent need for PPE in order to operate safely, they may approach their nearest local resilience forum.

Where possible all employees should follow social distancing guidance and avoid interaction by deferring visits, delivering services remotely or changing working practices. Further guidance can be found [here](https://www.gov.uk/government/publications/covid-19-guidance-on-social-distancing-and-for-vulnerable-people/guidance-on-social-distancing-for-everyone-in-).

When PPE is needed all PPE should be…

* Compliant with the relevant BS/EN standards (European technical standards as adopted in the UK);
* Located close to the point of use;
* Stored to prevent contamination in a clean/dry area until required for use (expiry dates must be adhered to);
* Single use only; except reusable goggles which can be washed in warm soapy water and dried between uses;
* Changed immediately after each patient and/or following completion of a procedure or task; and
* Disposed of after use into the correct waste stream i.e. healthcare/clinical waste (this may require disposal via orange or yellow bag waste; local guidance will be provided depending on the setting/impact of the disease)

Video - [How-to put-on PPE correctly](https://www.youtube.com/watch?v=kKz_vNGsNhc)

Further guidance on [how to remove and dispose of PPE correctly](https://www.gov.uk/government/publications/wuhan-novel-coronavirus-infection-prevention-and-control)

If an employee refuses to wear PPE, the reasons should be discussed with the headteacher and further advice and guidance can be sought from your ER provider.

## Information around good hygiene - best way to wash your hands

* 1. Wash your hands more often than usual, for 20 seconds using soap and hot water, particularly after coughing, sneezing and blowing your nose, or after being in public areas where other people are doing so. If you do not have access to water and soap use hand sanitiser but make sure it has an alcohol rating of at least 60%.
  2. To reduce the spread of germs when you cough or sneeze, cover your mouth and nose with a tissue, or your sleeve (not your hands) if you don’t have a tissue, and throw the tissue in a bin immediately. Then wash your hands or use a hand sanitising gel.
  3. Clean and disinfect regularly touched objects and surfaces using your regular cleaning products to reduce the risk of passing the infection on to other people.

## How do I protect employees who are in a role where they are working directly with the public?

It is important to follow social distancing advice – keeping two metres away from others and maintaining good hand/respiratory hygiene (washing hands and catching cough/sneeze in tissues).  Short periods of interaction following this advice have negligible risk of infection.

## How do we risk assess in this extraordinary circumstance?

**General principles of risk assessment still apply – it is critical that employees and managers work together to agree approach.**

Consider the following:

* Combat risks at source
* Take advantage of technology wherever possible
* Prioritise controls that protect the greatest number of people
* Consider what procedures may need to be created
* Consider PPE as a last resort
  + Consult those that will be affected (service user / employee delivering the service)
  + Review your assessment and the control measures with other similar services or other local authorities
* Ensure that you monitor the effectiveness of controls

It is important to remember that these considerations should be in addition to existing risk assessment control measures and should form a key part of business continuity plans. You will need to formalise such assessments and ensure this is communicated to employees and, where appropriate, service users.

## What is the advice around lone workers?

You will need to carry out a risk assessment in accordance with the HSE guidelines, in particular for those employees who will be working alone. Further guidance can be found [here](https://www.hse.gov.uk/news/coronavirus.htm).

# **Rewards & Benefits**

## I am in receipt of Childcare Vouchers and my Childcare provider is closed; how do I request a refund of my March vouchers?

If an employee is an existing member of the Childcare Voucher scheme, they can login to their account and manage vouchers [here](https://childcare.mysodexo.co.uk/login).

Childcare vouchers are valid for 18 months from the date of purchase, vouchers that have recently been purchased will remain available to make payments to the child carer when needed. However, if an employee would like to request a refund for any vouchers they have received recently, please see the steps below:

* 1. Please put your request in writing and send it to [hr.ops@birmingham.gov.uk](mailto:hr.ops@birmingham.gov.uk) stating you would like a refund for the recent vouchers received (March 2020 for example). Please include confirmation that you happy for us to approach Sodexo and confirm the voucher amount in your account with them.
  2. We will get in touch with Sodexo and confirm the vouchers are there in your account, and then will begin the process with them to get the vouchers returned.

* 1. Once Sodexo have processed the credit, and have removed the amount from your account, BCC will then process the refund back to you as soon as possible.
  2. We will notify you when the refund has been processed and when the amount will be returned to you.

Please note that using this process does not affect your membership of the Childcare Voucher scheme in any way and has been put in place during the current circumstances to reduce any financial pressure you may experiencing. All refunds are subject to tax and NI deductions.

This process is only for refunding recently paid vouchers, if you no longer need any of the childcare vouchers in your account, and don’t need to be in the scheme moving forward, just follow the same steps above but let us know you want to be removed from the scheme and have the remaining balance refunded to you. This will be processed in the same way and you will be notified when the amount will be paid back to you.

# **HR & Payroll**

## Will this impact on payroll deadlines?

HR and payroll teams are working hard to ensure that as much as possible is processed on time, so it is important that information is sent to them in a timely manner and not last minute just before the deadline, as this will have an impact on ability to process on time.

## Will staff still receive a payslip each month during the lockdown period?

From April until lockdown is lifted, Payroll will not be issuing payslips as this work cannot be undertaken whilst observing the Governments instruction for people to work from home and only travel in exceptional circumstances. Any member of staff who urgently needs a copy of their payslip can request an electronic copy via one of the email addresses below, dependant on their school status:

Maintained Schools: [schoolspayroll@birmingham.gov.uk](mailto:schoolspayroll@birmingham.gov.uk)

Academies/Free Schools: [external.&.academies.hr.&.payroll@birmingham.gov.uk](mailto:external.&.academies.hr.&.payroll@birmingham.gov.uk)

## Will staff continue to receive their contractual letters during lockdown?

During lockdown HR Services for Schools are unable to access their usual out-going postal arrangements. Therefore, they are currently issuing letters of appointment and contractual change letters via email. Where HR does not have an email address for the member of staff, we are asking schools, who will continue to have copies of all letters sent to them via the school’s folder on the information sharing area of the HR Portal, to either print out a copy of the letter and issue it or to forward an electronic version of the letter to the staff member via their work email address.

## Will we still carry on with HR activity like grievances, full case hearings, consultation on re-organisation/service redesign and TUPE transfers?

The council has determined (and advises school thus) that only HR activity in the most serious of cases will continue at this time, with most non-urgent investigations and all hearings being paused.  Employee re-organisation and service redesign will also be paused, however, implementation of planned changes (appointments to new roles and rolling out new ways of working) will continue in critical services.  Current TUPE activity has been reviewed, and in the majority of cases will be paused.

When considering if HR activity should continue, the following factors will be considered on a case-by-case basis:

* Severity of issue – gross misconduct or misconduct
* Where the case is current and is near resolution
* Impact on service provision
* Wellbeing of, and impact on the individual involved
* Wellbeing of colleagues – impact on managers and colleagues
* Ability to conduct a fair process remotely
* Agreement of parties to adjustment of the processes

## An employee has resigned and is currently working their notice period however as a result of COVID-19 want to retract their resignation?

On resignation, the furlough eligibility date has been bought forward to 19th March 2020.

The school can choose to retract a resignation however there is no duty on the employer to consider this request. When making the decision, the headteacher should consider if there is ongoing work for them to do, the stage they are at in the recruitment process and also their moral obligation due to the unprecedented circumstances.

## Expiry of temporary and fixed term contracts

The usual process should be followed in line with the school’s policy on ending temporary and fixed term contracts.

Therefore, when a temporary or fixed term contract is due to come to an end the headteacher should consider whether there are likely to be any vacancies for which the person employed on the temporary or fixed term contract might apply.  Employees continue to have the right to appeal the end of a fixed term contract.

## Will I continue to receive technical support with the HR portal?

Schools will continue to receive technical support with the HR portal if they buy into the services.

The schools HR Portal helpdesk is still open 8:30am - 4:30pm and is contactable via email only: [SHRSPortalhelpdesk@birmingham.gov.uk](mailto:SHRSPortalhelpdesk@birmingham.gov.uk)

## What is the position for a maintained school that does not buy into a HR Service?

During COVID-19 maintained schools are advised to follow guidance from BCC and to liaise with the external HR Service to ensure statutory guidance and funding agreements are adhered to.

Schools can continue to access the [Schools Noticeboard](https://www.birmingham.gov.uk/info/50035/updates_training_and_development/792/news_and_updates_for_schools_noticeboard) regardless of whether they buy into the HR service.

## What happens if employees are unable to work and other employees need to put in additional hours?

Increased sickness absence may create a need for other employees, if willing, to work longer hours to keep the School running. If this happens, you will need to comply with the Working Time Regulations 1998 to ensure appropriate length of working hours, night shifts and rest breaks.  Where it may be necessary to work over 48 hours (with the employees’ agreement) a Working Time Opt Out agreement should be signed.

## I have an employee on an all year around banked hours contract.  During this period how will banked hours be recorded and what is expected of the employee to maintain these banked hours.

Banked hours must be worked by employees.  If an employee has not banked enough hours to take the whole of the 13 school holiday weeks off, they will need to make themselves available to work during part of the school holidays.

If an employee is unable to make up the banked hours the alternative is to take unpaid leave.

An employee can make up the banked hours whilst working from home or when they are rota’d to attend the workplace. Please see [Section 3: Working from home](#_Who_should_work) for further guidance around work that can be done from home. All working hours should continue to be recorded.

## What happens if I need to close my school due to numbers?

If the decision needs to be made to close your school due to numbers or for any other reason, you would be required to contact School and Governors Support in the first instance.

Support for key workers is a government directive and therefore essential wherever possible. Schools should be liaising with each other on a collaborative approach to pool resources to ensure the continuation of the education provision.

## How do I monitor probation of a new employee?

For employees who are currently working through a probation period this will need to be reviewed. If employees are able to broadly continue to work, either in a frontline Critical/key worker position, or working from home, then probation should continue as normal. Where employees are unable to work, due to service closure, caring commitments or deployment elsewhere, then probation should be extended. This should be reviewed on a case by case basis; further support is available from your ER consultant.

## We have a lot of employees across a Federation who complete regular timesheets for additional hours payments, would they be entitled to any of this money over the next few months?

If an employee works a regular overtime pattern of hours they should be contracted for these hours. However, if an employee works a non-consistent pattern of hours, this should be projected into the future and paid accordingly.

See [Agency Workers and Casual Workers](#_Agency_Workers_&_1) for further guidance.

# **Recruitment**

## Can schools continue to recruit teaching and support staff during COVID-19 closures?

Yes, they can. It is important that schools have the workforce they need, and recruitment should continue where it is necessary and practical to do so, in line with social distancing guidelines. We trust schools to use their judgment on whether recruitment is needed and how this can best be done given the circumstances.

## How can schools recruit while social distancing is in place?

[Social distancing guidelines](https://www.gov.uk/government/publications/covid-19-guidance-on-social-distancing-and-for-vulnerable-people/guidance-on-social-distancing-for-everyone-in-the-uk-and-protecting-older-people-and-vulnerable-adults) will mean it is not possible for schools to hold face to face recruitment processes. Interviews should either happen remotely, for example, via an online video (such as Skype or Microsoft Teams etc.) via telephone interview or be delayed to a later date. Schools should also not be encouraging applicants to visit the school during this period. Schools will need to ensure that all employment laws are met and that applicants have equality of opportunity throughout the selection process. We trust schools to use their judgment in implementing this.

## Can schools continue to recruit headteachers during COVID-19 closures?

The recruitment of headteachers is a matter for individual schools and their governing bodies. Schools may wish to refer to the guidance issued by the [National Governance Association (NGA)](https://www.nga.org.uk/News/NGA-News/March-2020/Business-continuity-guidance-to-support-boards-thr.aspx) (see paragraph below) on how governing boards should recruit headteachers during coronavirus (COVID-19).

School closure has implications for governing boards which are currently undertaking the process of recruiting a head teacher for a September 2020 start (which requires the process to be completed before the scheduled end of the spring term). The extent of the risk that this poses to schools and their contingency options will vary. A risk assessment led by the chair carried out in consultation with board members and in maintained schools, the local authority will determine what arrangements should be made. This might involve completing the (suitably adjusted) process by holding virtual meetings or the option of making an interim appointment, therefore buying the governing board some time.

## Can we use COVID-19 as a reason to appoint on a fixed term contract?

Any fixed-term contract must be objectively justified and must be linked to specific reasons. Therefore, no, COVID-19 is not a justifiable reason to appoint on a fixed term basis.

For further details, check out the full guidance on [fixed term contracts](https://schoolshr.birmingham.gov.uk/irj/portal/hrservices/CC-S-TFTC).

## Will there be changes to the way pre-employment checks are carried out as a result of social distancing guidance?

When recruiting, schools must continue to adhere to the legal requirements regarding pre-appointment checks. We refer schools to part 3 of the statutory guidance [Keeping children safe in education](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2). Please note that the following temporary changes have been made to the DBS standard and enhanced ID checking guidance:

* ID documents to be viewed over video link
* 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 (the change came into effect from 19 March 2020)

## Conduct Right to Work Checks

As of 30 March 2020, Right to Work checks have been temporarily adjusted due to coronavirus (COVID-19). This is to make it easier for employers to carry them out.

Checks continue to be necessary and you must continue to check the prescribed documents listed in [right to work checks: an employer’s guide](https://www.gov.uk/government/collections/right-to-work-checks-employer-guidance). It remains an offence to knowingly employ anyone who does not have the right to work in the UK.

Until further notice, you can carry out checks via the following process:

* Ask the worker to submit a scanned copy or a photo of their original documents via email or using a mobile app
* Arrange a video call with the worker – ask them to hold up the original documents to the camera and check them against the digital copy of the documents
* Record the date you made the check and mark it as “adjusted check undertaken on [insert date] due to COVID-19”
* If the worker has a current Biometric Residence Permit or Biometric Residence Card or status under the EU Settlement Scheme you can use the [online right to work checking service](https://www.gov.uk/view-right-to-work) while doing a video call - the applicant must [give you permission to view their details](https://www.gov.uk/prove-right-to-work)

Because of COVID-19, some individuals may be unable to evidence their right to work. During this period, you must take extra care to ensure no-one is discriminated against as a job applicant or employee because they are unable to show you their documents.

To obtain a statutory excuse, retrospective checks must be carried out within 8 weeks of the temporary arrangements ending.

If you need any further advice or support, please contact us via email – [RightToWork@birmingham.gov.uk](mailto:RightToWork@birmingham.gov.uk) or you can read through full guidance – [COVID 19: Right to work checks](https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks?utm_source=5f32175f-2485-4217-aabb-c7bce637cda7&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate).

## Can schools retract offers of employment for new employees due to financial implications of COVID-19 closures?

We do not expect schools to rescind offers of employment for new teaching or support staff due to financial implications relating to coronavirus (COVID-19). Schools will continue to receive their budgets for the coming year as usual, regardless of any periods of partial or complete closure. This will ensure that they are able to continue to pay for staff and meet their other regular financial commitments.

## I have a person who is due to start with the school during COVID-19 period, am I obliged to honour this contract?

ACAS has advised that a contract of employment is formed and ‘starts’ as soon as an offer of employment is accepted, in return for consideration, such as pay/benefits. If a conditional offer is made, the employer will be entitled to withdraw the offer if the conditions are not met, without being in breach of contract. However, a contract is already formed when an unconditional offer is made and accepted or a conditional offer where all conditions have been met. To end the contract, notice will need to be given if contractual notice is due, but if statutory notice is all that you offer then no notice is due.

## Do we have to adhere to current resignation dates for teachers?

The Easter period and thereafter is typically a very busy time for school recruitment. In light of the current school closures, there may well be disruption to the recruitment and resignation processes for those schools governed by or using the Burgundy Book provisions; in particular the requirement for teachers to provide written notice by 31 May of their intention to leave a school’s employment by 31 August of any year. (*For head teachers the deadline to provide written notice is by 30 April of their intention to leave a school’s employment by 31 August of any year).*

The extent of the impact will vary from school to school and therefore we do not believe that there should be any changes to the notice periods. In this difficult period, there will need to be an element of flexibility all round. We would encourage schools to have a flexible response, if it appears that teachers and leaders are impacted by the COVID-19 pandemic and submit a resignation outside of the normal timeframe.

## If we are closed for 3 months, will current DBS certificates remain valid or will we need to renew for all employees?

Current DBS certificates will remain valid unless there were another reason for cause for concern. With most schools remaining open and employees working on a rota basis they are maintaining an appropriate level of contact.

## Do teachers and other school staff require new DBS checks to work in an alternative setting?

Where members of the school workforce are already engaging in regulated activity, and already have the appropriate DBS check, there is no expectation that a new DBS check should be obtained for them to temporarily move to another setting to support the care of children.

The type of setting on the DBS check for example, a specific category of school, is not a barrier. The receiving setting should risk assess as they would for a volunteer. See paragraphs 167 to 172 of [keeping children safe in education (KCSIE)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2).

Whilst the onus remains on schools to satisfy themselves that someone in their setting has had the required checks including, as required, those set out in part 3 of KCSIE, in the above scenario this can be achieved, if the receiving setting chooses to, via seeking assurance from the current employer rather than requiring new checks.

## How do we ensure we adhere to Safer recruitment?

It remains essential that people who are unsuitable are not allowed to enter the children’s workforce or gain access to children. If schools and colleges are recruiting new employees, they should continue to follow the relevant safer recruitment processes for their setting, including, as appropriate, relevant sections in part 3 of KCSIE. In response to COVID-19, the Disclosure and Barring Service (DBS) has made changes to its [guidance on standard and enhanced DBS ID checking](https://www.gov.uk/government/news/covid-19-changes-to-standard-and-enhanced-id-checking-guidelines) to minimise the need for face-to-face contact.

Where schools and colleges are utilising volunteers, they should continue to follow the checking and risk assessment process as set out in paragraphs 167 to 172 of KCSIE. Under no circumstances should a volunteer who has not been checked be left unsupervised or allowed to work in regulated activity.

Regarding members of the school or college workforce already engaging in regulated activity and who already have the appropriate DBS check, there is no expectation that a new DBS check should be obtained where that member of the workforce temporarily moves to another school or college to support the care of children. The type of setting on the DBS check, for example a specific category of school, is not a barrier. The same principle applies if childcare workers move to work temporarily in a school setting. The receiving institution should risk assess as they would for a volunteer (see above). Whilst the onus remains on schools and colleges to satisfy themselves that someone in their setting has had the required checks, including as required those set out in part 3 of KCSIE, in the above scenario this can be achieved, if the receiving institution chooses to, via seeking assurance from the current employer rather than requiring new checks.

Schools and colleges must continue to follow their legal duty to refer to the DBS anyone who has harmed or poses a risk of harm to a child or vulnerable adult. Full details can be found at paragraph 163 of KCSIE.

Schools and colleges should continue to consider and make referrals to the Teaching Regulation Agency (TRA) as per paragraph 166 of KCSIE and the TRA’s ‘[Teacher misconduct advice for making a referral](https://www.gov.uk/guidance/teacher-misconduct-referring-a-case). During the COVID-19 period all referrals should be made by emailing [Misconduct.Teacher@education.gov.uk](mailto:Misconduct.Teacher@education.gov.uk). All referrals received by the TRA will continue to be considered. Where referrals on serious safeguarding matters are received and it is deemed that there is a public interest in doing so consideration will be given as to whether an interim prohibition order (IPO) should be put in place. The TRA will continue to progress all cases but will not schedule any hearings at the current time.

Whilst acknowledging the challenge of the current environment, it is essential from a safeguarding perspective that any school or college is aware, on any given day, which employees/volunteers will be in the school or college, and that appropriate checks have been carried out, especially for anyone engaging in regulated activity. As such, schools and colleges must continue to keep the single central record (SCR) up to date as outlined in paragraphs 148 to 156 in KCSIE. The SCR can, if a school or college chooses, provide the means to log everyone that will be working or volunteering in a school or college on any given day, including any employees who may be on loan from other institutions. The SCR can also, if a school or college chooses, be used to log details of any risk assessments carried out on volunteers and employees on loan from elsewhere.

# **Learning & Development**

## What is the position on training events and development?

If social distancing rules can be observed, where possible training can continue in accordance with your school development plan.  Schools may also make use of online training for employees.

## What is the position for apprentices?

For those currently undertaking an apprenticeship, you will have already or will shortly receive communication from your training provider regarding measures being put in place to support you through your apprenticeship during these unprecedented times.

Fortunately, most of the apprenticeships are delivered remotely and this will continue as normal. Where there are normally face to face sessions, providers are working to now make these sessions virtual by Webinar or uploading online content for you to access. These measures will hopefully mitigate any disruption to the delivery of your apprenticeship.

If you do have any queries or concerns relating to your apprenticeship please email [apprenticeships@birmingham.gov.uk](mailto:apprenticeships@birmingham.gov.uk)

## Appraisals

An employee needs 6 months in post in order for an assessment to be made.

Schools on an April – March cycle will have nearly 12 months performance on which to appraise.  Schools should evaluate whether they are able to set objectives for the year ahead as some or all of the employees may not be working, but they should at least be able to close down the 2019/2020 appraisal year and record outcomes from April onwards.

Schools on a September – August cycle will, when it comes to appraisal in the Autumn, have had just over 6 months before we went into lockdown. This should be enough time for managers to make an assessment.  Employees may not have been able to complete all their objectives, but outcomes can be assessed on progress up to the point of lockdown.

Another option is for schools to review the objectives set and determine whether they are still appropriate or whether new ones should be set based on the new ways of operating.  This would only be fair if all support staff are still working in some capacity and therefore had equal opportunity to meet their objectives.

Further advice on Teachers appraisals will follow once the DfE/ LGA have issued guidance.

## Should appraisals and performance management processes continue for teachers during this period?

Yes, maintained schools must continue to adhere to the School Teachers Pay and Conditions Document, which includes the requirement to ensure that all pay progression for teachers is linked to performance management. However, the DfE expects 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, adjusting, if necessary, for expected trajectory had there been no closures.

## Will newly qualified teachers (NQTs) be able to complete their induction during the COVID-19 public health emergency if they have had to self-isolate or the school has closed?

Subject to parliamentary agreement, NQTs absent for reasons related to the current COVID-19 public health emergency will not have their induction period automatically extended.

Current absences totaling 30 days or more automatically extends induction by the aggregate number of days absent. However, it’s intended to amend the regulations to ensure that any absence related to the current COVID-19 outbreak, including school closures, sickness or self-isolation, will not count towards this limit. This means that NQTs who are currently undertaking statutory induction can complete their induction this academic year as expected, provided they meet the teachers’ standards. Further guidance for newly qualified teachers can be found [here](https://www.gov.uk/government/publications/coronavirus-covid-19-induction-for-newly-qualified-teachers?utm_source=8e982ef5-aebf-44e1-a135-ddfd87b35dad&utm_medium=email&utm_campaign=govuk-notifications&utm_content=daily).

# **Volunteering**

## What is the position if an employee wishes to volunteer to support the NHS?

There is now the facility to record the release of employees for Emergency volunteering leave. This is an unpaid leave type.

If employees wish to volunteer to support the NHS, they should initially consult with the headteacher. The priority is to ensure that the school continues to remain open and therefore it may not be possible to release employees from roles that are critical to the school.

# **Agency Workers & Casual Workers**

## Am I still obligated to pay the salary of an agency worker if the school closes and the agency worker is not required to work in any capacity during the period of the closure?

The Agency Worker Regulations 2010 set out the rights that an agency worker has. An agency worker becomes entitled to many of “the same basic working and employment conditions" as they would have been entitled to for doing the same job if they had been employed directly by the school after the agency worker has completed a qualifying 12-week period. The agency worker will only qualify for these rights once they have undertaken the same role, whether on one or more assignments, with the same hirer for 12 continuous calendar weeks. However, these rights do not amount to full employment protection rights.

**If the school has closed and is continuing make salary payments to employees doing broadly the same work as the agency workers, then the agency workers may well also be entitled to their salary for as long as their assignment is continuing**. While the individual circumstances of such a situation would need to be reviewed, there is a risk that the school could be found to have breached the agency worker’s right to equal treatment if they refuse to pay the agency worker’s salary.

## Maintaining the assignment of an agency worker

If the school does not wish to terminate the agency worker’s assignment, and instead wishes for the agency worker to remain idle on the assignment while the school is closed, **then there is a risk that the school will be obligated to pay the agency worker’s salary or it could be in breach of the Agency Worker Regulations**. Any agency worker who has completed the qualifying period will be entitled to the same basic working and employment conditions, such as basic pay, as an employee would receive. It should be noted the right to the same basic employment conditions does not extend to Occupational Sick Pay, however, it does include salary.

## Do I continue to pay an agency worker who is on an open-ended contract i.e. teaching assistant who has been working 5 days per week for the last 2 months but with no end date?

DfE guidance states that an agency worker should be paid from the school budget if the role were to have continued. No existing contract should be ended as a result of the COVID-19 situation.

In this situation you should establish whether the contract would have continued had the school been open as usual, in which case you should continue to pay the agency work and include them on the rota and direct them to work at home wherever possible.

However, if you can demonstrate that had it not been for COVID-19, you would not have continued with the engagement of the agency worker then ending the contract can be considered.

Where an interim contract was already due to end (such as at Easter, maternity leave, sickness or funding), there is no obligation to extend or renew.

Similarly, where existing arrangements were/are very ‘ad-hoc’, (i.e. historically involving only sporadic days of work with no discernible pattern to the engagement) then that flexibility can continue and engage the worker as and when required.   Overall, we believe this approach to be in keeping with the Contingency Workers Directive and generally to maintain the engagement of the agency worker currently assigned with the school.

When making a decision to end an assignment, it is advised that you examine your contractual agreements (and any related documents) in order to determine the status, nature and/or level of any obligations therein. A link to the PPN (Supply Contract) is provided for your information <https://www.gov.uk/government/publications/procurement-policy-note-0220-supplier-relief-due-to-covid-19>.

**Further details can be found in correspondence sent to schools - ‘Supply Teachers and Agency Staff during long-term School Closures’ dated 14th March 2020.**

## Casual Workers

Long serving casual employees that have worked regular hours may be eligible for SSP (where absent due to sickness).

There is an expectation that employees will continue to be paid as normal, as there are no changes to budgeting arrangements. The use of casual staff is of course one of resourcing strategy schools can use to mitigate any gaps in service capacity – these gaps may be planned (e.g. exam invigilation) or unplanned (e.g. to cover for another employee). It is therefore difficult to assess what use of casual staff would be considered as “normal”. There will be areas where national guidance cannot replace local discretion.

However, the guidance suggests that in general terms, payments should be made for planned or reasonably expected use of casual staff.

There may be a variety of working patterns that casual staff may be utilised for and as such have an impact on by schools, a few examples include:

Example 1: the employee has worked for the school regularly in the recent past, and if there were not a pandemic would expect to continue to be engaged on that same basis going forward.

Example 2: the employee has worked irregularly in the recent past, and it is therefore difficult to predict what need there would be for this role if there were no pandemic.

Example 3: the employee has been “recruited” to carry out a piece of bespoke work in the summer term, e.g. an exam invigilator. This is a piece of work that the school has planned and budgeted for, and in the absence of the pandemic would be considered as business as usual.

These are all examples of work that would generally be needed by the school and therefore the government guidance is clear that they should continue to be paid. However, what is less definitive is the method by which an employer would calculate the pay. There are a number of options that may be considered, and it is recommended that a policy is drawn up to ensure that a clear and consistent position is taken.

# **Preparing for the wider opening of schools from the 1 June 2020**

Your staffing picture may change so you should update your audit frequently. Ask staff to update you immediately if their situation changes as you will need to base decisions on your most recent staff availability audit.

## What to consider when working out staff ratios

1. How many staff do you have available to work in school?
2. How many teachers do you have available to work in school?
3. How many support staff including teaching assistants do you have available for work in school?
4. Do you have a head or deputy available for work in school?
5. Do you have at least one person with paediatric first aid training available for work in school?
6. Do you have at least one person with up to date Designated Safeguarding Lead (DSL) training available to work in school?
7. Do you have your special educational needs coordinator available for work, or an alternative staff member who could take on this role?
8. Do you have a caretaker and/or cleaning staff, and if necessary at least one office staff member available during the school day?

## If your school is struggling with a shortfall in staffing

Government guidance states that if you do not have the staff available to be able to cover all the new teaching groups you have created, and this may be more likely for infant schools, you will need to consider possible solutions with your local authority and/or trust.

Possible approaches to managing a shortfall in staffing include:

* bringing additional teachers in to help, who may be supply teachers, teachers on temporary agreed loan from other schools, or teachers provided by your trust or local authority (considering the guidance in [section 2](https://www.gov.uk/government/publications/preparing-for-the-wider-opening-of-schools-from-1-june/planning-guide-for-primary-schools#reviewing-your-staff-for-availability-in-school) about consistent staffing across the week)
* asking suitably experienced teaching assistants who are willing to do so to work with groups under the supervision of a teacher
* using some senior leadership time to cover groups, although you should as headteacher consider your own workload and that of your senior colleagues to make sure this is manageable and you have sufficient leadership time remaining

## Communicating with staff

Undertake an online staff meeting before wider opening from the week commencing 1 June, to take staff through arrangements if possible.

Ensure you or senior colleagues are free to be present around the school especially during the early part of wider opening. Staff and pupils may require additional support and reassurance, and you will be more easily available to pick up on any issues or problems.

Arrange regular opportunities to get feedback from staff on the new arrangements.

# **External Resources**

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| **Key resources** |
| **NHS**  <https://www.nhs.uk/conditions/coronavirus-covid-19/>  The latest Coronavirus (COVID-19) advice and guidance from the NHS |
| **GOV.UK**  <https://www.gov.uk/coronavirus>  The latest Coronavirus (COVID-19) advice and guidance from the Government |
| **Public Health England (PHE):**  <https://www.gov.uk/government/collections/coronavirus-covid-19-list-of-guidance>  The latest Coronavirus (COVID-19) advice and guidance from Public Health England (PHE) |
| **Coronavirus (COVID-19) Dashboard:**  <https://www.arcgis.com/apps/opsdashboard/index.html#/f94c3c90da5b4e9f9a0b19484dd4bb14>  Public Health England (PHE) Dashboard of total UK Coronavirus (COVID-19) Cases |
| **Education and Skills** |
| [Coronavirus (COVID-19): Actions for Education and Childcare settings to prepare for wider opening from 1st June 2020](https://www.gov.uk/government/publications/actions-for-educational-and-childcare-settings-to-prepare-for-wider-opening-from-1-june-2020/actions-for-education-and-childcare-settings-to-prepare-for-wider-opening-from-1-june-2020) |
| [Coronavirus (COVID-19): Implementing protective measures in Education and Childcare settings](https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings) |
| [Coronavirus (COVID-19): What parents and carers need to know about Education settings during the Coronavirus Outbreak](https://www.gov.uk/government/publications/closure-of-educational-settings-information-for-parents-and-carers?utm_source=74ef5a4f-b554-4e00-bbcd-ea480fbc27ab&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Coronavirus (COVID-19): guidance for schools and other educational settings](https://www.gov.uk/government/collections/coronavirus-covid-19-guidance-for-schools-and-other-educational-settings?utm_source=a757c9f0-b943-4dd3-a083-461809c23e49&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Coronavirus (COVID-19): school closures](https://www.gov.uk/government/publications/covid-19-school-closures?utm_source=71ace68d-1234-4f2d-87ca-5307ff4561e5&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Coronavirus (COVID-19): financial support for schools](https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-schools?utm_source=f6b8b5c4-3c94-4bf5-86b9-240234881d6c&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Coronavirus (COVID-19): apprenticeship programme response](https://www.gov.uk/government/publications/coronavirus-covid-19-apprenticeship-programme-response?utm_source=b587beaa-325b-4a33-8b5b-9665a7d3f6d4&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [GCSEs, AS and A level awarding: summer 2020](https://www.gov.uk/government/publications/gcses-as-and-a-level-awarding-summer-2020?utm_source=55e334d1-aba8-4b4b-8142-0b90f1006770&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Guidance for further education providers](https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-further-education-provision?utm_source=c660d8c3-87f2-4656-8ed0-b20235a62eea&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Coronavirus (COVID-19): free school meals guidance for schools](https://www.gov.uk/government/news/voucher-scheme-launches-for-schools-providing-free-school-meals) |
| [Guidance for schools and other educational settings](https://www.gov.uk/government/publications/guidance-to-educational-settings-about-covid-19?utm_source=73156638-93f5-438d-b600-bee222bc7493&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Guidance on vulnerable children and young people](https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people?utm_source=62ad7c10-fa33-4187-972d-85e99181e619&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Guidance on early years settings and childcare closures](https://www.gov.uk/government/publications/coronavirus-covid-19-early-years-and-childcare-closures?utm_source=15c485c0-7444-42c1-937d-6927af3f94b4&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Isolation guidance for residential educational settings](https://www.gov.uk/government/news/isolation-guidance-for-residential-educational-settings?utm_source=d578eb2b-ddfc-4a6c-92b4-227958612997&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Implementing social distancing in education and childcare settings](https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-social-distancing-in-education-and-childcare-settings?utm_source=380d162d-e45d-4e57-b5f6-95cfafce29a9&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
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| [Coronavirus (COVID-19): induction for newly qualified teachers](https://www.gov.uk/government/publications/coronavirus-covid-19-induction-for-newly-qualified-teachers?utm_source=9a575313-502e-4aa1-913a-c98191696921&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Opening schools for more children and young people: initial planning framework for schools in England](https://www.gov.uk/government/publications/actions-for-educational-and-childcare-settings-to-prepare-for-wider-opening-from-1-june-2020/opening-schools-for-more-children-and-young-people-initial-planning-framework-for-schools-in-england) |
| [Preparing for the wider opening of schools from 1 June](https://www.gov.uk/government/publications/preparing-for-the-wider-opening-of-schools-from-1-june?utm_source=91737d92-b868-4b52-a314-d1bd0fa76ba5&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) |
| [Safe working in education, childcare and children’s social care settings, including the use of personal protective equipment (PPE)](https://www.gov.uk/government/publications/safe-working-in-education-childcare-and-childrens-social-care/safe-working-in-education-childcare-and-childrens-social-care-settings-including-the-use-of-personal-protective-equipment-ppe) |
| [Stay at home: guidance for households with possible coronavirus (COVID-19) infection](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection) |
| [Working safely during coronavirus (COVID-19)](https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19) |
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