



North Yorkshire LG Branch

BY EMAIL
To all Head Teachers
All North Yorkshire schools and
Academies

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Dear Colleague,

I am writing to all our Head Teacher colleagues at schools and academies across North Yorkshire following recent government announcements and the statement issued by the joint education trade unions yesterday.

Can I start by extending good wishes to you and the whole school community. I know that these are very challenging times, I can only imagine the pressures you will have faced as a school leader in recent weeks. Contrary to media reports, the trade unions (including the National Association of Head Teachers) all recognise that the best outcome for our children is for schools to be able to return to normal as quickly as possible. The trade union statement yesterday calls on the government to engage with us so we can make sure that our schools are as safe as they can be.

Joint Trade Union Statement

The joint trade unions have set out five tests. We believe that until these tests are met, it will not be safe to increase the number of children at school.

1. No increase in pupil numbers until full rollout of a national test and trace scheme.
2. A national Covid-19 education taskforce with government, unions and education stakeholders to agree statutory guidance for safe reopening of schools.
3. Consideration of the specific needs of vulnerable students and families facing economic disadvantage.
4. Additional resources for enhanced school cleaning, PPE and risk assessments.
5. Local autonomy to close schools where testing indicates clusters of new Covid-19 cases.

Our advice to our members

In recognition of our excellent industrial relations in North Yorkshire we have sent a message to all our school members advising them to explain to you why they can't engage with planning at this stage (i.e. you and us need more information from the DfE and the local authority). For example, we haven't yet been involved with any risk assessments. I wanted to reassure you that our members, your staff, are not being obstructive. They are following their union advice to make sure the safety implications are fully assessed first.

Advice to Head Teachers

We note also the advice from the NAHT to Head Teachers which states:

- The proposals, as they currently stand, are likely to prove impractical and unworkable in most schools
- 70% of NAHT members think it is not feasible to welcome back pupils in R, Y1 and Y6, and 97% felt it would be unfeasible to welcome back all primary year groups for a month before the summer holiday)
- The government has failed to secure the confidence of either parents or professionals.
- School leaders are best placed to make the detailed decisions regarding the safety of their schools and have the ultimately responsibility and duty to ensure that individual schools can operate in a safe manner.
- It may not be possible to bring back all the children the government has indicated from 1 June.
- Where staff are advised not to engage in planning for a return, this should be recorded in the risk assessment.

If you personally are a member of a trade union or professional association, I am sure you will be getting lots of helpful advice from them about the rights and responsibilities you have when deciding whether to increase the number of children at school. I think it is also helpful to share with you the advice we are highlighting to our members:

- The **Personal Protective Equipment at Work Regulations 1992** require employers to provide suitable PPE.
- The **Workplace (Health, Safety & Welfare) Regulations 1992** require employers to keep workplaces sufficiently clean and that washing facilities are readily available.
- The **Management of Health & Safety At Work Regulations 1999** require employers to actively make suitable and sufficient risk assessments to identify the measures needed to comply with the laws referenced above. Risk assessments must correctly and accurately identify hazards, determine the likelihood of injury or harm, identify any specific legal duty relating to the hazards, be valid for a specified period of time, and enable decision to be made about control measures. They must also

identify groups of workers who may be at particular risk, such as (in the case of Covid-19) older workers, or pregnant women.

- The 1999 regulations also require employers to implement protective and preventative occupational safety measures through a hierarchy of prevention and control which begins with avoiding the risk altogether and evaluating any risks that cannot be avoided.
- Breach of all the above is a criminal offence on the part of the employer, but also on any other responsible person (such as manager, or Head Teacher) according to the **Health & Safety at Work Act 1974**.
- Ultimately, **sections 44 and 100 of the Employment Rights Act 1996** provide employees with the right to leave a workplace without suffering detriment if they believe there is a serious and imminent threat to their health and safety.

Pregnant women

80% of our members are women, so the impact on women and pregnant women in particular is a concern for us. Our view is that pregnant women are defined as being in the 'vulnerable' category in terms of the risk associated with Covid-19. Therefore, unless social distancing can be maintained in the workplace (unlikely in a school), EITHER alternative work should be found, or those women should be placed on full-pay maternity suspension (which is a statutory requirement).

Health Surveillance

We have been contacted by members who have advised that they have been asked to complete questionnaires about their own health and potential susceptibility to Covid-19. Whilst we fully understand why they are being asked to do this, and that the data will help inform decisions about increasing the number of pupils in school, we advise caution. This is very sensitive personal data and you must ensure that the data is treated confidentially, stored securely and disposed of when not needed. It might be advisable to make it expressly clear to staff when collecting the data how it will be stored and for how long, or to take advice from your governance advisor/team about the data protection implications.

We are meeting with our local authority colleagues tomorrow (15 May) along with the other trade unions where we hope to be able to make progress regarding risk assessments in particular.

Thank you for taking the time to read this letter. I hope that you will receive this in the spirit intended. Please be assured that we share the aim of returning children to school, but only when it is safe to do so. We know that this has been thrust upon you at short notice, and without adequate resources and support. We look forward to working with you, the local authority and our Academy Trusts in the coming days, weeks and months.

With very best wishes to you, your family and colleagues at this challenging time.

Yours sincerely,

WR. Nichols.

Wendy Nichols
Branch Secretary