



# **HR CORONAVIRUS FAQs**

## **Guidance for headteachers in schools and educational settings during the coronavirus pandemic - 31st March 2021**

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## **Business Continuity**

All service Headteachers are asked to review their Business Continuity Plans with an emphasis on suffering a loss of teaching/support staff and how they will maintain the delivery of critical activities.

**This guidance applies to all schools and educational settings (maintained, community, voluntary aided, academies and free schools) and will support Headteachers to handle potential teaching/support staffing matters that may arise due to the coronavirus from 8th March.**

**The relevant guidance is:**

**Government guidance:** [Schools coronavirus \(COVID - 19\) operational guidance](#)

**Local guidance:** [Reopening and restarting - Guidance for schools March 2021](#)

**Additional guidance:**

- **Full list of guidance:** [Guidance for schools: coronavirus \(COVID-19\)](#)
- **Day to day running of a school:**
  - [Coronavirus: Education and childcare](#)
  - [Contingency Framework: education and childcare settings \(excluding universities\)](#)
  - [Special schools and other specialist settings: coronavirus \(COVID-19\)](#)
- **Early years and childcare:**
  - [Early years and childcare: coronavirus \(COVID-19\)](#)
  - [Guidance for early years and childcare providers](#)
- **Safe working and protective measures:**
  - [Face coverings in education](#)
  - [Coronavirus \(COVID-19\): home test kits for schools and FE providers](#)
  - [Safe working in education, childcare and children's social care](#)
  - [Coronavirus \(COVID-19\): safe travel guidance for passengers](#)

Please ensure that all teaching/support staff are kept informed of the latest government advice through school staff communications. All teaching/support staff must read and comply with that guidance.

A list of questions covered in this document is below. It is advisable to read and understand all of the guidance. However, if you quickly need to refer to a specific answer, click on the question or heading below to jump to that section:

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## Health Guidance

### 1. What are the symptoms of coronavirus?

The symptoms of the coronavirus are:

- A high temperature.
- A new, continuous cough.
- Loss or change of sense of smell or taste (anosmia).

**Note:** These symptoms do not necessarily mean someone has the illness.

The NHS have set out further details of symptoms here: [Symptoms of coronavirus](#).

Staff can also check their symptoms online using the [111 online coronavirus service](#). Please also see the guidance on testing (Question 9).

### 2. Who should self-isolate?

If a teacher or support staff has been diagnosed as having or is displaying symptoms of coronavirus, please refer them to government guidance on **staying at home**. The main messages are:

- Anyone with COVID-19 [symptoms](#) or a positive test result must stay at home for the full isolation period. This is because they could pass it on to others, even if they don't have symptoms.
- It may be difficult for some people to separate themselves from others in their household. Not all these measures will be possible if you are living with children or have caring responsibilities but follow this guidance to the best of your ability in these circumstances.

Teaching/support staff do not need to go to a GP surgery, pharmacy or hospital. They do not need to contact 111 to tell them that they are staying at home.

Staff should **only** use the [NHS 111 online coronavirus service](#) if they are:

- worried about their symptoms
  - unsure what to do
- Test and trace

### 3. What is the NHS test and trace?

The NHS test and trace service:

- ensures that anyone who develops symptoms of coronavirus (COVID-19) can be tested to find out if they have the virus.
- helps trace close recent contacts of anyone who tests positive for coronavirus. If necessary, it will also notify them that they must self-isolate at home to help stop the spread of the virus.

[Government guidance](#) and [NHS guidance](#) is available for staff who have symptoms or a tested positive or where a member of their household or support bubble has symptoms or tested positive.

[Government guidance](#) and [NHS guidance](#) where a member of staff has been told they are a contact of someone who has tested positive for COVID-19.

From 28 September, people in England are required by law to self-isolate if they test positive or are contacted by NHS Test and Trace.

(Please note that this does not change any of the guidance and procedures that have already been shared with schools and settings, and this duty only applies to people who test positive or are contacted by NHS Test & Trace).

This is only likely to happen if people have had contact with someone who later tests positive for COVID-19. Contact is defined on page 5 of the [Standard Operating Procedure](#).

Contact in an educational setting is most likely to fall within the definitions outlined below.

- A person who has had face-to-face contact (within one metre), with someone who has tested positive for COVID-19, including:
  - being coughed on
  - having a face-to-face conversation within one metre
  - having skin-to-skin physical contact, or
  - contact within one metre for one minute or longer without face-to-face contact
- A person who has been within 2 metres of someone who has tested positive for COVID-19 for more than 15 minutes

Please remember to refer to the [Standard Operating Procedure](#) and [DfE Guidance](#) for education settings.

#### 4. What are the categories of vulnerable groups?

- **Clinically extremely vulnerable:** People who are defined clinically extremely vulnerable as they are thought to be at very high risk of serious illness from coronavirus. Further guidance is available [here](#).
- **Clinically vulnerable:** People considered to be at higher risk of severe illness from COVID-19 including people over 70, those with liver disease or diabetes, pregnant women and others. Further guidance is available [here](#).
- **Vulnerable (non-clinical):** Children at risk of abuse or with SEN, women at risk of domestic violence. This group follows general guidance unless also clinically or extremely vulnerable. Further guidance on supporting vulnerable or young people can be found [here](#). Further support for staff who may be experiencing domestic violence can be found in our [Coronavirus Wellbeing Guidance for School Staff](#) on the Services for School website.

Please refer to the Working arrangements guidance for further information.

**5. A member of staff has a medical condition that isn't listed in the guidance. What should they do?**

It is recommended that the staff member gets a letter from their GP outlining the nature of the medical condition/other risk factors and stating any considerations to be made due to COVID-19. The Headteacher can then make a decision regarding working arrangements for the individual.

**6. What are the appropriate steps if someone becomes unwell at work?**

Please refer to Hackney's [Schools & Education Settings Standard Operating Practice \(SOP\)](#) for information, advice and guidance about managing suspected and confirmed cases of COVID-19 in your school or setting.

In addition, if you have a specific COVID-19 related query, please contact Hackney's Public Health team by email at [testandtrace@hackney.gov.uk](mailto:testandtrace@hackney.gov.uk).

**7. What are the instructions for households who need to isolate prior to surgery or day surgery?**

The NHS has instructed that anyone who is due to go into hospital as an in-patient (including day surgery) for planned or elective surgery / medical care may need to self-isolate and/or take a test, along with all members of their household, prior to admission. The hospital will inform the member of staff of what they need to do

Unless already on sick pay, all employees should remain on normal full pay for the duration of the self-isolation period. Those who can work from home (either in their own role or on alternative duties), should do so. It may be the case that dates scheduled for hospital admission get deferred, resulting in a further period of self-isolation being required, but this may be something that headteachers will need to accommodate as a consequence of the current situation.

The school employee will need to provide a copy of the letter that the NHS hospital has sent to the household member detailing the surgery as proof so that they can continue to receive full pay.

**8. Can an Occupational Health Service be used to inform decisions related to the Covid-19?**

Headteachers should be assessing the level of risk posed by COVID-19 to individual employees using the COVID-19 vulnerabilities risk assessment and use this to inform discussions with the individual.

Advice can be sought from the school's Occupational Health provider if required. Employees cannot call the Occupational Health Service for advice themselves. If they need **medical** advice they should contact their GP or NHS 111.



## Testing

### 9. What are the arrangements for testing staff?

School staff will be able to test twice weekly at home using rapid lateral flow coronavirus (COVID-19) tests with the intention of identifying staff who may have the coronavirus but are not displaying symptoms. Further guidance is available [here](#).

For full guidance about the new testing arrangements, including information on funding and delivery arrangements, please refer to the [rapid testing sharing platform](#). On this platform you will find three coloured handbooks:

- Orange – why and when you should do testing, as well as the funding available
- Green – how to set up testing on-site at your school or college
- Blue – how to transition your staff to testing at home

### 10. Is it mandatory for staff to participate in asymptomatic testing?

Headteachers cannot insist on staff taking tests. However to stop the spread of the virus, all school staff are strongly encouraged to participate in asymptomatic testing. If a member of staff refuses or is reluctant to participate in asymptomatic testing, Headteachers should have a discussion with them to understand and address any concerns they may have.

### 11. Do third party contractors have to be part of the lateral flow testing within schools?

Third party contractors are also strongly encouraged to participate in lateral flow tests to prevent the spread of COVID-19. We advise Headteachers and Business Managers to have discussions with all contractors who work in their schools about lateral flow testing arrangements.

All parties working in the school are strongly encouraged to cooperate with this process.

### 12. What if a member of staff develops symptoms?

If any member of staff develops COVID-19 symptoms, they should immediately self-isolate and book a PCR test asap. Tests can be booked [online here](#) or by calling 119.

There are three different ways to get tested.

1. **Home testing:** Home test kits can be delivered to someone's door so they can test themselves and their family without leaving the house.

#### **Employer referrals**

Schools can [refer](#) school staff for testing if they are self-isolating because either they or member(s) of their household have coronavirus symptoms.

To get a login to the employer referral portal, schools should email [portalservicedesk@dhsc.gov.uk](mailto:portalservicedesk@dhsc.gov.uk) with the following information:

- organisation name
- nature of the organisation's business
- region
- names (where possible) and email addresses of the 2 users who will load essential worker contact details

Once the school's details have been verified, 2 login credentials will be provided for the employer referral portal.

2. **Mobile testing:** Mobile testing sites are being set up across London. Those eligible can book a test directly through the Government self-referral [form](#).
3. **Regional testing sites:** Those eligible can book a test directly through the Government self-referral [form](#).

### COVID-19 test sites in Hackney and how to access them

In Hackney there are a number of testing sites:

- Dalston, Bentley Road Car Park, N1 4BZ (open 7 days a week 8am-8pm)
- Hackney Central, Mare Street, E9 6ND (open 7 days a week 8am-8pm)
- Stamford Hill, Yesodey Hatorah School, Egerton Rd, N16 6UB
- Homerton, Hackney Marshes Centre, E9 5PF
- Stamford Hill, Sandford Court, Bethune Road, N16 5B

There are also 2 testing centres nearby that residents can use:

- Stamford Hill Primary Nursery Berkeley Rd, Haringey N15 6HD (7 days 8am-8pm)
- GuildHall Yard, City of London, EC2V 5AA (7 days 8am-8pm)

**13. A member of staff is showing COVID-19 symptoms and self isolates. You have asked them to take a test as you need to make an informed decision about notifying the bubble that they belong to, but they refuse. What can I do?**

[Government guidance](#) requires anyone with Covid-19 symptoms to arrange a test. You should inform them that you have a duty of care to all employees and children within the school and that this is a reasonable management request. You should reassure them that anything that they share with you will be kept in the strictest confidence. If they still fail to do this, advise that they cannot return to work until a test has been taken or within at least 10 days from when the school became aware the member of staff was showing symptoms, and during that time they may not be paid. Please speak to your HR Business Partner/Advisor for further advice.

**14. Can we ask a member of staff to provide evidence of having a COVID-19 test?**

Yes, this a reasonable management request. As the Headteacher you have a duty of care to the employees and children in your care.

## Vaccinations

### 15. If a member is unwell after having the coronavirus vaccination, how should any sickness absence be recorded?

The government has created guidance on [What to expect after your COVID-19 vaccination](#). Although feeling feverish is not uncommon for 2 to 3 days, a high temperature is unusual and may indicate the member of staff has COVID-19 or another infection. If a member of staff has a high temperature or is concerned they are experiencing other symptoms of COVID-19, they must self isolate and arrange for a PCR test.

If a member of staff becomes unwell, following receiving a coronavirus vaccination and is unable to attend work, this sickness absence should be recorded as Covid-19 Sickness.

If a member of staff is concerned or their symptoms get worse, they should call 111.

## Working Guidance

### 16. What does COVID-secure workplace mean?

A COVID-secure workplace would mean that the school has a whole school risk assessment in place that considers every element of school life, which is reviewed regularly. This would include implementing additional hygiene procedures, ensuring PPE is provided where applicable and to maintain social distancing wherever possible. This is the expectation for all staff but for the most vulnerable, stringent measures must be exercised ensuring a safe place to work whenever possible.

There is specific guidance for education and childcare settings available [here](#).

### . 17. What is the current guidance on the National lockdown from?

The government has published the '[COVID-19 Response - Spring 2021](#)', setting out the roadmap out of the current lockdown for England.

Some of the rules have changed from the 29th March, further details are available [here](#).

### 18. What are the guidelines for working arrangements for schools ?

The guidance relating schools operating during the coronavirus pandemic is:

**Government guidance:** [Schools coronavirus \(COVID - 19\) operational guidance](#)

**Local guidance:** [Reopening and restarting - Guidance for schools March 2021](#)

Headteachers must do everything possible to protect those staff in vital roles by reviewing their risk assessments and implementing appropriate control measures outlined in the [Schools coronavirus](#)

[\(COVID-10\) operational guidance](#) and [safe working in education, childcare and children's social care](#) guidance.

To prepare for the reopening of schools from 8th March, school must:

- review and where necessary, update school risk assessments
- make sure they are following the system of controls to minimise the risk of infection, including a plan for asymptomatic testing.
- have a contingency plan in place for outbreaks in your school or changes in restrictions

In order to minimise the number of individuals on school premises, headteachers may be able to consider some staff carrying out all or some of their duties whilst working from home, if their role allows for this, such as administration roles.

There is specific guidance for **clinically extremely vulnerable staff** and **clinically vulnerable staff** below (see Questions 21 and 22).

Any teaching/support staff who are displaying possible coronavirus symptoms should be sent home immediately and should make arrangements to be tested within the first 5 days of when the symptoms began (see Question 6). Further guidance is available [here](#).

### 19. Can staff work across bubbles a) within schools or b) between schools?

#### a) Working across bubbles within schools

According to the government guidance: [Schools coronavirus \(COVID-10\) operational guidance](#)

**[System of controls](#): Section 6: Minimise contact between individuals and maintain social distancing wherever possible: How to group pupils:**

*All teachers and other staff can operate across different classes and year groups to facilitate the delivery of the timetable and specialist provision. Where staff need to move between groups, they should try and keep their distance from pupils and other staff as much as they can, ideally 2 metres from other adults. Try to minimise the number of interactions or changes wherever possible.*

#### b) Working across bubbles between schools

**[System of controls](#): Section 6: Minimise contact between individuals and maintain social distancing wherever possible: Other considerations** states that:

*'Specialists, therapists, clinicians and other support staff for pupils with SEND should provide interventions as usual. They, as well as supply teachers, peripatetic teachers or other temporary staff, can move between settings. They should ensure they minimise contact and maintain as much distance as possible from other staff. Such specialists will be aware of the PPE most appropriate for their role.'*

In both these situations, Hackney Education advises that staff working across bubbles is kept to a minimum and only where alternative methods cannot be used e.g. virtually. Where staff are required to work across bubbles, they should maintain social distancing wherever possible.

Further guidance on Hackney Education staff and other stakeholders visiting schools and early years settings is available [here](#).

## Individual working arrangements

### 20. Which staff should complete a COVID-19 vulnerabilities risk assessment?

**It is recommended that the COVID-19 vulnerabilities risk assessments are carried out for all staff and are regularly reviewed, particularly where the individual's assessment is critical or high risk or the staff member's circumstances change or where guidance or new restrictions come into place from the government.**

Schools have a duty under health and safety law to assess risks to staff in their workplace. Further guidance on Health and safety risk assessments for schools in relation to COVID-19 is available [here](#).

In order to ensure schools have complied with their legal obligations to protect staff, it is recommended that in addition to a whole school risk assessment, schools should carry out a [COVID-19 vulnerabilities risk assessment](#) with all members of staff to ensure that any risks on an individual basis are identified. These risk assessments should be carried out with staff who have been identified as clinically extremely vulnerable or clinically vulnerable as a priority.

Where a risk assessment identifies the member of staff is at increased risk, the school and the member of staff should discuss measures the school has put in place to reduce these risks and consider any additional measures that could be put into place e.g. working from home or looking at alternative duties. Headteachers should try as practically possible to accommodate additional measures, where appropriate.

### 21. What are the current working guidelines for staff who are clinically extremely vulnerable?

#### **Shielding**

**Shielding advice is being paused nationally from 31 March. From 1 April, CEV individuals are no longer advised to shield but must continue to follow the rules in place for everyone under the current national restrictions. Staff in schools who are CEV will be advised to continue to work from home where possible, but if they cannot work from home should attend their workplace.**

**Staff who are identified as clinically extremely vulnerable should follow the published [guidance](#).**

Hackney Education are advising that:

- Following the pausing of shielding after 31st March, Headteachers should arrange individual discussions with the CEV staff to review their vulnerabilities risk assessment, including their role, in order to make an assessment about next steps, taking into account, the following:
- CEV staff should continue to be supported to work from home, where possible.
- If it is not possible for a member of staff who is CEV to work from home in their current role, headteachers should explore any possible options for the member of staff to carry out an alternative role or duties, which will allow them to work from home.
- If this is not possible, staff can attend the workplace and should follow good prevention practice in line with the school's [systems of controls](#).

Please contact your HR Business Partner or Advisor, if you need to discuss any individual cases.

**We recommended that those who are most vulnerable have their vulnerability risk assessments reviewed to determine whether any changes need to be considered.**

Please see Question 26 for further details on how to support staff that are at home.

## 22. What are the working guidelines for staff who are clinically vulnerable?

The Government guidance, [Schools coronavirus \(COVID-19\) operational guidance](#) states that: 'CV staff can continue to attend school. While in school they must follow the [system of controls](#) to minimise the risks of transmission

Hackney Education recommends that headteachers should consider accommodating where possible, working from home for staff who are clinically vulnerable (including those who are pregnant).

If the member of staff cannot work from home, the headteacher should consider if the member of staff can take on alternative duties which would allow them to work from home. If neither of these options are available, the headteachers must review the risk assessment for the member of staff to make a determination if they can attend work. If it is decided that they can attend work, they must follow the sector-specific measures as outlined in the [Schools coronavirus \(COVID-19\) operational guidance](#) to minimise the risks of transmission.

They should be offered the safest available on-site roles, staying 2 metres away from others wherever possible, though we recognise that this may not always be possible in special schools and early years settings. The individual may choose to take on a role that does not allow for this distance if they prefer to do so, but if they have to spend time within 2 metres of others, settings must carefully assess and discuss with them whether this involves an acceptable level of risk to the individual.

**Pregnant employees:** The government guidance on [Schools coronavirus \(COVID-19\) operational guidance](#) provides guidance on staff who are pregnant.

There is further guidance: [Coronavirus \(COVID-19\): advice for pregnant employees](#).

COVID-19 vaccination: a guide for women of childbearing age, pregnant or breastfeeding contains vaccination advice.

Schools should carry out a [risk assessment](#) for pregnant staff in line with the Management of Health and Safety Regulations at Work Regulations (1999).

Read more [guidance and advice on coronavirus \(COVID-19\) and pregnancy from the Royal College of Gynaecologists](#).

Headteachers should be aware that pregnant women from 28 weeks' gestation, or with underlying health conditions at any point of gestation, may be at greater risk of severe illness if they catch coronavirus (COVID-19). This is also the case for pregnant women with underlying health conditions that place them at greater risk of severe illness if they catch coronavirus (COVID-19).

Schools should carry out a COVID-19 vulnerabilities risk assessment for pregnant staff and review it regularly particularly when a member of staff becomes over 28 weeks pregnant.

Staff who are pregnant should follow the guidance for those who are clinically vulnerable, including to be supported to work from home where possible.

**Please note: In some cases pregnant women may also have other health conditions that mean they are considered CEV, where the advice for clinically extremely vulnerable staff will apply**

### 23. What are the provisions if a teacher/support staff has a clinically extremely vulnerable or clinically vulnerable person living with them?

Those living with someone who is CEV can still attend work where home-working is not possible and should ensure they maintain good prevention practice in the workplace and home settings.

Staff who live with those who are CV can attend the workplace but should ensure they maintain good prevention practice in the workplace and at home.

Headteachers should handle matters sensitively taking into consideration social distancing and any modifications that can be made to work.

### 24. What about staff who may be otherwise at increased risk from COVID-19?

The NHS has created a [COVID-19 Population Risk Assessment](#) which has identified that a composite of different factors can lead to an individual being more at risk of becoming extremely unwell from Coronavirus. Staff who have been identified as having a combination of conditions/risk factors which mean they are at increased risk have been added to the Shielded Patient List (please refer to Question 19).



For others who feel they may be at increased risk, where it is not possible to work from home, these staff can attend school as long as the system of controls set out in [Schools coronavirus \(COVID-19\) operational guidance](#) are in place. The guidance states that'

Headteachers should continue with an equitable approach to risk management for their workforce, recognising that staff may have a variety of baseline risks. Work continues to build understanding of what these baseline factors are and the increased risks they pose. There is further information available on [who is at higher risk from coronavirus](#).

Staff who live with those who may have comparatively increased risk from coronavirus (COVID-19) can attend the workplace where it is not possible to work from home.

**25. Can staff request to come to work at a different time than the school has requested, so that they are not arriving at school during peak time on public transport?**

Staff are required to be ready for work when the children arrive at school. However, headteachers should they receive such a request, must consider the reason and address this on a case by case basis.

**26. If it is agreed that an employee will work from home for an extended period, what are the key considerations?**

- Is the space sufficiently noise and interruption free?
- Will it be necessary to transport equipment or files?
  - If yes: can this be done safely:
  - Can the load be reduced?
- Are you able to have conversations that are sensitive and confidential without being overheard?

Further guidance on working from home can be found on the [coronavirus advice](#) page on the Services for Schools website. .

**27. How should I manage staff who are well but unable to work as they are in a vulnerable group?**

Key considerations include:

- Employees can work from home if this is possible.
- Keep in touch. Agree how with them. Ideally you will have an email address that enables you to share updates with them (including on Covid-19) and a phone number where you can keep in touch in person.
- Check in on them regularly (giving some consideration to their circumstances e.g. do they live alone?).
- Include them in appropriate meetings virtually where possible eg departmental meetings or social events.



Remind them of other channels of communication such as the Trade Union and NHS 111.

Review their circumstances regularly in line with guidance and let them know as things change.

- Take account of their views when decisions are taken
- Get them back to work once guidance allows and if the risk can be mitigated. If the return to work includes health and safety precautions or equipment protocols, make sure these are made very clear to them.

Make sure they know:

- Where to get support, including the school's Employee Assistance Programme.
- That the school's normal employment procedures apply and they must follow normal procedures and such as sickness absence notification in the usual way.
- They must remain available to work and contactable about work related matters during normal working hours. They must return to work to undertake their job (once the risk level is acceptable) or other duties where the risk can be mitigated.
- They may not engage in other work (paid or voluntary) without the agreement of their head of service.
- Tell them any specific conditions associated with their circumstances e.g. where someone is pregnant, the arrangement will end when the maternity leave begins. Maternity leave may trigger four weeks before the baby is due.

### 28. If a member of staff has to work from home, will the school have to pay them a working from home allowance?

The school should not be paying an additional allowance for members of staff who are required to work from home. If an employee requires any equipment to work from home, then the schools should consider loaning or purchasing this for the employee. Any equipment taken home by the member of staff remains the property of the school.

If an employee may incur any additional costs to carry out their work such as phone calls, the member of staff should agree these in advance with their manager and provide written proof so these can be reimbursed through expenses.

Staff may be able to claim tax relief on additional expenses incurred as a result of working from home direct from [HMRC](#) using the online form on HMRC website:

## General working arrangements

### 29. What are the arrangements if staff work over school holidays?

Headteachers should discuss and agree any new working arrangements with individual teaching and support staff affected, and ensure that they have regard for contracts of employment, especially in relation to wellbeing ensuring that staff still have a 'break', if not during the scheduled holiday time, then following.

Members of staff who are receiving benefits and are considering working additional hours should check if this arrangement will affect their entitlement to benefits.

**30. If we need to change our working arrangements and class allocation, can I ask a class teacher from one year group to cover another year group?**

Yes, working arrangements and class allocations may require a level of flexibility from staff both on return to school and potentially in the future due local lockdowns or confirmed cases within the school. We would recommend that you prepare your staff for such scenarios and make them aware that their support will be required during these times, which may include teaching different year groups, potentially at short notice.

**31. Due to COVID-19 wrap around care provision in my school has reduced. I have told the affected staff that I can no longer honour the additional hours they have been working?**

There are a number of issues to consider here. If the additional hours were not regular, it would be reasonable to bring this to a close. However, regular hours that have been worked over a substantial period of time could mean that they have legal rights to that position. If that is deemed to be the case a formal process using the Organisation Change procedure should be used, and if an employee has 2 or more years' service, they may be entitled to a redundancy payment. Please contact your HR Business Partner / Advisor before planning to have these discussions with staff.

## Apprentices

**32. Can I hire an apprentice or create a work placement?**

COVID-19 has thrown a lot of uncertainty but we are pleased to confirm that apprenticeships have been able to go ahead, breaks in learning were managed where required and all our providers are able to deliver online.

Hackney Council have just completed a recruitment campaign and have a pool of 1,000 fresh applicants that have been pre-assessed and with whom you can share any new apprenticeship opportunities. Having an existing pool can considerably decrease your recruitment timeline.

In addition to this, the Government has announced financial incentives for the hiring of new apprentices. Employers hiring an apprentice between 1 August 2020 and 31 January 2021, will receive between £1,500-£3,500 depending on the age of the apprentice and other factors.

The payment is different to apprenticeship levy funds so you will be able to spend it on anything to support your organisation's costs. For example, you could spend it on facilities, uniforms, your apprentice's travel or their salary. You do not have to pay it back.

Additionally, the kickstart scheme means that the government will fund pre-apprenticeship work placements for 25 hours per week over six months. Hackney Council is coordinating a funding application, so let us know if you would like to offer a placement.

If you are interested in hiring an apprentice or creating a kickstart placement, please contact [apprenticeships@hackney.gov.uk](mailto:apprenticeships@hackney.gov.uk) or alternatively contact the Hackney Education OD Lead [tatiana.pavlovsky@hackney.gov.uk](mailto:tatiana.pavlovsky@hackney.gov.uk).

### 33. What about apprentices whose contracts are due to end and they cannot complete their studies?

If you are currently employing an apprentice, get in touch with the training provider and see what arrangements are in place to complete the programme. The ESFA along with IFATE and Ofqual, are introducing flexibilities to enable apprentices to complete their apprenticeship in the event of disruption to assessment, either separately to, or as well as, disruption to training and employment.

We recommend that if apprentices are unable to come in to work due to Coronavirus, they are supported to complete work from home wherever possible, including their training. Most training providers are set up to deliver training remotely. Where the Coronavirus situation is making it more difficult for apprentices to complete their qualification before their planned contract end date, we recommend a contract extension and if necessary a break in learning, your training provider will be able to advise you on this. Your apprentices should continue to be employed and paid during any break in learning. Please review the [Government guidance](#) which includes some FAQs.

If you are considering you are considering taking on an apprentice in the near future, please contact Tatiana Pavlovsky at [Tpavlovsky@learningtrust.co.uk](mailto:Tpavlovsky@learningtrust.co.uk).

If you are a maintained community school, please report any breaks in learning to the Apprenticeship team by emailing [Apprenticeships@Hackney.gov.uk](mailto:Apprenticeships@Hackney.gov.uk) or alternatively, the Hackney Education OD Lead, [Tpavlovsky@learningtrust.co.uk](mailto:Tpavlovsky@learningtrust.co.uk).

## PPE and face coverings

### 34. What is the current general guidance on staff wearing PPE?

The current [government guidance](#) states that it is not necessary for staff to wear PPE unless they are carrying out activities that would usually require the use of personal protective equipment (PPE) or if a child, young person or other learner becomes unwell with symptoms of coronavirus while in their setting and needs supervision until they can return home.

In consultation with London Local Authorities and Public Health England, the Association of Directors of Public Health, London have produced specific PPE quick reference guides for a number of specific sectors (including [Early Years and Nursery](#) settings and [Schools](#)) regarding Personal Protective Equipment.

These guides have been designed to support local implementation of the national PPE guidance and give frontline staff and managers a greater degree of assurance regarding consistency and credibility.

The guides should be read alongside local protocols agreed with Hackney's Public Health Team for special schools and early years settings regarding personal care.

### 35. What is the current guidance for face coverings during the National lockdown?

The government has issued guidance on [Face coverings in education](#) which will apply from the 8th March. The recommendations are:

- Where pupils and students in year 7 and above are educated, we recommend that face coverings should be worn by staff, pupils and students when moving around the premises, outside of classrooms, such as in corridors and communal areas where social distancing cannot easily be maintained. Face coverings do not need to be worn by pupils and students when outdoors on the premises.
- In addition, we now also recommend that in those settings where pupils and students in year 7 and above are educated, face coverings should be worn in classrooms and during activities unless social distancing can be maintained. This does not apply in situations where wearing a face covering would impact on the ability to take part in exercise or strenuous activity, for example in PE lessons
- In primary schools, we recommend that face coverings should be worn by staff and adult visitors in situations where social distancing between adults is not possible (for example, when moving around in corridors and communal areas). Children in primary school do not need to wear a face covering.

**Please note:** This is guidance, not mandatory activity, and any legal exemptions that apply to the wearing of face coverings in shops and on public transport also apply to this advice.

These measures will be in place until Easter and will be reviewed and updated after this point.

Further guidance on face coverings:

- [Safe working in education, childcare and children's social care provides](#)
- [Face coverings in education settings](#)

### 36. What if a member of staff wants to wear PPE or a face covering and it is not a requirement for their role?

We recommend that headteachers consider requests from staff to wear PPE and face coverings on a case by case basis taking into account their level of risk based on their COVID-19 vulnerabilities risk assessment, their individual circumstances and the nature of their role.

Please contact HR for further guidance if required.

### 37. We have a high number of SEND children at the school, can staff refuse to work with them without PPE?

DfE [guidance](#) states PPE will only be required if care for the SEN child previous to coronavirus included the use of PPE or if any child becomes ill with Covid-19 symptoms.

## COVID 19 related absence

### **Recording absence due to COVID - 19:**

Please remember to record COVID-19 absence on iTrent or an alternative sickness absence database with the correct absence related code so the impact of the virus in your school can be monitored.

### **38. If an employee has been advised to self-isolate...**

#### ...and they are sick, what sort of leave is this?

This would be sick leave. The normal sickness procedure applies as stated in the Green Book (support staff) and Burgundy Book (teaching staff). Academies and other education settings will follow their own sickness absence procedures.

Teaching/support staff are required to provide medical certification, where it is not possible to get a medical certificate, exceptions will be considered. However, the Government has now set up a [digital method](#) for obtaining evidence of sickness absence or the need to self-isolate.

#### **Business Managers must record sickness on iTrent as Sickness under 'Covid-19 or on an alternative database as sickness absence due to Covid-19.**

The Government has announced that Statutory Sick Pay will be paid from the first day of sickness absence rather than from the fourth for illnesses that are related to coronavirus, this will apply retrospectively from 13 March. The change will be included in emergency legislation to deal with coronavirus and will impact directly on organisations that have diverged from the Green Book sickness scheme by not paying for the first three days of absence. Education settings that have a sick pay policy more generous than SSP, this will take precedence.

Business Managers are urged to record the actual reason for absence, especially under these exceptional circumstances. This is important for monitoring purposes, and illness connected with coronavirus will not contribute to triggering sickness absence procedures.

#### ...but they are not sick, what sort of leave is this?

Where possible, the employee should work from home. For teaching/support staff that are able to do this contingency measures include Headteachers/Business Managers checking that they are set up to work from home. Contact your ICT provider should you need to discuss anything regarding this.

If the employee is not able to work from home because of the nature of their duties, then this would be special paid leave.

Business Managers must ensure that this leave is recorded on iTrent as Special Leave (Paid) under 'Covid-19 self-isolation or on an alternative database as special paid leave related to coronavirus.

### **39. How is COVID-19 related absence recorded on iTrent?**

Due to the current situation, iTrent has been updated with Covid-19-related absence codes. **It is important that absence related to Covid-19 is recorded accurately to help monitor the impact of the virus.**

### Sickness

- Covid-19 Sickness.

### 'Other' absence

- Special Leave (Paid) – Covid-19 Dependency leave.
- Special Leave (Paid) – Covid-19 Self-isolation.
- Special Leave (Paid) – Covid-19 Service closure.

Absence is recorded on the system as follows:

- To record sickness: Click **Add New Sickness Dates** > find and select the employee > enter the sickness dates and reason > click **Save** or
- To record 'other' 'Covid-19'-related absence: Click **Add 'Other' Absence Details** > find and select the employee > enter the absence dates and reason > click **Save**.

If you have any queries, please e-mail [payroll@learningtrust.co.uk](mailto:payroll@learningtrust.co.uk).

## 40. How can I support a member of staff who experienced prolonged symptoms after contracting coronavirus (Long COVID)?

How COVID-19 impacts on individuals and how they recover will be different for each person. Headteachers should treat any cases where a member of staff is experiencing prolonged symptoms of COVID-19 (long COVID) sympathetically and on a case by case basis.

If additional support and advice is required please discuss the individual cases with your HR Business Partner / Advisor and further advice/referral can be made to Occupational Health.

Any sickness absence related to coronavirus should be recorded as Covid-19 Sickness.

## Annual leave for support staff who work 52 weeks per year

### 41. Using holiday

Staff are encouraged to use their leave to:

- get enough rest
- keep healthy (physically and mentally)

During the coronavirus outbreak, staff may have reached the end of the leave year and not been able to take all their leave. In this case, the following advice applies:

### 42. Carrying over holiday

**Where leave has not been taken because of the coronavirus:**

**2019/20 Leave year:** Headteachers may authorise a reasonable carry forward of leave. This must be taken by the end of the 2021/22 leave year.

**2020/21 Leave year:** Headteachers may authorise the carry forward of up to 20 days leave (where a member of staff has been unwell due to COVID-19 or were on the frontline responding to the Covid pandemic). This must be taken by the end of the 2022/23 leave year.

The maximum that can be carried forward in total is 20 days.

Normally at the end of the leave year, staff may carry forward up to 5 days leave. This year (1st April 2020 - 31st March 2021) because of the exceptional circumstances, staff may carry forward up to 10 days leave.

If a member of staff decides to carry forward 10 days, they will need to take 5 days of these by 30 June 2021 and the other 5 days by the end of March 2022.

#### 43. Previously booked holidays

Changing or cancelling leave, for example because the employee's holiday's been cancelled, requires agreement from the employee's/workers line manager.

#### 44. A member of staff wants to go on holiday abroad and may need to quarantine for 10 days when they return?

The government has set a requirement for people returning from some countries to quarantine for 10 days on their return.

The latest guidance on quarantine can be accessed at [coronavirus \(COVID-19\): how to self-isolate when you travel to the UK](#).

The latest information on travel corridors where staff do not have to self-isolate when returning to England is available [here](#).

Staff should inform the headteacher of any planned leave and take into consideration that any travel abroad may require a period of quarantine once they return. Quarantine time should be taken during school holidays with a view to staff being available to work during term time. Failure to do this could result in pay being affected.

Staff may not be able to avoid this situation, such as time abroad has already been booked and quarantine measures are instigated and in view of that Headteachers should look at alternative working arrangements for them. This could involve, making up the hours, considering alternative duties to do from home (if this is practical) or in exceptional circumstances special leave with pay.

Headteachers are asked to contact their HR Advisor/Business Partner to discuss any complex cases.

#### 45. If an employee is confirmed as having the coronavirus, what should their colleagues be told?



Colleagues can be told that someone has been confirmed with coronavirus, but not who. This is confidential medical information. Teaching/support staff do not need to take action except for following advice from the NHS and Public Health England.

## Absence due to concerns over COVID-19

### 46. How should headteachers respond if an employee refuses to come to work?

Some staff may be nervous about attending their workplace at certain times during the pandemic. If the member of staff refuses to attend work, the Headteacher should take into account their reasons and consider if there is any way the member of staff's concerns can be managed (see information on clinically vulnerable employees and those with childcare responsibilities).

### 47. How should headteachers respond if an employee refuses to come to work due to health and safety concerns (invoke section 44)?

If headteachers receive letters from teaching and/or support staff setting out their contractual right not to attend an unsafe place of work e.g. in relation to section 44 Employment Rights Act 1996 (ERA), they need to be particularly careful how they respond to claims stating that insufficient measures have been put in place to ensure the safety of their staff. Any specific complaints should be taken seriously and must be documented and investigated. The headteacher should arrange a meeting to discuss the employee's concerns including revisiting the individual's vulnerabilities risk assessment. Responses may include but not be limited to:

- Addressing any changes to the individual's circumstances identified in their vulnerabilities risk assessment including any new or changed health conditions (if they have any).
- Confirmation that the member of staff is not being asked to teach or support full classes whilst schools are closed to the majority of pupils and that they are only being asked to attend school to support the learning of vulnerable children and children whose parents are critical workers [classroom-based staff only].
- Justification for asking the member of staff to come on-site for the provision of an essential service. [Support staff only - please seek HR guidance on individual cases].
- Evidence that this is being shared in a fair and balanced way amongst staff, taking into account the individual circumstances of each member of staff.
- Signpost the member of staff to the school's updated risk assessment and explain the additional measures that the school has introduced to mitigate against the current risks.

A template response letter is available [here](#).

The Headteacher should ensure that it not only puts in place the necessary measures to protect employees (risk assessments), but also communicates clearly to staff what those measures are and provides reassurance that the relevant government guidelines are being followed.



Following these steps, if the Headteacher has given a reasonable instruction for the member of staff to attend work and the employee refuses, the Headteacher should contact their HR Advisor/Business Partner for further guidance.

**48. If an employee decides not to attend work without discussing this with their manager and getting agreement, what sort of leave is this?**

Fear of contracting the virus is not a valid reason to not attend work. This is likely to be unpaid leave or could in some cases, result in disciplinary action. Headteachers can ask for any evidence to confirm the reason for absence. However, it will probably not be possible in all cases for an employee to produce any evidence, so employers will need to use their discretion when trying to establish the facts behind the employee's decision to self-isolate.

Headteachers may choose to be flexible and allow a concerned employee to cover the leave in other ways, however in a school environment this could be difficult. Teaching/support staff who are employed to work 52 weeks a year, annual leave could be considered. Note also that some teaching/support staff may be particularly vulnerable and therefore particularly concerned, Headteachers should refer to the Health Guidance section.

**49. How will you manage staff who have taken the decision to self-isolate, because they believe they are at risk and are anxious about attending to work?**

We recommend that you have a discussion with the member of staff to understand their concern. If the concern is based on medical grounds, you should request that they get a letter from their GP outlining their circumstances. It is reasonable to expect that they provide you with this within 5 working days and then you can make a determination (as above).

If the decision is based on their safety, gently encourage them to attend work by referring to the risk assessment/measures that the school has put in place. It is important that you exhaust as many options as possible to enable a return to work, offer support through the schools Employee Assistance Programme (EAP) and keep full notes of any discussions had. If the employee is still unwilling to attend, inform them of a date of expected return and failure to return will result in nil pay. It is recommended that you discuss this with your HR advisor

**50. A member of staff is not attending to work based on the advice they have received from their union. How do we manage this?**

Headteachers can ask staff to indicate if they are planning to return to work and encourage them to attend work by discussing the risk assessment and the measures that have been put in place.

## Dependency leave

**51. What are the provisions for staff who need to look after dependents due to COVID-19?**

The usual provisions around dependency leave is: up to a maximum of seven days for the academic year 20/21. Headteachers must ensure that the leave is genuine and required in order to look after dependents. Please refer to the [Leave entitlements policy](#) for further guidance.

There may be circumstances where a member of staff's child may not be able to attend their usual childcare provider or educational setting due to temporary closure because of COVID-19. In these cases, dependency leave may be extended up to 30 days. The extended dependency leave is to be used only for these specific purposes and where it is not possible to make alternative arrangements. The extended dependency leave should not be used to cover when the childcare provider or educational setting would normally be closed e.g. school holidays. Staff should book annual leave in the normal way if they require leave to do this. The extension of dependency leave arrangements is kept constantly under review and may be changed at short notice, depending on how the pandemic develops or changes.

The increase in leave is not just for parents. It is a general increase for all circumstances in which dependency leave applies which is related to COVID-19. .

Both dependency leave and other leave related to COVID-19 should be recorded as outlined in Section 3.

Please refer to the [Leave entitlements policy](#) for further guidance.

It is not proposed to continue with the 30 days paid leave into the 2021/22 leave year (i.e. from 1st April 2021).

**52. Staff have informed you that they cannot return to work due to concerns regarding their children returning to an education setting. What options do you have?**

Headteachers may consider agreeing for the member of staff to take dependency leave as outlined above. Any additional days would have to be discussed with the Headteacher, however as per the Leave entitlements policy, any additional days may be unpaid.

**53. How do you deal with staff who are anxious and do not attend work, and provide a medical certificate for stress, anxiety or depression?**

The guidance on the medical certificate should be followed and the manager should ensure they maintain the appropriate level of contact with the staff member during their absence. As part of this contact, the manager should seek to understand what the member of staff's concerns are and how these can be addressed and how the member of staff can be supported to return to work. Try to deal with these concerns sensitively. This illness would not be recorded as COVID-19 related illness and the sickness absence policy and procedure would apply. In such cases we would recommend an informal meeting first, in line with the policy to try and resolve matters before making any decision to proceed to the formal stages.

## Self-isolation

### 54. Can a Headteacher instruct someone to self-isolate?

If an employee is experiencing symptoms of coronavirus, then they should be instructed not to attend work. They should self-isolate as set out in section 1 above.

The government's [stay at home guidance](#) provides useful information about why you need to self-isolate and how to manage this.

Employees must comply with advice from managers aimed at containing the virus and/or actions associated with contingency plans.

Staff can now be [fined](#) if they do not stay at home and self-isolate following a positive test result for COVID-19, or if they are a contact of someone who has tested positive, and they are notified by NHS Test and Trace that they need to self-isolate.

### 55. Can a Headteacher ask a member of staff to provide proof they need to self isolate?

If the member of staff has symptoms or is living with someone who has symptoms then they will need to self isolate and arrange for a test. If the member of staff has a case of a positive confirmed contact with COVID-19 through the NHS Test and Trace service, they will also need to self-isolate. Depending on the circumstances, the headteacher may request the member of staff to provide proof of a future test appointment, a positive test result or a proof of positive contact with COVID-19 via the NHS Test and Trace service.

If the member of staff is unable to provide one of the above, the headteacher may request the employee to get an isolation note by [calling NHS 111](#).

If the member of staff is unwilling to provide proof of requirement to self isolate, then the headteacher should contact HR for further guidance.

### 56. If an employee goes into self-isolation and then returns to work after a period, and then goes on self-isolation again - for how many periods of self-isolation does the employee keep getting paid?

Employee terms and conditions mean they will be on full pay for all periods of self-isolation. If managers believe that employees do not fulfil the criteria for self-isolation, they should contact their HR Business Partner/Advisor.

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## Support for staff and wellbeing

Please also refer staff to the [Wellbeing guidance](#) on the services for schools website which provides further guidance for staff wellbeing and links to useful resources and organisations.

### 57. How can headteachers support staff during the coronavirus emergency?

Staff may naturally be nervous about attending school and school leaders should provide opportunities to staff to discuss their concerns with their manager. If a headteacher is concerned about how any staff member is coping with the coronavirus emergency, they may choose to refer them to the school's Employee Assistance Programme.

Some schools may already be carrying out wellbeing audits/questionnaires for their staff and during such times, it is more important than ever for headteachers to understand what is impacting on the wellbeing of their staff and how they can be supported. Please find attached [Example 1](#) and [Example 2](#) of wellbeing questionnaires that schools may wish to use to assess the wellbeing of their staff.

If you require any further information, please speak to your HR Business Partner or Advisor

### 58. How can I support staff who are suffering from work-related stress during the Coronavirus pandemic?

Supporting education over such an intense, prolonged and uncertain period of time has undoubtedly changed the way staff are working and in many cases their workloads.

It is important to acknowledge this and for school leaders to encourage staff to talk to them about how they are feeling and coping with the different ways of working and changing workloads and how they can be supported.

Please refer to our [Wellbeing guidance](#) for further information and to the [Stress Management Policy and questionnaires](#) on the Services for Schools website.

### 59. What support has been put in place to support staff who have lost close family members and friends and are anxious about returning to work?

It is understandable that staff who have lost someone will feel anxious about returning to work. It is important to have a discussion with the member of staff to see how they can be supported to return to work including sharing risk assessments/measures taken to reopen the schools which may help to alleviate their concerns.

Every person will deal with bereavement and the pandemic situation differently and will require individual support. This could include discussing and deciding on a return to work plan, getting

support from bereavement support organisations or taking bereavement leave, and if necessary other types of leave.

There is additional guidance on bereavement support in the Coronavirus Wellbeing Guidance for School Staff on the Services for Schools website.

### 60. How will you manage staff who do not want to attend work because they are anxious about taking public transport to work?

We recommend that you carry out a COVID-19 vulnerabilities risk assessment with the member of staff which assesses the individuals' risk on attending work, including how they travel to and from the school. This will help the manager have a discussion with the member of staff to understand their concerns. Staff are encouraged to make their journey into work by other means e.g. walk, cycle or drive (car share with PPE should they wish to). If staff are unable to commute by these means then they will need to use public transport safely (wearing gloves and masks) and adhere to social distancing measures.

Should the member of staff still not wish to return to work, they would need to be informed that they will be put on nil pay. However, in some circumstances it is recommended that consideration is given to the distance they live from the school, and their journey into school. In some circumstances working from home could be considered. However the needs of others would have to be fully considered before confirming working from home arrangements, and it would need to be under review based on the needs of the school.

### 61. The risk of racial harassment has increased with the coronavirus. What should Headteachers and colleagues do?

Headteachers and colleagues should be vigilant and take immediate action to prevent harassment. Harassment on any grounds is unacceptable and could result in disciplinary action.

Harassment for any other reason is also unacceptable, for example if someone is diagnosed with the coronavirus and had attended work for a period of time.

### 62. Temporary parking permits for school staff.

The Council has confirmed that it will continue the parking exemptions for clinically vulnerable education staff which are currently in place. We expect these to continue until May 28th 2021. A review will happen in a timely manner re any decision which brings forward or delays that end date.

Education staff, amongst other key workers, need to be aware that this is a temporary arrangement due to the exceptional circumstances of the pandemic and it will not be permanent.

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## Probation and performance management

### 63. What happens if a new employee's probationary period assessment can't be completed due to COVID-19

Managers should extend probationary periods as reasonably necessary to ensure a fair assessment of the probationary period.

### 64. What provisions will be made for Newly Qualified Teachers who are absent due to coronavirus during their induction period?

Normally absences totalling more than 30 days by an NQT would normally trigger an extension in their induction period by the amount of days lost. Changes outlined by the [Government](#) means that any absences related to Covid 19 (self-isolation, sickness, school closures) will not trigger an extension. This provision has now been extended until September 2021.

NQTs should be able to complete their induction this academic year as expected as long as they meet the teaching standards and Headteachers should continue to assess whether their NQT have met the standards upon completion of the period.

Absences totalling 30 days or more that are not related to coronavirus (COVID-19) will continue to extend the induction period.

### 65. What is the guidance on pay progression for 2020?

The Covid-19 crisis, and partial closure of schools during the summer term 2020 has meant that some teaching staff have been unable to complete Performance Management reviews for the academic year 2019/20 and due to this annual pay reviews cannot be carried out in the normal way.

Headteachers must ensure that teachers are not penalised during the appraisal process or in respect of any subsequent pay progression decisions as a result of the decision to restrict pupil attendance at schools, such as where this has had an impact on the ability of the teacher to fully meet their objectives.

Therefore a principal of no detriment should apply, when considering pay progression of teachers across all scales. This means that there is an expectation for appraisers to assess the teacher's performance prior to the school closure/partial closure, adjusting if necessary, for expected trajectory had there been no closures. In addition to that, for those teachers wishing to progress to the upper pay range, appraisers must also factor in a minimum of 'good' teaching practice from the previous year.

The only exceptions to this is where headteachers who, prior to "lockdown", had significant concerns about the standards of performance or conduct of a teacher. These concerns would have to be stated in writing to the teacher and include the following circumstances:

- Section 10 of the Appraisal Policy - Informal capability, teachers requiring additional support
- or were subject to a formal capability proceedings (section 5 of Capability Policy)

Where a decision is made to withhold pay progression the normal entitlements to appeal will apply.

If you do have any concerns over performance of teaching or supporting staff or any questions about the 2020 pay award, please contact your HR Business Partner/Advisor.

### 66. If I have concerns regarding a member of staff's performance (online) during COVID-19, how do I support them?

COVID-19 has meant that staff have had to adapt to new ways of providing education provision. Sessions have been held with Headteacher/leaders to share best practice in remote learning and guidance and expectations have been shared from the Government and Ofsted. Headteachers/leaders must be supportive to staff as they are adapting to these new ways of working and taking into account their personal circumstances.

Monitoring the provision of online teaching is good practice, this ensures that the provision does not fall below the standards outlined by the school. Feedback from such a session should identify appropriate guidance needed and be supportive taking into consideration that this is a new way of working. If concerns are ongoing please refer to existing policies and procedures, and also discuss with your School Improvement Partner or HR Business Partner or Advisor.

### 67. How will notice periods be impacted by coronavirus?

In light of the current school closures, there may well be disruption to 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.

For employees wishing to resign and/or retire themselves, they should be informed that they are required to provide the governing bodies and/or senior leadership team with as much notice as possible and stay within the standard notice period dates as far as is possible, as in normal circumstances.

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## Coronavirus Job Retention Scheme



## 68. What is the Coronavirus Job Retention Scheme (CJRS) and can schools make use of it?

The CJRS (also known as the furlough scheme) is to support individuals and businesses who are impacted by disruption caused by coronavirus (COVID-19). You can claim 80% of an employee's usual salary for hours not worked, up to a maximum of £2,500 per month. The £2,500 cap is proportional to the hours not worked.

As with the previous conditions of the scheme, the government expects that publicly funded organisations will not use the scheme, but partially publicly funded organisations or where staff are funded through private income streams may be eligible where their private revenues have been disrupted. All other previous CJRS eligibility requirements also apply to these employers.

- Employers can claim for employees who were employed and on their PAYE payroll on 30 October 2020, as long as they have made a PAYE Real Time Information (RTI) submission to HMRC between 20 March 2020 and 30 October 2020, notifying a payment of earnings for that employee.
- Employers will have flexibility to use the scheme for employees for any amount of time or shift pattern, furloughing employees on either a full-time or part-time basis, and will be able to vary the hours worked in agreement with the employee.
- As under the current CJRS rules, employees can be on any type of employment contract
- Employees do not need to have been furloughed under the CJRS previously.

### **The Coronavirus Job Retention Scheme has been extended until 30 September 2021.**

From 1 July 2021, the level of grant will be reduced and employers will be asked to contribute towards the cost of their furloughed employees' wages. Please see [here](#) for more details.

Please refer to Hackney Education's [Coronavirus Job Retention Scheme - guidance for schools and educational settings](#).

## Contingency workers and contractors

### 69. What should we do about pay for agency workers?

If the agency worker is able to continue working then they should be paid as normal under the terms and conditions of their assignment from existing financial budgets. Agency staff may work from home if possible, in line with the arrangements for the rest of the workforce.



Where an agency worker's normal work is not available, consideration should be given to redeploying them to alternative critical work of a similar type to that for which they were engaged, or asking them to volunteer for other work, in the same way that we would for a direct employee.

The agency worker must contact their agency regarding any Covid-19 related absence, such as sickness absence and self-isolation from 1 July 2020.

From 1 July 2020 changes have been made to the Coronavirus Job Retention Scheme which will enable agency workers to return to work on a part time-basis.

#### 70. What happens if the agency workers contract ends?

Where an agency worker's contract reaches its expected conclusion (e.g. where a project has completed / will not proceed) for a reason that is **unrelated to COVID-19** the contract would end as would otherwise be the case. Headteachers should be very clear that this end would have happened without the COVID-19 pandemic before ending assignments in this way as a challenge from the worker is to be expected. Headteachers should however ensure that they do actually end contracts that were due to come to a natural end. The agency worker should then be referred to their agency.

#### 71. In the event of the full or partial closure of a school, does an agency worker remain entitled to be paid if other employees continue to be paid even if they are not working from home?

Whether they will remain entitled to be paid through their agency will depend first on whether they are entitled to be paid under the Agency Worker Regulations 2010.

Broadly speaking, those Regulations give agency workers the right to equal treatment in terms of "basic working and employment conditions", as if they had been employed directly by the hirer to do the same job.

In many cases this means that agency workers will be entitled to the same rate of pay as a comparable employee, so if a comparable employee is being paid during the workplace closure period, then the agency worker may be entitled to be paid. This normally applies to a worker after the 12 weeks qualifying period but in line with Hackney Council, we advise that the school waive this and apply it from the first day a worker starts an assignment.

Any entitlement under the Regulations will apply only for the length of the assignment.

#### 72. In line with guidance, Heads have been advised to honour agency contracts for agency staff. However due to a lack of childcare provision due to the COVID-19 pandemic, agency staff have stated they are unable to attend work.

The agency worker must contact their agency regarding any Covid-19 related absence from 1 July.

#### 73. What are the pay arrangements for casual/sessional/zero hours employees? Are we going to get paid if our usual work is not required?

If these workers continue to be provided with work they should be paid as normal under the terms of their contracts.

If their usual work is not available, the worker may be redeployed to other duties as required.

If this is not possible and the worker may no longer be required, please contact your HR Business Partner / Advisor for further guidance on whether a formal process will be needed before planning to have these discussions with staff.

#### 74. What happens for staff who are paid through private funding e.g. parental contributions?

From September 2020, schools may be able to resume these services and staff funded through a separate private income stream (for example, catering, sports facilities lettings, or boarding provision funded by parents in state boarding schools) may be able to return to work under their previous terms and conditions.

Under government guidance, schools may have furloughed staff funded through private incomes. If working arrangements need to be adapted, where staff have been furloughed in line with changes made to the CJRS, they may be able to return to work on a part-time basis.

Please refer to Hackney Education's [Coronavirus Job Retention Scheme - guidance for schools and educational settings](#).

Please contact if you need further guidance in relation to staff funded through private incomes, please contact your HR Business Partner/Advisor.

#### 75. Do we have to continue to pay external contractors if they are not providing services during this time?

Government advice is to inform suppliers who may be at risk that they will continue to be paid as normal (even if service delivery is disrupted or temporarily suspended) until at least the end of June. Schools are advised to make decisions about whether to continue to pay suppliers under the Supplier Relief scheme on a case by case basis and in the context of the other government schemes available to suppliers, any decisions made should be applied consistently and fairly. Where relief funding is being paid to contractors, schools should now begin to develop transition plans with the intention of exiting from any relief funding that is being paid as soon as possible or before October 2020. More detailed advice regarding this matter can be accessed [here](#).

If you have any questions or require advice in relation to your external contractors, please contact Lauren Wheatcroft by email at: [lauren.wheatcroft@learningtrust.co.uk](mailto:lauren.wheatcroft@learningtrust.co.uk) or by phone on: 020 8820 7038.

#### 76. Can we ask external contractors what provision they are putting in place for their staff concerning social distancing on our schools premises?

We recommend that you do make contact with external contractors regarding measures they have put in place for their staff on your premises. Headteachers need to ensure that any provisions they make are to your approval. It is imperative that these discussions are had to ensure that all parties on the school site, regardless of employer, are stringently following social distancing guidance.

Please request details of any risk assessments for the whole service carried out by the external contractor and raise any concerns with them. This is important as if anything happens to a worker in school as a result of the third party contractors failures, both the school and the third party could be named in any personal injury claims.

### 77. The school has been paying external contractors invoices, but the external contractor has furloughed their staff, what should we do?

Schools can report instances of contractors double claiming to HMRC [here](#). Reports to HMRC should be made where there is reasonable evidence to suggest that the contractor has claimed Supplier Relief funding from a school to ensure that staff continue to be paid, and has furloughed the same member of staff under the CJRS scheme. It is worth mentioning that contractors are able to furlough a proportion of their staff and still claim supplier relief from the school for the remaining staff, providing that the same staff member is not claimed for twice.

## DBS checks

### 78. Are there any changes to the DBS process?

The DBS has temporarily relaxed their rules around how verification of identity documents can be conducted. The new guidance is [here](#) and temporarily allows for ID documents to be viewed over video link and for scanned images to be used. Our interpretation is that video checking should always be used, in order that the applicant's physical identity can be verified against photographic ID. The Hackney Education IT Team have now produced some quick reference guides on how to conduct online meetings using Microsoft Teams.

In order that you can continue to progress DBS applications during the current COVID-19 restrictions, please refer to these guides on the [Services for Schools website](#) or speak to whoever provides your IT support about using the relevant online collaboration tool for your school.

Although working from home, the DBS Team remain available to support your school, and are continuing to check, countersign and send your applications to the DBS for processing.

Please email [dbs@learningtrust.co.uk](mailto:dbs@learningtrust.co.uk) if you have any queries.

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## HR Processes

**Casework will resume from 1<sup>st</sup> September 2020 and HR will need to work closely with schools and Unions to adapt our working practices, including how meetings are held to reduce the risk of transmission of COVID-19.**

## Organisational change – restructures

Organisational Change / Restructures can begin to start again. It is recognised that there were some restructures where consultation had started but had been stopped when lockdown occurred, these will be relaunched again. Headteachers should consider re-starting / re-opening the consultation period for a reasonable amount of time when the restructure proceeds before moving to the implementation phase. The decision on the length of time that consultation should be re-open for is a decision for the headteacher to take in conjunction with HR

Other restructures may now begin but headteachers need to be mindful of the fact that some members of staff may feel anxious about this, particularly if they are working from home and therefore, headteacher should take extra care to ensure that full flow of information is understood and communication channels are maintained with all employees directly affected during the consultation period.

When group consultation meetings are being held, these must be done in line with social distancing guidelines.

## Notices of redundancy

Notices of redundancy that have already been issued remain unchanged. New notices of redundancy will now be allowed, as long as formal consultation has taken place or the member of staff has opted out of the consultation process by accepting voluntary redundancy.

## Disciplinary, capability, formal sickness and grievance procedures

All non-urgent processes were initially postponed. With a limited number of urgent disciplinary, grievance and sickness management continuing. Casework can commence from 1st September, however, in some cases it is likely that timescales and investigations will take longer than usual and urgent issues should be prioritised.

Headteachers, with advice from HR will reasonably determine what is the priority for casework.

HR will be issuing further guidance for conducting formal management processes remotely or via social distancing.

## Recruitment

Recruitment can continue as usual. There may be practical difficulties arranging interviews and assessment. Where practicable, alternative tools can be used to interview staff if essential.

Further government guidance is available [here](#).

It may also be helpful to direct governing bodies to NGA's current guidance on managing the head teacher recruitment process in the current situation.

## Voluntary Aided Schools, Free Schools and Academies

Please refer to your Leave policies and Sickness Absence schemes.

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### Further information

Additional information can be accessed as stated below:

Hackney Education HR guidance

- [Working Guidance](#)
- [Wellbeing Guidance for School Staff](#)

Government advice

- **Full list of guidance:** [Guidance for schools: coronavirus \(COVID-19\)](#)

Please also see the Schools bulletin for the full list of government guidance.

Local Government Association

<https://www.local.gov.uk/coronavirus-information-councils>

London Diocesan Board of Schools

[www.ldbs.co.uk/coronavirus](http://www.ldbs.co.uk/coronavirus)

#### **DfE Coronavirus helpline**

800 046 8687 (8am – 6pm Monday to Friday)

If you wish to discuss matters further please do not hesitate to contact your HR Business Partner/Advisor.