

Reps Briefing

Colleagues

As you are aware the emergence of the Omicron variant has created fresh challenges and guidance for us all. At the moment, the number of Omicron cases in schools is relatively low but clearly rising as a result of the increased transmissibility of the new variant.

The Scottish Government has issued updated guidance today, Friday, for implementation at the start of next term, which will tighten and reintroduce some mitigations.

In many areas this is a return to pre summer guidance and in other areas it is a reinforcing of existing messages.

Key areas are:

Updates to reflect change to the balance of risks following the emergence of the Omicron variant. Changes include:

- new context regarding risks associated with Omicron
- strengthened approach to minimising contacts
- tightened restrictions on school visitors
- updated text on ventilation and heating
- updated text on asymptomatic testing
- strengthened approach to self-isolation for household contacts
- details on school staff eligibility for exemption from self-isolation under the Critical National Infrastructure
- update to guidance on school visits and trips in order to reflect the 'in school' mitigations
- guidance on ongoing support for particular groups (vulnerable children and young people, children of key workers) in the event of local school closures
- Minor edits elsewhere to update material in Annex A
- Updated material in annexed D & E

As ever, guidance updates should trigger a revisiting of current risk assessments.

The Guidance includes details of teacher exemption from self-isolation under the Critical National Infrastructure. This is **not** an area where the EIS is in agreement with SG.

By way of background, you may be aware of a letter which SG and COSLA issued to Directors of Education to coincide with the FM's statement on Tuesday of this week.

This was neither shared nor discussed with the EIS and we have made clear to SG, in particular, that its unilateral issuing was a communication failure which only serves to heighten concern and stress amongst teachers.

The first part of the letter deals with fresh changes to "Test and Trace".

Initially, PHS was treating any identified Omicron case in schools as a higher risk scenario requiring 10 days self-isolation for identified close contacts, irrespective of vaccine status. That position has now changed in relation to pupils, with a reversion to children being treated as at lower risk with close contacts only being required to self-isolate if directed to do so by PHS. The one exception is that where there is a household infection, all members of the household will require to self-isolate for 10 days.

The second part of the letter outlines that teachers are now being classified as “critical national infrastructure” workers.

The consequence of this definition, which applies elsewhere and is not specific to schools, is that in some circumstances teachers may be exempted from “self-isolation” rules. The letter sets out the conditions in which local authorities may use such an exemption and allow teachers to not “self-isolate” despite being identified as a close contact.

Teachers cannot be forced or required to do this, but they can in certain circumstances “volunteer” to do so, essentially to keep schools open.

The EIS has a clear view that Health and Safety protocols are not based on voluntarism – they should be based on what is the safest course of action and clearly self-isolating when identified as a close contact, is a safer option than attending school even if daily LFTs are taken.

In terms of continuity of education, schools have resort to short term online teaching, as has been deployed a few times in December.

Further, self-isolation is not for the protection of the individual but to prevent further spread. The EIS is concerned, therefore, that “volunteers”, irrespective of their motivation, may be putting colleagues and even pupils at risk by attending school when they have been directed to self-isolate.

Unlike some critical workers whose absence from work is irreplaceable, teachers and school can provide temporary continuity of education through remote learning.

The EIS advice, therefore, is that members should self-isolate when identified as a close contact.

ADES has indicated that it fully accepts the “voluntary” nature of this guidance and will discuss its own procedures locally with appropriate trade unions. Guidance has been issued to LA secretaries along the following lines:

The EIS believes that a local authority’s duty of care may only be fully exercised if local authorities apply the following principles:

- 1. That the local authority engages with the Local Association to discuss and agree protocols to around any staff exemptions, including consideration of other actions to keep schools open.*
- 2. That remote learning where staff shortages occur is considered ahead of any potential exemptions and is not unduly dismissed.*
- 3. That all school staff who are required to isolate under the national guidance should normally do so. Applications for exemption may only be made in the most exceptional circumstances where strict criteria are met.*
- 4. That there should be explicit recognition that exemptions are voluntary, in that the teacher identified as a contact may decide not to be exempted and self-isolate.*
- 5. That no pressure should be placed on teachers to agree to be exempt. There is no requirement for any teacher to explain or justify their decision not to agree to the exemption.*
- 6. That exemptions must be dealt with at an authority level and not delegated to school leadership teams.*
- 7. That teachers who are vulnerable or shielding should not be asked to be exempt.*