



Negotiating Our Health & Safety:

Building a Collective Response to COVID-19

June 2020

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EIS Guidance

“The EIS is clear that members should not be returning to school buildings before there has been a deep clean of schools which have been closed and risk assessments, in all buildings, have been carried out with any subsequent actions addressed.”

Larry Flanagan, 29th May:

<https://www.eis.org.uk/Coronavirus/Update2905>

1. Duties, Responsibilities, and Entitlements of EIS Reps, LA Secretaries and LNCT Negotiators

'Coronavirus (COVID-19): re-opening schools guidance'

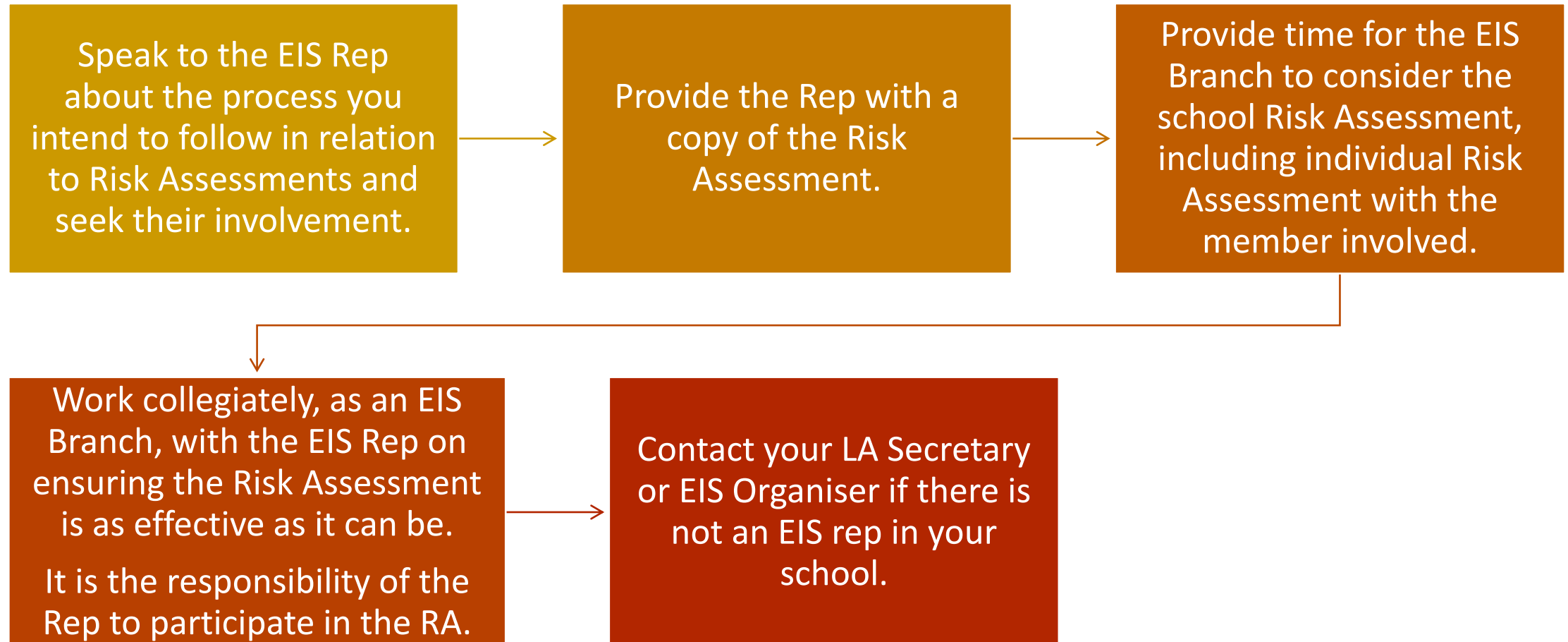
Scottish Government Guidance published 28 May 2020 states

“Education authorities should develop Local Delivery Phasing Plans Thereafter, individual School Recovery Plans and risk assessments should be developed and implemented on an establishment-by-establishment basis.”

In developing these education authority and school-level plans, there should be close engagement and partnership working wherever appropriate between:

- Education authorities (including in their role as an employer)
- School management teams, teaching and non-teaching staff, and **trade unions** (including through LNCTs)
- In accordance with relevant legislation and guidance, local **trade unions** should be consulted on and involved **in the development of risk assessments**. Risk assessments should be shared with staff and trade unions.

1. What to do as an HT BEFORE the return to school



2. Understanding Risk Assessments

HSE Guidance – Risk Assessment

- Identify the hazards.
- Decide who might be harmed and how.
- Evaluate the **risks** and decide on precautions.
- Record your significant findings.
- Review your **Risk Assessment** and update if necessary.

Evaluating the Risk:

Look at what you're already doing, and the control measures you already have in place. Ask yourself:

- Can I get rid of the hazard altogether?
- If not, how can I control the risks so that harm is unlikely?

Some practical steps you could take include:

- Trying a less risky option
- Preventing access to the hazards
- Organising work to reduce exposure to the hazard
- Issuing protective equipment
- Providing welfare facilities such as first aid and washing facilities

- HSE Guidance on Risk Assessments

2. Understanding Risk Assessments

Healthy Workplace Checklist – EIS Guidance on Risk Assessments

Examining and interrogating the components of a Covid-19 Risk Assessment and Plan:

- Physical Distancing
- Cleaning and Hygiene
- PPE
- Isolation
- Safe Staff Levels
- Travel to Work



2. Understanding Risk Assessments

| Commuting to and from Site – All Staff | | | |
|--|---|--|-------------------------------------|
| Safety Hazard | List of control methods that must be followed to protect your health and safety. | PPE/Training Requirements | Risk level if control measures used |
| Maintenance of 2 metres recommended social distancing and increased risk of infection as a result. | <p>Wherever possible private transport should be used to maintain isolation from the public when commuting to the workplace.</p> <p>If public transport cannot be avoided, the employee should be encouraged to follow current government advice in respect of face coverings.</p> <p>On arrival at the site, employees should thoroughly wash their hands for at least 20 seconds or use hand sanitiser gel immediately on entry to the workplace.</p> | <p>Face coverings may be required if 2m distancing cannot be maintained.</p> <p>Hand Sanitiser Gel should be provided in every classroom and at entry and egress points.</p> | |

2. Understanding Risk Assessments

Vulnerable Employees

- Clinically extremely vulnerably or Critically vulnerable (over 70, pregnant, chronic asthma etc)?
- Disabled members and BME members

| Commuting to and from Site | | | |
|--|--|---|-------------------------------------|
| Safety Hazard | List of control methods that must be followed to protect your health and safety. | PPE/Training Requirements | Risk level if control measures used |
| Maintenance of 2 metres recommended social distancing and increased risk of infection as a result. | <p>Wherever possible private transport should be used to maintain isolation from the public when commuting to the office.</p> <p>If public transport cannot be avoided, the employee should be encouraged to follow current government advice in respect of face coverings.</p> <p>On arrival at the site, employees should thoroughly wash their hands for at least for 20 seconds or use hand sanitiser gel immediately on entry to the workplace.</p> <p>Additional staff engagement on staff member's particular vulnerability and how this can be minimised.</p> | <p>Face coverings for all staff.</p> <p>Hand Sanitiser Gel should be provided in every classroom and at entry and egress points.</p> | |

2. Understanding Risk Assessments ASN, EY, and Primary Schools

- [Guidance on social distancing](#)
- PPE
- Personalised Risk Assessments
- EIS Guidance on Managing Risks of Covid 19 for Instrumental Music Tuition



2. Understanding Risk Assessments

Mental Health

- It's not only physical risks that require to be assessed; workers risk poor mental health caused by stress, fear, and anxiety about returning to work in potentially unsafe environments.
- Some colleagues will have suffered a recent bereavement and may need time-off, counselling, and other support.
- With fewer people likely to be at work, expectations around what's possible need to be adjusted to be realistic for all.
- EIS advice is available on the website ('EIS Health and Wellbeing Support' - <https://www.eis.org.uk/Coronavirus/Directory>).

3. Agreeing and Implementing Risk Assessment

- Share, Consult, Record and Review. Remember that you as the HT are responsible for the RA but the best outcomes will be achieved in collaboration with the union rep in your school.
- Speak to the EIS Rep (or the LA Secretary where there isn't a Rep) throughout the RA process.

Continually review and assess the health of the staff in your workplace



4. Potential outcomes if a Risk Assessment is not in place or adhered to:

- Formal notice of concern on behalf of the EIS Branch
- Engagement of the Local Association Secretary by the Branch
- Negotiation
- Lodging of collective grievance or dispute by the Branch
- Invoking of legal protections

4. Legal protection in the event of Risk Assessments not being agreed/ followed

Section 44 of the Employment Rights Act 1996:

An employee has the right not to be dismissed or treated detrimentally by employer if s/he leaves, proposes to leave, refuses to return to the workplace, or takes steps to protect him/herself or others in circumstances of danger, which the employee reasonably believes to be serious and imminent and which s/he could not reasonably have been expected to avert.

Collective response to Health and Safety for HT members and Reps

- Know the EIS Advice – check emails, bulletins and website updates
- Get organised – work with the EIS Rep who will keep the branch and Local Association updated and informed
- Only return staff to the physical workplace when all major health and safety concerns have been addressed by sound risk assessment and resolutions

