

Anne Paterson
Director of Education
Argyll & Bute Council
Kilmory
Lochgilphead
PA31 8RT

Ref: LF/KN/DoE 05.10.20

5 October 2020

Dear Director

I write with regard to previously shielding teachers and those with identified vulnerabilities.

As you will be aware most colleagues in this position had individual risk assessments carried out, which led in many cases to agreed mitigations being put in place, including where appropriate working remotely.

As a result of the Scottish Government's Covid risk assessment tool being revised, there is a requirement for this bespoke risk assessments to be revisited. This has happened in most areas but some Councils, and some schools, have apparently declined to do so.

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"It has been decided following discussions with other local authorities that risk assessments will not be re done on the basis of new risk matrix tools being released."

That position is not acceptable to the EIS.

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Further, a failure to review risk assessments in light of a significant change such as the revised tool means that risk assessments are not "suitable and sufficient" in terms of The Management of Health and Safety at Work Regulations 1999, specifically Reg 3.

A failure to review would also be at odds with the advice from Public Health Scotland.

On a related topic I should add that we have heard of some Councils requiring vulnerable staff to declare themselves unfit for work rather than accommodating them as working remotely. Again, this is not an acceptable practice which we will challenge, legally if required. Covid related mitigations and absences should not count as normal sick leave.

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Yours sincerely

Larry Flanagan



Lorraine Sanda
Director of Education
Clackmannanshire Council
Services to People
Greenside Street
Kilncraigs, ALLOA
FK10 1EB

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Gillian Bryson
Director of Education
Dumfries & Galloway Council
Education Headquarters
122-124 Irish Street
DUMFRIES
DG1 2PB

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Apart from the issue of the revised risk assessment tool, the rising level of infection in the community should itself trigger a review of bespoke assessments. Although shielding has not been reintroduced at this stage, and the First Minister posited this in a positive sense as not imposing social restrictions, for those in employment there is clearly an increased risk which needs to be addressed.

The EIS will support members in pursuing this matter where required, up to an including the use of Section 44 of the Employment Rights Act 1996.

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Larry Flanagan

EIS General Secretary

Lany Hanagan



Audrey May
Director of Education
Dundee City Council
Dundee House
50 North Lindsay Street
DUNDEE
DD1 1QE

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Linda McAulay-Griffiths Director of Education East Ayrshire Council London Road Kilmarnock EAST AYRSHIRE KA3 7BU

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Jacqueline Macdonald
Director of Education
East Dunbartonshire Council
12 Strathkelvin Place
Kirkintilloch
Dunbartonshire
G66 1TJ

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Director of Education
East Lothian Council
Council Buildings
John Muir House, Brewery Park
HADDINGTON
EH41 3HA

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Mhairi Shaw
Director of Education
East Renfrewshire Council
211 Main Street
Barrhead
Renfrewshire
G78 1SY

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Alistair Gaw
Director of Education
City of Edinburgh Council
Waverley Court
4 East Market Street
EDINBURGH
EH8 8BG

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Kelly McIntosh
Director of Education
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AX

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Robert Naylor
Director of Education
Falkirk Council
Sealock House
2 Inchyra Road
Grangemouth
FK3 9XB

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Carrie Lindsay
Director of Education
Fife Council
Fife House
North Street
GLENROTHES
KY7 5LT

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Maureen McKenna
Director of Education
Glasgow City Council
City Chambers East Building
40 John Street
GLASGOW
G1 1JL

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Nicky Grant Director of Education Highland Council Glenurquhart Road INVERNESS IV3 5NX

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Yours sincerely

Larry Flanagan



Fiona Robertson
Director of Education
Midlothian Council
Fairfield House
8 Lothian Road
DALKEITH
EH22 3ZG

Ref: LF/KN/DoE 05.10.20

5 October 2020

Dear Director

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Larry Flanagan



Roddy Burns
Director of Education
Moray Council
Council Offices
High Street
ELGIN
IV30 1BX

Ref: LF/KN/DoE 05.10.20

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Larry Flanagan



Andrew McClelland Director of Education North Ayrshire Council Cunninghame House IRVINE KA12 8EE

Ref: LF/KN/DoE 05.10.20

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Larry Flanagan



Derek Brown
Director of Education
North Lanarkshire Council
Municipal Buildings
Kildonan Street
COATBRIDGE
ML5 3BT

Ref: LF/KN/DoE 05.10.20

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James Wylie
Director of Education
Orkney Islands Council
Council Offices
Kirkwall
ORKNEY
KW15 1NY

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Larry Flanagan



Sheena Devlin
Director of Education
Perth & Kinross Council
Education & Children's Services
Pullar House 35 Kinnoull Street
PERTH
PH1 5GD

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Larry Flanagan



Steven Quinn
Director of Education
Renfrewshire Council
Education Services
Cotton Street
PAISLEY
PA1 1LE

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Lesley Munro
Director of Education
Scottish Borders Council
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

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Helen Budge
Director of Education
Shetland Islands Council
Hayfield House
Hayfield Lane
LERWICK
ZE1 0QD

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Douglas Hutchison
Director of Education
South Ayrshire Council
County Buildings
Wellington Square
AYR
KA7 1DR

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Tony McDaid
Director of Education
South Lanarkshire Council
Council Offices
Almada Street
HAMILTON
ML3 0AA

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Kevin Kelman
Director of Education
Stirling Council
Wolfcraig
Dumbarton Road
Stirling
FK8 2LQ

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Larry Flanagan



Laura Mason
Director of Education
West Dunbartonshire Council
Council Offices
Garshake Road
DUMBARTON
G82 3PU

Ref: LF/KN/DoE 05.10.20

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Elaine Cook
Director of Education
West Lothian Council
West Lothian House
Almondvale Boulevard
LIVINGSTON
EH54 6QG

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I cite below one such communication:

"It has been decided following discussions with other local authorities that risk assessments will not be re done on the basis of new risk matrix tools being released."

That position is not acceptable to the EIS.

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Further, a failure to review risk assessments in light of a significant change such as the revised tool means that risk assessments are not "suitable and sufficient" in terms of The Management of Health and Safety at Work Regulations 1999, specifically Reg 3.

A failure to review would also be at odds with the advice from Public Health Scotland.

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Yours sincerely

Larry Flanagan



Bernard Chisholm Director of Education Western Isles Council Sandwick Road Stornoway HS1 2BW

Ref: LF/KN/DoE 05.10.20

5 October 2020

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Laurence Findlay
Director of Education
Aberdeenshire Council
Woodhill House Annexe
Westburn Road
ABERDEEN
AB16 5GJ

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Ruth Binks Director of Education Inverclyde Council Municipal Buildings GREENOCK PA15 1LY

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Rob Polkinghorn
Director of Education
Aberdeen City Council
Ground Floor
Marischal College
ABERDEEN
AB10 1AB

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