

MEMBER ADVICE ON THE RE-OPENING OF SCHOOLS

Health and Safety and Risk Assessments

In response to the global Covid-19 pandemic, on 21 May 2020, Scottish Government produced a paper [‘Scotland’s route map through and out of the crisis’](#) outlining measures to be taken to relax ‘lockdown’ across four phases. Phases 1 and 3 are particularly relevant regarding the re-opening of schools.

Phase 1 involves teachers and other staff being permitted to return to schools in June to prepare classrooms for next term. An increased number of children would be able to access childcare provision, including the children of key workers and disadvantaged families, with childminding services reopening along with fully outdoor nursery provision. There would also be some support “where possible” for pupils transitioning into P1 or from P7 to S1.

Phase 3 involves children returning to school under a blended model of part-time in-school teaching and part-time in-home learning if public health measures are in place. At the moment, the intention is that schools will reopen on 11 August 2020 if the phasing goes to plan.

The Scottish Government published also a [Strategic Framework for Reopening Schools and ELC](#) and this week a Guidance document to support this policy:

<https://www.gov.scot/publications/coronavirus-covid-19-re-opening-schools-guide/>.

Contained within the guidance is specific reference to the role of trade unions:

- *In accordance with relevant legislation and guidance, local trade unions should be consulted on and involved in the development of risk assessments.*
- *When developing local authority and school plans and risk assessments, there should be close partnership working with, and involvement of, local trade unions.*
- *In developing these local authority and school-level plans, there should be close engagement and partnership working wherever appropriate between school management teams, teaching and non-teaching staff, and trade unions (including through LNCTs).*

Critical to the reopening of schools, therefore, both for staff and for pupils is a requirement that risk assessments are in place, that all public health guidance in relation to COVID 19 is operational, and that schools are safe places to work.

This EIS guidance is intended to ensure that school reps, and members generally, are aware of their entitlements under Health and Safety legislation and also of the type of measures which should be in place, before any return to schools.

Headteacher and Depute Headteacher members should find the guidance useful, also, in supporting their preparations as it will fall to them to act on behalf of the Employer at school level. The EIS recommends that Headteacher and Depute Headteacher colleagues continue to work closely with School Reps, a strongly collegiate approach being the best way to protect the health and safety of all within the school community.

To be clear, schools should only be open for staff access once public health advice allows and where a risk assessment has been carried out and implemented.

Additionally, the Scottish Government route map indicates that staff “may” return to school buildings for the purpose of planning for next year, it does not say they must. The EIS view is that staff should only return to school buildings where there is a designated specific purpose to said return and that this should be subject to agreement at school level. The default should be to work from home where possible and those with underlying health conditions, shielding, or childcare commitments should be supported to continue to work from home.

Further advice is awaited from the Coronavirus Education Recovery Group (CERG) re the balance of work between Hub support, providing remote learning, and preparing for a school return in August.

Legal Background to the Employer’s Duty of Care, Risk Assessments and Consultation

The Management of Health and Safety at Work Regulations 1999, and associated legislation, states that your employer is obliged to provide you with a safe place of work through the use of a risk assessment. A risk assessment will allow you to identify hazards and risk factors that have the potential to cause harm. There are five steps in a 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 assessment and update if necessary

It is of vital importance that you are consulted as to the robustness and effectiveness of the risk assessment and ensuing plan. Your school rep must be consulted on the risk assessment prior to implementation. A risk assessment does not legally require agreement between the employer and unions, but in the context of the advice from Scottish Government we would expect agreement to be reached, otherwise our advice would be to lodge a grievance and escalate the issue to LNCT level. This position should be arrived at collectively through branch consultation.

Members should:

- ✓ Ensure that there is consultation on the risk assessment.
- ✓ Familiarise yourself with your school’s risk assessment.
- ✓ Consider the points outlined in the ‘Healthy Workplace Checklist’ to ensure that relevant Health and Safety issues have been appropriately identified.
- ✓ Meet with the school rep to clarify and, finally, agree on a satisfactory risk assessment.
- ✓ If there is not a risk assessment in place, or it does not adequately address the concerns of members, or is not followed, then your local association secretary, should be informed by the school rep or nominated individual.

- ✓ If you reasonably believe that a return would put you at personal risk, seek advice from your local association secretary.

Members with Underlying Health Conditions and Shielding Responsibilities

As the recent survey confirmed, within the EIS there are a significant number of members with underlying health conditions and shielding responsibilities. The current [Scottish Government advice](#) is such that members will continue to be advised to work from home if they are within a shielded or vulnerable group, which includes those who are pregnant. Some members may be told to work from home, if they can.

Additionally, there is growing evidence that members of the BAME community may be at higher risk of both being infected by the virus and of suffering more severely from the infection. Specific consideration should be made, therefore, around protecting such members as per the Scottish Government guidance. If you require specific advice in relation this, contact your Local Association Secretary.

Please speak to your EIS rep or local association secretary if you have a query about working from home.

Members should note, also, that there is agreement around the need to mitigate the challenges of childcare responsibilities of teachers (both in June and from August when schools reopen to pupils), which may include the provision of childcare support or continued Working from Home arrangements.

Mental Health

At such a time of change and uncertainty, it is important that members do not neglect their own mental health. EIS advice is available on the website ('EIS Health and Wellbeing Support' - <https://www.eis.org.uk/Coronavirus/Directory>). Speak to your EIS rep if you feel you need support which you are not getting from the employer e.g. bereavement leave, counselling, or financial assistance.

Safe Workplace Checklist

The following checklist should be used as a guide when considering Health and Safety issues relating to the control of Covid-19 within the workplace. They are by no means exhaustive.

Cleaning, hygiene and social distancing

1. If your school has not been used as a hub, has there been a deep clean (akin to summer clean) prior to reopening?
2. Has the school's cold and hot water system, lighting, gas and electricity etc. been checked? (You may wish to speak to support staff unions in the school about this, including ensuring that their own risk assessments are followed.)
3. Have windows been checked to ensure that as many as possible are able to be opened to improve ventilation?
4. Are there enhanced cleaning provisions in place daily, including shared surfaces such as keyboards? (You may wish to speak to the school cleaning and janitorial staff.)
5. Are effective hygiene measures in place, including foot pedal bins in every room alongside hand sanitisers, which should be available also at entrances?
6. Is personal protective equipment (PPE) required? Is it adequately provided to staff? Are staff being supported/allowed to wear face coverings should they wish? (See link below)
7. Are social distancing measures being implemented across all contexts? At the moment, any distancing measure will always require each individual staying 2 metres away from all others. (See the [Guidance on physical distancing in educational and childcare settings](#).) Are these consistent with reducing contact or potential contact between people?
8. Is there a hygiene protocol providing for regular hygiene breaks of sufficient length during the day? (Restrict the number of people using the toilet facilities e.g. using an engaged sign if necessary.)
9. Is there access to enough sinks with hot water and soap for the number of staff in school?
10. Does every class have a supply of hand sanitiser (minimum alcohol 60%) and tissues?
11. Does the school have appropriate signage alerting all to the need for high standards of hygiene?
12. Has a rota of staff been organised with varying start/finish times? Has this been done with a view to reducing the staff numbers in school to the minimum necessary i.e. is it necessary for each person in the building at any one time to be there?
13. Is there a one-way system in place throughout the school and for ingress and egress, the latter to include any required changes in relation to fire safety arrangements? Have said fire safety arrangements been reviewed as required to ensure assembly areas are appropriate to ensure physical distancing?
14. Are rooms labelled to identify max number of people to respect social distancing requirements?
15. Dining halls, offices, staff bases and rest areas – has the schools minimised the number of chairs to maintain 2m rule?
16. Dining halls, staff bases and rest areas – has the school established staggered breaks if it is needed to reduce the number of people in the area?
17. Where limited catering facilities are provided, is there guidance on the need for food to be wrapped and only disposable cutlery provided?

18. Is there clear guidance on the use of outdoor spaces (which should be subject to risk assessment also), including fixtures such as benches and seats etc?

Health

19. Is there a designated person with responsibility for keeping up to date with any changes to NHS, Health Protection Scotland or Scottish Government guidance?
20. Have staff, and pupils, who may be at additional risk, e.g. underlying health conditions, those who identify as BAME, or other demographic or protected characteristics, had individual risk assessments carried out?
21. Is there a designated person in the school responsible for ensuring that everyone in the school is aware of up to date symptoms of Covid19?
22. Are vulnerable staff (severe as well as moderate risk) working from home?
23. What additional support may be needed for staff working at home who are classed as 'at risk' from Covid19?
24. Is there temperature testing facility for staff?
25. Is there a protocol for what to do where an individual develops Covid19 symptoms during the day? Is there provision of an isolation area where any employees showing symptoms can be directed until they are able to leave the site?
26. Is there a Test and Protect protocol for ensuring the testing of staff who have symptoms? (<https://www.gov.scot/publications/coronavirus-covid-19-getting-tested/>) Are there contingencies for dealing with self-isolation of staff under the Test Trace and Isolate protocols?
27. What additional control measures are in place to reduce the risk of any necessary visitors (e.g. key worker NHS staff) bringing the Covid19 virus into school or college inadvertently?
28. Is there a contingency plan to deal with any situation where a number of staff have to leave the school and return home?

Travel

29. What consideration has been given to transportation difficulties for those staff who usually use public transport, with safeguarding being paramount, along with logistical issues?
30. Are car parking spaces clearly set out to maintain physical distancing?

Consultation

31. Have staff been consulted and involved in all of the above?
32. School Leadership Teams should involve union reps at the outset and consult staff as widely as possible and practicable. Has this happened, involving union workplace reps and health & safety reps?
33. Does the school have a written Covid19 risk assessment register? Does this capture who has seen and acknowledged seeing control measures to reduce the spread of Covid19?
34. What formal process is there for reviewing risk assessments and implementing revised control measures where appropriate and necessary? Is the school reviewing risk assessments and protocols at regular intervals and when circumstances change, in consultation with staff and union representatives?
35. If control measures cannot be maintained within the school, what is the plan? Are staff aware of the plan?