



# SUPPORTING SUPPORT STAFF

## YOUR RIGHTS

You are protected at work by law and this means you should not work in an environment where foreseeable risk has not been mitigated or removed, as far as is reasonably practicable.

There are a range of statutory requirements that together form part of the **duty of care** that schools owe to their staff, and by extension to pupils and visitors such as parents. In the school setting these include

- Section 1 (2) **Health and Safety at Work etc. Act 1974** which states: “It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees”.
- Regulation 3 (1) of the **Management of Health and Safety at Work Regulations 1999** which provides that: “Every employer shall make a suitable and sufficient assessment of the risks to the health and safety of his employees to which they are exposed whilst they are at work; and the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking”.
- An Equality Impact Assessment to meet the requirement of the Public Sector Equality Duty contained in section 149 of the **Equality Act 2010**, which requires public authorities to have due regard to a number of equality considerations when exercising their functions.

## FREQUENTLY ASKED QUESTIONS

### **Q. What should I do in advance of attending work with a wider group of pupils?**

A. Prior to more pupils returning, if you have not already done so, ask for a risk assessment (you can use the template letter GMB provided). If you do not receive a risk assessment prior to your return to work, contact your GMB Branch or Regional Organiser. Risk assessments should be carried out on all roles within a school- not just classroom based positions.

You should be provided with the findings of the risk assessment which shows what the key risks of Covid-19 transmissions are, and how they will be controlled.

The school should tell you

- what actions they will be taking
- what training you will receive on new ways of working before the school reopens
- the information you need to make sure you clearly understand how to work safely once the school is reopened
- how any changes to ways of working will affect you
- the details of any new processes or procedures to follow

**If this information hasn't been provided, is inadequate or is incomplete, then you should inform GMB and immediately contact your school to raise the issue.**

### **Q. I'm a vulnerable worker in the shielding group, what should I do?**

A. No-one in the shielding group of extremely vulnerable workers (i.e. who has received a letter confirming this status) should return to work or attempt to do so. All workers in the shielding category must not leave home until otherwise formally notified that it is safe to do so, either by the NHS or the Government.

### **Q. I have an underlying health condition and am too frightened to go in to work, what should I do?**

A. If you have other underlying health conditions, you should have a risk assessment specific to you and the work that you do. This must be performed before any return to work and involve Occupational Health or other medical professional. The assessment should consider whether you can perform your job role at home (on normal pay); if not whether you can perform other work from home. If neither is possible, then an assessment should consider whether you can perform your work duties, or other work, in the school but segregated away from areas of high risk. If this is not possible, then control measures such as working reduced hours, travelling outside of peak periods, and the provision of PPE should be considered.

**Q. I am from the BAME community and do not feel this has been considered as part of the wider reopening of my school and I feel vulnerable. What can I do?**

A. While it may not yet be clear why the danger of contracting COVID-19, and subsequent mortality rates, are higher within the BAME community, it is clear the health and wellbeing for BAME staff must be considered and developed (as it has been in the NHS) across the education system as school support staff are required to return to work and into face to face contact. The Local Government Association (LGA) have included particular consideration of the potential impact of Covid-19 on BAME communities by calling for decisions to be made on a local level to ensure this issue is considered and that all involved are as comfortable as possible with any plans for extending opening. For example, in communities where there may be a higher risk, such as those with a high proportion of Black, Asian and minority ethnic residents, schools may wish to take their own decisions about reopening - in consultation with their councils. It may also be that specific risk assessments are undertaken to additionally limit the risk to some members of the BAME community. This should be included as part of individual conversations and risk assessments.

BAMEed has produced a document and guide on this which can be found at

<https://www.bameednetwork.com/wp-content/uploads/2020/05/BAMEed-Network- Schools-and-Covid-19 - guidance-for-BAME-staff-and-their-employers-2.pdf>

**Q. What are the rules about social distancing in schools?**

A. One important point to bear in mind, particularly for younger pupils, is that the UK Government have been clear in their guidance that social distancing will not be possible in schools. As a result, school leaders will not be able to include social distancing as a way of controlling Covid –19 risk from pupils. It will still be necessary in staff rooms, reception areas and any other situations involving adults only though. Where a high risk of transmission remains, GMB believes other measures such as Personal Protective Equipment (PPE) will be needed.

**Q. How will the school operate once more pupils are back in school?**

A. Workers who are classroom teaching assistants should be allocated a specific class pod or bubble - a group of no more than 15 pupils who will be the sole class worked with until the end of term. These pods/bubbles, will further reduce the risk as transmission will be limited to the smaller group. If your school cannot manage risk down to an acceptable level, they shouldn't expect you to be in work. All teaching assistants should still be working to their contracted role and under the supervision of a qualified teacher.

**Q. I don't feel it is safe for my school to have more pupils yet and I am afraid to go to work. What should I do?**



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- A. It is important to share your concerns with the school- do not just fail to turn up to work. You can also contact your local branch or regional office and GMB will support you if you genuinely fear that your workplace is unsafe. GMB understands it is also natural, for support staff, to be worried about the wider reopening of the school even if the risks to you are very low. Because these are unprecedented times, the LGA and GMB are encouraging all Head Teachers to offer more reassurance and discussion than usual to work out how to proceed in individual cases. Your Head Teacher should try to work out a sensible way forward, for individual cases that acknowledge specific anxieties but which also enables the school's responsibilities to be effectively discharged. As part of this, consider what changes need to be made to help you feel safe. School leaders should consider the mental health and wellbeing of staff and the LGA will shortly be publishing a wellbeing and mental health guide specifically for school staff.
- Q. Many of us share the same safety concerns. Is there anything we can do together?**
- A. If there are several GMB members who share concerns, talk to your branch, regional organiser or workplace representative about a collective grievance. You could also involve non-members and encourage them to join, for collective strength.
- Q. What if my school threatens my job or threatens to stop my pay if I don't return to work because I feel it is unsafe?**
- A. Contact your branch immediately for advice and support. The guidance is clear that for some staff it will be unsafe to attend school until the virus has reduced much further and the vast majority of employers are following this guidance. Schools also have discretion and are encouraged to deal with those staff not wanting to attend on a case by case basis. Policies need to be applied in a clear, fair and consistent manner. GMB will challenge any employer who withholds pay on these grounds. I
- Q. I have to take public transport to get to work. Is there anything I can do to minimise risk?**
- A. Travelling on public transport places you at increased risk and this should be included in your risk assessment. Talk to your Head Teacher about whether your start and finish times could be changed to avoid peak time travel.
- Q. I am back in work with an increased number of pupils and it feels unsafe. What should I do?**
- A. Start logging unsafe practices immediately. If you feel you are in danger, raise this with the school leadership and GMB workplace rep as soon as possible. If issues are not resolved escalate them through to your Branch or regional office for further advice.

**Everyone has the right to feel safe at work.**

**GMB is here for you.**

**MEMBERS FIRST**