**Coronavirus (COVID-19) – Staffing Guidance for Schools & FAQs**

**Updated 11th May 2021**

The DfE has issued detailed guidance to assist schools and other educational settings in providing advice for pupils, students, staff and parents around the issues relating to Coronavirus. The latest guidance is available [here](https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak/guidance-for-full-opening-schools).

The guidance below is aimed at school leaders and reflects the employment decisions being made by NYCC taking into account both statutory and local pay arrangements and terms and conditions of service.

Academy Trusts and other employers will need to ensure that they consider the impact that any changes to normal working arrangements will have on their own policies and terms and conditions, and undertake any necessary consultation or negotiation in line with local agreements.

Maintained schools outside North Yorkshire should ensure they maintain appropriate links with their Local Authority and follow any employment guidance, which they issue.

National guidance is developing and changing at an unprecedented rate and this document will be kept under review to ensure these changes are reflected and to respond to queries NYHR has received from schools.

Additions and amendments made in the latest version are highlighted in purple for ease of identification.

School employees are advised to contact their line manager or Headteacher regarding any employment concerns or queries they may have as a result of the Coronavirus pandemic. However, there is also a staff guidance document with the answers to many frequently asked questions on the CYPS website and available [here](https://cyps.northyorks.gov.uk/covid-19-human-resources).

**Further information**

School leaders can contact NYHR on (01609) 798343 or [NYHR@northyorks.gov.uk](mailto:NYHR@northyorks.gov.uk) for further information and management advice regarding the employment implications of Coronavirus.

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# Covid Vaccination Queries

## Staff going off sick following vaccination

Occasionally people who have received the vaccine may develop some symptoms (e.g. sore arm, feverishness, aches) for up to 48 hours following vaccination. If they feel too unwell to work, they should report in sick in the normal way.

For NYCC maintained schools; it has been agreed that up to 2 days absence following vaccination (for each of the 2 doses of vaccine, if necessary) will be disregarded for increment and attendance management purposes. Such absence should be recorded against the ‘Infectious Disease – Coronavirus’ code.

## Should I grant paid time off work to go to a vaccination appointment?

Many individuals are being offered the opportunity to make a vaccination appointment via a link and will have a choice of dates and times. Where possible they should secure an appointment outside of their working time or with the minimum possible impact on work. However, it is advised that where they do not have this flexibility, an employee is allowed reasonable time off to attend a vaccination appointment. Any employee offered the vaccination is strongly encouraged to take it as soon as possible.

## Should employees who have recently had covid get the vaccine?

Where an employee has recently had coronavirus, they should wait 28 days from either the date of their positive test or the onset of symptoms, whichever is later, before having the vaccination. There are also some individuals who are advised not to be vaccinated at the current time:

## Should pregnant employees get the vaccine?

Initially pregnant women were advised not to get vaccinated but this has recently changed. The Joint Committee on Vaccination and Immunisation (JCVI) has issued new advice that pregnant women should be offered the covid-19 vaccine at the same time as the rest of the population, based on their age and clinical risk group. Pregnant women are encouraged to discuss the risks and benefits with their GP, obstetrician or midwife, including which brand of vaccine is more preferable for them, in order that they can make an informed choice about vaccination during their pregnancy.

## Can I require staff to declare whether they have been vaccinated?

An employee’s vaccination status is medical information and is therefore considered sensitive personal information. As a result it is important to ensure you are complying with legal requirements under GDPR about collecting and retaining this information. Under no circumstances should you consider disclosing it to third parties including colleagues, parents etc.

As it currently stands, there is nothing legally to prevent you asking staff to disclose their vaccination status, providing there is a sound rationale to do so based on what you are trying to achieve by collating this data. Whilst it may seem relevant to know vaccine status as part of conducting a risk assessment to ensure health and safety, currently vaccine status does not form part of Government guidance on workplace safety and so it is unlikely that an employer will be able to rely on health and safety arguments to force colleagues to disclose whether or not they have been vaccinated.

This area is subject to change depending on Government advice and any developments on vaccination certification etc.

## Can I instruct my staff to take up the vaccine to minimise any risk of infection?

No, vaccination is not mandatory for staff working within schools and you cannot require employees to receive the covid vaccination. Whilst the Government are considering making vaccination mandatory for some jobs in NHS and the elderly care sector, there are no plans to do the same for education or other care settings for children and young people.

Also you should proceed with care if you are contemplating making any adjustments to staff deployment or job roles on the basis of vaccination status, as there is the potential for such action to be discriminatory, particularly as there may well be a medical reason why the person is unable to have the vaccination. We would encourage you to contact your HR advisor to discuss any issues of this nature.

# Summer schools 2021

The DfE guidance on summer schools for 2021 is available here: [Summer schools programme - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/summer-schools-programme)

## How should we staff our summer school?

Schools should plan to use staff whose skills are aligned to the summer school’s particular aims. Schools have freedom to design their own summer school programme but this is likely to involve both academic and enrichment activities. A mix of skills will therefore be required which may be recruited from a range of sources.

## Do we need to provide job descriptions for roles undertaken during summer school?

It is not necessary to provide written job descriptions and existing employees of the school are likely to be undertaking roles consistent with their substantive positions. However, roles and responsibilities should be clearly designated, for example, overall lead, curriculum design, safeguarding, teaching, family liaison, first aid, catering, logistics and cleaning. Academic content must be delivered by experienced teachers and there should be appropriate SEND provision where required.

## Do we have to staff the summer school with our existing school employees?

It is likely that schools will use their existing employees to staff at least some of the summer school, especially where this provides the opportunity for pupils transitioning to secondary school to build relationships with key individuals. However, teachers and term-time only staff are not contracted to work during school closure periods so volunteers should be sought.

## Do existing school employees get paid to work during the summer school?

Yes. For maintained schools, teachers (with the exception of the Headteacher) should be paid an out of school hours learning activity allowance (STPCD paragraph 26.1c). This should be based on the teacher’s daily or hourly rate. Academies, Independent and Free schools have greater freedoms around the payments they make but they should be consistent with the setting’s pay policy.

Term-time only support staff should be paid additional hours for work undertaken during the summer school. As this is voluntary and a one-off arrangement (i.e. not regular) it is not necessary to grant additional paid annual leave for the hours/days worked unless there is provision for this within the school’s/Trust’s pay policy.

Payments should be made once the work has been undertaken. Where staff are unable to attend, for example due to sickness absence, they would not receive the additional payment but would be eligible for sick pay based on their normal pay.

## Who else can we use to staff our summer school?

The DfE guidance suggests a range of other people who could be engaged to work in the summer school, including supply staff (direct hire or through an agency), ITT trainees, volunteers, older or former pupils, primary school staff and other providers of enrichment activities.

The school must ensure that it complies with the statutory requirements around vetting and supervising anyone working within the summer school, either as a direct hire employee or through a third-party. Where external providers are use, the school should also ensure it complies with any IR35 requirements.

## Do we need to DBS volunteers or local helpers we use in our summer school?

This will depend on the role the volunteer is undertaking and what supervision is in place. A supervised volunteer is not in regulated activity so the school can decide whether or not a DBS is necessary. A risk assessment tool is available in the NYHR Single Central Record guidance on CYPSInfo to assist schools to make this determination.

# Lateral Flow Testing (LFT) in Secondary Schools

For further help and guidance see the [NYHR Lateral Flow Testing Workforce Information Pack](#LFT)

## Do schools need to adopt a policy/policy statement regarding the testing of staff and the security of their data?

There is no requirement to adopt a separate policy for this initiative. The obligations on how organisations handle personal data is covered under the General Data Protection Regulation that came into effect in May 2018, and schools will observe the general protocols applied to the capture, processing and retention of all staff and student data. It is anticipated that the relevant aspects of GDPR will be covered in the training for people assigned to roles as part of the LFT exercise.

## Based on the workforce profiles, can I ask staff to undertake any of these roles?

One of the considerations for a school accepting the offer to deliver LFT to staff and pupils is being able to resource the workforce required to deliver it. Those roles can be populated from existing or retired staff, volunteers, agency, or other community sources. Staff engaging in the exercise would be on a voluntary basis – individuals may have various reasons why they may not be able or willing to participate and should not be pressured to do so. That said, there may be some leadership positions where there might be an expectation of supporting an exercise like this under the scope of their existing role. It would, however, be unreasonable to ask those staff who are not employed as cleaners to undertake handling/disposal of tests, etc. - cleaners will already have appropriate knowledge/qualifications for this type if duty.

## Is there any additional payment for undertaking this different work?

If someone is assigned to a role with a higher indicative grade than their substantive position, then it will be expected that the appropriate remuneration will accompany that role. There may also be additional payment where undertaking related duties as part of LFT is additional to normal hours of working.

## Do volunteers who assist school with this need to be DBS checked?

“Supervised Volunteers” do not fall within the definition of Regulated Activity and do not therefore require a DBS check, but you will need to consider whether volunteers meet the criteria for meeting these three main points in respect of supervision: Although there is no legal requirement to undertake a DBS check there is an ability to do so, if school deems it necessary.

* there must be supervision by a person who is in regulated activity and has been DBS checked
* supervision must be regular and day to day; and
* supervision must be “reasonable in all the circumstances to ensure the protection of children”

## I have a member of staff who refuses to be tested weekly – can I insist they comply?

The short answer is no. The tests are not statutory for schools to undertake. Where a school is conducting LFT, it is voluntary for staff, and you may wish to encourage them to participate for the benefit of all (but cannot insist that they do).

## A member of staff has had a positive LFD test (Secondary only)

There has been a change to the national rules around LFD test results and self-isolation since they were first introduced. Previously, if someone tested positive following a LFD test they would be required to have a PCR test within 48 hours. If the result of this was negative, the individual and their household could stop isolating.

However, this has now changed and those having a positive LFD test result, and their household, must self-isolate for the full 10 days. There is no facility for them to have a confirmatory PCR test.

## A member of staff has been identified as a close contact of someone who has tested positive

They should follow the usual guidance in this instance; 10 days self-isolation.

## Should staff still take part in the asymptomatic testing programme if they have recently tested positive for COVID-19? (in the last 90 days)

If they have tested positive by PCR for COVID-19, they will probably have developed some immunity to the disease. However, it cannot be guaranteed that everyone will develop immunity, or how long it will last. It is possible for PCR tests to remain positive for some time after COVID-19 infection.

Anyone who has previously received a positive COVID-19 PCR test result should not be re-tested within 90 days of that test, unless they develop any new symptoms of COVID-19.

# Lateral Flow Testing (LFT) in Primary Schools

## Do schools need to adopt a policy/policy statement regarding the testing of staff and the security of their data?

There is no requirement to adopt a separate policy for this initiative. The obligations on how organisations handle personal data is covered under the General Data Protection Regulation that came into effect in May 2018, and schools will observe the general protocols applied to the capture, processing and retention of all staff and student data.

## I have a member of staff who refuses participate in testing – can I insist they comply?

The short answer is no. The tests are not statutory for schools to undertake. It is voluntary for staff, and you may wish to encourage them to participate for the benefit of all (but cannot insist that they do).

## A member of staff has had a positive LFD test (Primary schools only)

If an employee tests positive following a LFD test, they are required to have a PCR test within 48 hours. In the meantime the employee and their household are required to isolate. If the result of the PCR test is negative, the individual and their household can stop isolating.

If the PCR test is positive the employee and their household are required to complete the 10 day self-isolation period.

## A member of staff has been identified as a close contact of someone who has tested positive

They should follow the usual guidance in this instance; 10 days self-isolation.

## Should staff still take part in the asymptomatic testing programme if they have recently tested positive for COVID-19? (in the last 90 days)

If they have tested positive by PCR for COVID-19, they will probably have developed some immunity to the disease. However, it cannot be guaranteed that everyone will develop immunity, or how long it will last. It is possible for PCR tests to remain positive for some time after COVID-19 infection.

Anyone who has previously received a positive COVID-19 PCR test result should not be re-tested within 90 days of that test, unless they develop any new symptoms of COVID-19.

# Covid-related workforce queries

## What is the difference between key workers and critical workers?

These different names refer to the groups of workers who are eligible to send their children to school during a period of national lockdown, when this arrangement includes school closures. The Government altered the terminology from ‘key worker’ during the first Covid-19 lockdown in 2020, to ‘critical worker’ for the lockdown period that commenced on 4th January 2021 and expanded the definition to include those whose work is critical to the EU transition as well as the Covid-19 response.

## Who are categorised as critical workers?

For the national lockdown that began on 4th January 2021, the Government has updated the list of positions that are considered critical workers and the list can be accessed via this [link](https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19)

## What flexibility do I have if I need to stagger the start and finish times of the school day?

With the evolving balance between increasing numbers of children in school, availability of staff, and changing Government advice schools may be considering staggering the school day to avoid congestion, in line with the government guidance for full opening.

If a school proposes a staggered approach, consideration must be given to the directed time calendar and if any changes are required, they would need to be mutually agreed and remain within the 1265 directed time hours,

The [government guidance for full opening](https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak/guidance-for-full-opening-schools) says, “*schools should consider staggered starts or adjusting start and finish times to keep groups apart as they arrive and leave school. Staggered start and finish times should not reduce the amount of overall teaching time. A staggered start may, for example, include condensing / staggering free periods or break time but retaining the same amount of teaching time, or keeping the length of the day the same but starting and finishing later to avoid rush hour. Schools should consider how to communicate this to parents and remind them about the process that has been agreed for drop off and collection, including that gathering at the school gates and otherwise coming onto the site without an appointment is not allowed*”.

Note that where school specific buses are involved, it is unlikely these services will be able to accommodate additional journeys at staggered times, and will remain on the existing drop-off and pick-up times.

## What if that means staggering lunch breaks?

Such changes to the school timetable may well involve changes to when staff have been used to having their lunch break. This is acceptable as long as all staff still have enough time to take a lunch break - (Working Time Regulations requires this to be a minimum of 20 mins if they work more than 6 hours in a day) and for teachers it is “one break of reasonable length between the hours of 12 noon and 2.00pm”. Consideration should be given to teachers’ directed time calendar and the 1265 hour maximum.

## Can we use supply teachers who are also working in another school?

The guidance allows for supply teachers, peripatetic teachers and/or other temporary staff to move between schools. Our advice would be for schools to ensure a full induction covering the schools working practices is completed. Schools should consider the use of supply as part of their wider school Risk Assessment and planning, aiming to minimise the number of people on the school site

Some schools may have supply staff they use regularly and whom they directly employ on a relief basis; this can be a good way of maintaining an element of consistency where possible.  Otherwise, agencies will often try to accommodate requests for consistent cover where possible.  Regardless, schools are encouraged to make use of supply staff wherever necessary to minimise disruption to education, particularly where a decision not to use supply / agency staff could lead to partial or full closure.

## What actions do I need to take regarding staff who were/are categorised as clinically extremely vulnerable (CEV)?

The advice that clinically extremely vulnerable employees should shield was suspended with effect from 1st April 2021. People on the shielded patients’ lists should have received a letter from the NHS with updated advice on steps they can take to reduce their risk of catching covid.

Currently the position for CEV employees is that they should work from home wherever possible. If this is not possible and redeployment to a role that can be undertaken at home is also not possible, an employee still can attend their workplace. However, it is crucial that all steps to reduce the risk of exposure to COVID-19 in the workplace are stringently implemented and this should be reflected in an up to date Covid Individual Risk Assessment.

See [Guidance for Staff with Special Circumstances](#Special) for more information on specific categories.

## My CEV member of staff has a letter from a medical professional stating that they should not attend the workplace because the risk of covid-19 is too high. What is the advice from the Local Authority in this situation?

Where a certified medical professional advises that a Clinically Extremely Vulnerable (CEV) person should not attend the workplace on account of their specific condition and the risk of covid-19 we suggest that this should be give significant weight in undertaking an Individual Risk Assessment. In this situation, the Local Authority encourages schools to facilitate a means of ensuring that individual is not required to attend the workplace and can work from home wherever possible.

## What actions do I need to take regarding staff who are categorised as clinically vulnerable?

For any individuals who are clinically vulnerable an individual risk assessment should be completed or reviewed – see [**Covid Individual Risk Assessment template**](#IRAform) and [Guidance](#IRAguide).

See [Guidance for Staff with Special Circumstances](#Special) for more information on specific categories.

## What do I need to consider for pregnant members of staff?

Pregnant women are in the ‘clinically vulnerable’ category. All pregnant women should take particular care to practise frequent thorough hand washing, and cleaning of frequently touched areas in their home or workspace, and follow the measures implemented in school to minimise the risks of transmission.

Schools are advised to undertake a covid individual risk assessment in consultation with the employee, (– see [Covid Individual Risk Assessment template](#IRAform) and [Guidance](#IRAguide)). Schools must also ensure the usual New & Expectant Mother risk assessment is completed. More guidance and advice on coronavirus and pregnancy is available from the Royal College of Obstetricians & Gynaecologists (rcog.org.uk)

Employers should be aware that pregnant women from 28 weeks’ gestation, or with underlying health conditions at any gestation, may be at greater risk of severe illness from coronavirus (COVID-19). This is because, although pregnant women of any gestation are at no more risk of contracting the virus than any other non-pregnant person who is in similar health, for those women who are 28 weeks pregnant and beyond there is an increased risk of becoming severely ill, and of pre-term birth, should they contract coronavirus (COVID-19).

NYCC advice remains that pregnant workers in their 3rd trimester and those pregnant women who have underlying health conditions that put them at greater risk of become seriously unwell due to covid should not attend their workplace, except in limited and exceptional circumstances, where attending a workplace is supported by a detailed risk assessment and agreed by the employee. Ideally they should be working from home but where it is impossible for them to undertake any duties from home, then they should be placed on maternity suspension (recorded as Isolation – Pregnancy).

## How do we support staff who have not been in school for some time, to ensure their return is successful?

We anticipate that members of staff who were previously shielding and/or home working will understandably, be apprehensive about returning to school. We would encourage school leaders to provide as much support and regular communication as possible and to consider offering them the opportunity to visit the school at a quieter time of the day, in order to view the arrangements. A colleague who has been working in school could also be identified to offer support and to provide a practical explanation of the arrangements in place. Spending time explaining the risk assessment for full school opening would also be beneficial.

## Can staff return to work even if someone in their household is clinically extremely vulnerable or clinically vulnerable?

Yes, the guidance states that people who live with those who are clinically extremely vulnerable or clinically vulnerable can attend the workplace.

## How do I engage with my staff to understand their personal situations and anxieties and provide suitable support?

It is anticipated that school leaders will have been continuing to discuss, individual circumstances with staff since the start of lockdown. Leaders will want to take individual circumstances into account, and how that is done will vary depending on the setting, the established local protocols for maintaining communication, and wider staffing picture.

If staff are expressing particular concerns and anxieties over returning or remaining in school, you may find the following sheet of tips helpful [Constructive conversations to support staff attendance and wellbeing](#Constructive)“.

If employees have personal health issues or risk factors such as age, ethnicity, which they are concerned about, an individual COVID-19 risk assessment should be undertaken in discussion with the employee. This will help identify any measures required to minimise the risk to the individual. It will also reassure the employee about the actions the school will be taking – see [Covid Individual Risk Assessment template](#IRAform) and [Guidance](#IRAguide).

Appropriate support will vary depending on an individual’s circumstances but it is important to remember that in most schools staff will have access to an employee assistance programme and they should be directed to make contact with that service. For example, many schools will use Health Assured, who can be contacted on 0800 030 5182; this is free at the point of use, providing confidential life management and personal support services to the employee and their immediate family who live with them.

If an employee is a member of a union, school leaders may also wish to encourage them to contact their union representative to discuss their concerns and access additional support.

## How do I reassure my staff that risks have been considered and managed?

There is information available to schools from the government on [implementing protective measures in education and childcare settings](https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings) that will be observed. This covers guidance on:

* Effective infection protection and control
* PPE
* Shielded and clinically vulnerable children and adults
* Class and group sizes
* Implementing protective measures in school

A comprehensive risk assessment has been completed and can be referred to. The school has had the close support of the LA in planning for transition arrangements so that a consistent approach is applied, allowing for schools to adapt the guidance according to local variations. It will also be expected that any induction and/or training needs have been addressed.

## An employee has stated that she can legally refuse to attend work if she doesn’t feel it is safe. What is the legal position?

Under sections 100 and 44 of the Employment Rights Act 1996, there are protections for employees who have a reasonable belief that they are in serious and imminent danger at work; these include protections against unfair dismissal and against being subject to a detriment. One of the difficulties at the present time is that there are no precedents to help us predict how Employment Tribunals will interpret the law in the current context. However, our advice is that this does not give staff a blanket justification for refusing to come to work. It is important that schools work through the process of risk assessing the school remaining open and consider the measures they can take to minimise risks to staff. Where employees express concerns about returning or continuing to attend work, we would encourage each case to be considered individually and in the light of that employee’s own health and concerns. Please refer to our further guidance: [Guidance for Staff with Special Circumstances](#Special)

## What is the advice where a member of staff is refusing to return to work in school?

It is natural that some staff will be worried about coming into school even if the risks for them are very low. You will know your staff best and so will be in the best position to work out how to proceed in individual cases. We are working in an unprecedented context, and more reassurance and discussion than usual may be required. It is always best, if at all possible, to work out a sensible way forward in individual cases that acknowledges any specific anxieties but which also enables the school’s responsibilities to be effectively discharged.

Circumstances for this refusal will vary, so consider these matters sensitively on a case by case basis.

For further detail see [Guidance for Staff with Special Circumstances](#Special)

## I have some staff on furlough leave. What do I need to do to get them back to work?

The first step you need to take is to get in touch with the individual to have a discussion about their return to work. Give them reasonable notice of this. You may also want to take the opportunity to discuss the key health and safety measures you are taking to help keep staff safe and ask them if they have any particular concerns. It is good practice to follow up this discussion with a short letter confirming the agreed date of return from furlough leave ([see template here](#Endfurlough)).

The next step is toensure you inform your payroll provider that this individual needs removing from the claim for furlough reimbursement via the Coronavirus Job Retention Scheme.

Please note: The Government’s Coronavirus Job Retention Scheme has been extended to 30th September 2021

## Can I vary the work pattern (times/days) of my staff to ensure consistency of staffing in small groups as far as possible?

Yes. But as with the arrangements with organising rota’s before the wider opening of schools, this should be done by mutual agreement. Consider in particular part-time staff who may have other commitments on non-working days, or anyone who may be approached to deliver hours outside of their normal pattern. Be aware some people may not wish to discuss the reasons for not being able to work specific days/times.

## Is there a deployment situation/issue where teachers may be asked to cover other subjects etc.?

In the same way as the question above, Headteachers will need to juggle timetables and staff availability to get the best fit of subject coverage. If staff are being approached to cover duties, including subjects, that are not part of their normal job role, then this to be agreed with them on a voluntary basis.

## Can I ask Teaching Assistants to lead a group of children?

The government guidance [Planning](https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings) Guide for Primary Schools covers the scenario of there being any shortages of teachers, and suggests “*asking suitably experienced teaching assistants who are willing to do so to work with groups under the supervision of a teacher*”. Be mindful that the Professional Associations including UNISON maintain a position that general and advanced teaching assistants should not cover for teacher shortages, and normal supply or SLT cover should be used. So any ‘group leading’ under a teacher’s direction should be agreed with the teaching assistant.

Note that HLTAs can already be required to take the whole class in the short-term (one week / single days) absence of the regular teacher.

## Can I cancel the planned training/INSET day?

No changes have been made to the terms and conditions framework for school teachers as a result of the covid pandemic.  As a result, maintained schools must continue to adhere to the ‘working time’ stipulations in Schools Teachers Pay & Conditions Document, which say that full time teachers can only be required to teach for 190 days of the 195 they are available for.  On the remaining 5 they cannot be required to teach pupils and these are generally used as planning training/INSET days.  Schools that decide to convert a planned training day to a normal teaching day may therefore find this proposal subject to challenge by staff and unions.

## Do I need to carry out a formal equality impact assessment of the controls I am putting in place due to covid?

Formal documented Equality Impact Assessments (EIAs) are good practice and some trade union representatives may request one but it is not a statutory requirement. Given the frequently changing guidance coming out of Government, it is the view of the LA that rather than increasing the administrative burden on Headteachers at this time, the important thing is for Heads to have regard to the impact on groups with protected characteristics as they make decisions. If they do identify that there could be a detriment on an individual or individuals in one of those protected groups, then documenting the considerations made and attempts to mitigate the impact are important. An example of this would be where existing ‘reasonable adjustments’ made for a disabled member of staff are no longer feasible due to the covid guidance. In this scenario it is important for the school to be able to evidence that they recognised the negative impact, they considered the feasibility of other options and they communicated appropriately with the affected individual.

Where an affected individual raises concerns about the impact on them, Heads should give further consideration to the measures, in line with the duties under the Equality Act and, where appropriate, arrange to meet with the affected individual and allow them the opportunity to be accompanied at that meeting by a trade union representative.

# Vulnerable Groups and other staff with special circumstances

See [Guidance for Staff with Special Circumstances](#Special) for help with these questions:

Who are the vulnerable groups?

What if an employee lives with someone who is extremely clinically vulnerable?

Remember that individual risk assessments will be key for supporting a number of staff in this category.

Some people with particular characteristics may be at comparatively increased risk from coronavirus (COVID-19), as set out in the [COVID-19: review of disparities in risks and outcomes report](https://www.gov.uk/government/publications/covid-19-review-of-disparities-in-risks-and-outcomes), which looked at different factors including age and sex, where people live, deprivation, ethnicity, people’s occupation and care home residence. The reasons for the disparities are complex and there is ongoing research to understand and translate these findings for individuals in the future.

People who live with those who have comparatively increased risk from coronavirus (COVID-19) can attend the workplace.

Also emerging UK and international data suggests that Covid19 is also disproportionately affecting people from Black, Asian and Minority Ethnic (BAME) backgrounds. This concerning evidence suggests that the impact may also be higher among men, those in the higher age brackets and those with an existing underlying health condition.

Public Health England have been asked to investigate this, but in advance of their guidance it has been recommended, on a precautionary basis, that employers should risk-assess staff at potentially greater risk and make appropriate arrangements accordingly.

On this basis, we recommend that Heads undertake **new risk assessments** for those with BAME backgrounds or **revisit existing risk assessments** for those with other vulnerabilities. The risk assessment template has been revised to take account of this new advice – see [Covid Individual Risk Assessment template](#IRAform) and [Guidance](#IRAguide).

The latest Government guidance reminds those in the **clinically vulnerable** group to be especially careful to follow social distancing and hygiene rules and minimise contacts with others.

## An employee needs time off because their child has been sent home to isolate (including CEV children)

It is important to recognise that the employee is not absent from work on account of having to self-isolate but to undertake childcare. If the child was displaying symptoms of COVID then the employee would enter a period of self-isolation if living in the same household of the child and this would be paid leave with work allocated to undertake at home.

However, where an employee requires time off to look after a child who has been instructed to self isolate, a discussion should take place with the Headteacher to explore how many of the (up to) 10 working days the employee requires off work due to childcare, taking into consideration if there is someone else who can share the childcare responsibilities. Depending upon the role the individual undertakes in school, it may be possible for School to accommodate some or all the time working from home. Where this is not possible, the leave policy adopted by the school will have provision for compassionate leave, which can be used in a ‘challenging life event’ such as this, which affords up to 5 days paid leave. For the remainder of the period of self-isolation for the child, if the employee is unable to work due to childcare, this would usually be unpaid. Therefore, the time away from school site is likely to be a combination of working from home, paid and unpaid leave.

For an employee who requires time off to look after a Clinically Extremely Vulnerable child ,having received a formal shielding notification, in a very High Alert area, a similar discussion should take place with the Headteacher about possible options.

# Dealing with cases/symptoms of Covid 19

## What should I do if I have a confirmed Covid-19 case?

The school should contact the DfE helpline (0800 046 8687) and select Option 1 for advice on the action to take as quickly as possible once they become aware of a positive covid test result.

Following the call to the DfE, NYCC maintained schools are asked to inform NYCC of the fact that there is a positive case. To report this, settings need to ring 01609 780 780 and select Option 3

In the case that a setting has 2 or more positive cases, the local Health Protection Team (Public Health England) needs to be notified immediately on 0113 386 0300 (9-5 Mon-Fri) or 0151 909 1219 (out of hours).

## When should employees self-isolate?

See [Guidance on self isolation & quarantine due to coronavirus](#Isolation) for the appropriate periods of self isolation and the impact of test results.

When an employee experiences symptoms or has to self isolate, they should contact their Headteacher or manager to inform them and discuss the situation. If the person is well, or has only mild symptoms and feels able to work, then where possible they should be asked to undertake workfrom home. At the point that an employee becomes unfit to work at home then they should report their absence in the normal manner.

## How should absence be recorded?

Absence resulting from periods of self-isolation should be reported on monthly summary sheets under the following categories:

* Isolation not working 10 days
* Isolation working from home 10 days

Absence recorded as ‘**Isolation**’ will be with normal pay and is, therefore, not sickness absence.

There are also **Isolation (not working/working) -** **open ended** categories for those staff that are not able to attend work because of their clinical vulnerablility.

Any employee who becomes too unwell to attend work, or continue working from home, should report their sickness absence in the usual way. Sickness absence resulting from an initial infection from coronavirus should be recorded as ‘Covid-19’. The NHS and GPs have in place processes to provide electronic medical certificates, including for coronavirus. Employees should request a certificate from their medical advisor to cover them from the 8th day of sickness absence. For covid-19 related isolation, an isolation note can be obtained through [NHS111](https://111.nhs.uk/isolation-note/).

Any sickness absence arising from an initial covid 19 infection will **not be included** for the increments process or sickness absence triggers under the Attendance Management Policy.

## A member of staff who tested positive is now signed off with ‘Long Covid’

Most of the employees who are off due to Covid recover well and are fit to return to work within 2 weeks or so. However, based on the national picture we are aware that a small minority of people may suffer longer term symptoms. After 7 days of absence due to sickness, a GP fit note is required. Where staff are off for over 4 weeks due to covid, they should be managed according to the schools ‘Managing Attendance Policy’. This will generally mean setting up an ‘attendance consultation meeting’ with them to discuss their health, look at what support they need, and consider whether a referral to Occupational Health may be helpful.

# Employee support

## Are there any resources we can access to support staff wellbeing?

All employers have a duty of care to their employees, and this extends to their mental health. Schools already have mechanisms to support staff wellbeing and these will be particularly important, as some staff may be particularly anxious about returning to school. The Department for Education is providing additional support for both pupil and staff wellbeing in the current situation. Information about the [extra mental health support for pupils and teachers](https://www.gov.uk/government/news/extra-mental-health-support-for-pupils-and-teachers) is available.

NEOST have developed a wellbeing guide for staff working in schools and trusts which cover psychological wellbeing tips, building resilience and also the importance of self-care. You can access this [here](#NEOST).

MindEd have also developed a [coronavirus (COVID-19) staff resilience hub](https://covid.minded.org.uk/) with advice and tips for frontline staff.

Updated 10/08/20

## Where else can staff go to access help and advice?

It is recognised that the emergency currently being faced is unprecedented in the lifetimes of all school employees and the impact it will have is only beginning to be felt.

A number of resources are available for staff [here](https://cyps.northyorks.gov.uk/covid-19-human-resources).  These continue to be updated and added to on a regular basis.

However, the need to provide employees with more hands on and practical advice and support has been identified to help them get through COVID-19. Therefore, a team of staff, with a range of knowledge and skills, has been brought together to provide a new Staff Advice Line, #askSAL. The team is also supported by a wider network of internal specialists and partners.

The advice line will:

* Help employees navigate and understand the information which is continually being updated, amended and published relating to all things covid-19
* Efficiently signpost staff to the right services / resources depending on their particular needs including in relation to topics from wellbeing to finances
* Provide a ‘listening ear and a helping hand’ by providing practical support where needed including in relation to difficult experiences and challenges being faced over this period

The team can be contacted by email on [SAL@northyorks.gov.uk](mailto:SAL@northyorks.gov.uk) or by phone on 01609 797973.

## Where can staff access specialist bereavement support?

It is never easy to talk about death but this is a subject that few people will be able to avoid over the coming weeks and months. Whether this is in relation to their own family and friends, supporting others who have suffered a bereavement, the possibility of the death of a work colleague or just thinking about their own mortality, everyone is likely to be affected.

The [HR Covid 19 section](https://cyps.northyorks.gov.uk/covid-19-human-resources) of the CYPS website has links to a range of information about the support available for individuals, advice on supporting others and information about dealing with the practical arrangements associated with a bereavement.

For most NYCC school employees, the *Health Assured* Employee Assistance Programme is also available by accessing the [Health Assured](https://healthassuredeap.co.uk/home/) website or by phone on **0800 030 5182. The user name is Northyorkshire and the password is Council.**

# Furlough Leave

Please note that the Government’s Coronavirus Job Retention Scheme has been extended up to 30th September 2021.See specific guidance for NYCC maintained schools on the new scheme and claiming for furlough [here](#Furlough)

## I have some staff on furlough leave. What do I need to do to get them back to work?

The first step you need to take is to get in touch with the individual to have a discussion about their return to work. Give them reasonable notice of this in so far as is possible. You may also want to take the opportunity to discuss the key health and safety measures you are taking to help keep staff safe and ask them if they have any particular concerns. It is good practice to follow up this discussion with a short letter confirming the agreed date of return from furlough leave ([see template here](#Endfurlough)).

The next step is toensure you inform your payroll provider that this individual needs removing from the claim for furlough reimbursement via the Coronavirus Job Retention Scheme.

# Other Staffing Queries, Terms and Conditions etc

## What is the impact of the quarantine rules on booking foreign holidays?

The rules on foreign travel have been subject to regular change and this appears likely to continue for the foreseeable future.

Employees working in schools are required to take their holidays during school closure periods and this includes any required quarantine period before or following a foreign holiday, where applicable.  Schools are under no obligation to agree leave to cover quarantine time if it runs over into term time.  The employee will not be entitled to sick pay or any other pay for the period.

Headteachers should use their discretion to agree individual arrangements with employees if, for example, the foreign travel is to attend the funeral of a close relative or if it will be possible for the employee to work from home during the quarantine period. With any discussion about an employee’s travel plans, *agreement must be reached around how the quarantine period will be covered* ***before*** *the leave takes place.*

## What if an employee refuses to come to work or undertake some duties?

The LGA have published advice as follows:

It is anticipated that employees will, as far as possible within the constraints of school closures, caring responsibilities and complying with Government advice on self-isolating and social distancing, continue to perform their duties and be flexible to ensure that services continue to be provided. Personal protective equipment advice should be followed both in relation to Covid-19 and any other risks applying to the roles that employees are asked to perform. If difficulties arise with a refusal to attend work or a refusal to carry out certain duties, leaders should ascertain what the concerns are, consider what, if anything, can be reasonably done to address those concerns and take action accordingly, to encourage the individual to work.

If this has been done, but the individual still refuses to attend or perform the task then this may constitute unauthorised absence or partial performance (i.e. where they are only prepared to carry out certain tasks rather than their full range of duties) which is a conduct issue. The individual’s contractual obligations should be explained and the consequences of refusing to work discussed. If there is still no change in the individual’s position, immediate advice should be sought from HR to ensure an appropriate and consistent approach can be taken.

The alternative option is for the employee to make a request for extended unpaid leave. In such cases, school leaders will need to consider whether they are able to approve requests taking into account the school’s staffing needs and the availability of other employees.

## What kind of work could I ask staff to do from home?

Employees can be asked to undertake any of their normal duties whilst at home, including but not limited to:

* Plan and prepare lessons from home
* Produce learning resources
* Prepare online resources for pupils to access so learning can continue from home
* Undertake mandatory training updates
* Produce pupil reports
* Undertake marking for work which could be emailed to them.
* Project work
* Deal with pupil queries either by phone or email
* Help with management workload where possible. (i.e. collecting info for Head/SLT, writing reports etc . . .

Depending on the circumstances, it may be appropriate for managers and employees to discuss and agree any appropriate flexibility which can be accommodated to ‘normal work times’ where necessary, for example where an employee is looking after an isolating child during the day or where there are any peak time local broadband issues.

## What should staff be mindful of if being asked to work from home?

There is useful, detailed guidance on most union websites that will inform some of the considerations when staff are working from home. Some of the key themes to bear in mind are:

* Ensuring you are comfortable (posture, back support, adequate lighting, and suitable IT kit).
* Working hours, especially if you have young children at home for whom you are caring requiring consideration.
* Ensure you take regular breaks, ideally 5-10 minutes every hour, and a proper break for lunch. Include getting some fresh air and exercise during the day.
* Still socialise with colleagues. Working at home shouldn’t mean you feel like you are isolated.
* Know when to stop, e.g. observe any email protocols the school has agreed. It is important to rest and relax outside of your set hours.
* Agree what can and cannot be achieved through remote education and blended learning (it is not appropriate to expect the same outcomes as for face-to face teaching)
* Ensure that lesson resources cannot be misused or misinterpreted (pay particular attention to the fact that online resources might be viewed by younger children).
* Schools must ensure that staff receive training and development to help them plan for and deliver remote education effectively.
* Due consideration of privacy and data protection if/when ‘live teaching’ to pupils. Observe any school protocols setting out how live lessons will be conducted.
* Ensure ongoing consideration of the physical and mental health and wellbeing of staff who are working from home.

The homeworking risk assessment is available at <https://cyps.northyorks.gov.uk/covid-19-human-resources>.

## Will supply staff, who are off sick or self-isolating, be paid sick pay?

This will depend on the contractual arrangements of the worker and how long and how frequently they have worked for the employer. For maintained schools the employer will be the Local Authority and not the individual school, so, whilst an individual may have only worked in a school once, they may work in other LA schools which could affect their eligibility for sick pay if they fall ill with the virus

The Government has extended the payment of statutory sick pay (SSP) to commence on day 1 of absence rather than day 4 and it has been announced that individuals required to self-isolate due to displaying symptoms or a household member with symptoms, will be paid SSP provided they meet the eligibility criteria. Eligibility is based on average earnings over the preceding 8 weeks exceeding the lower earnings limit of £118 per week (£120 from April 2020).

Where a casual/supply worker who is due to work notifies the school that they are sick or required to self-isolate, the school is advised to contact ESS to determine if SSP is payable. ESS will be able to view the individuals work pattern at other local schools and advise if the earnings threshold has been met.

## What is the impact of national school closures due to Covid-19 on NQTs induction period?

Ordinarily, NQT induction arrangements state that ad hoc absences totalling 30 days or more automatically extend induction by the aggregate number of days absent.

The latest Government guidance ([link](https://www.gov.uk/government/publications/coronavirus-covid-19-induction-for-newly-qualified-teachers/covid-19-induction-for-newly-qualified-teachers-guidance)) which was updated on 13th August 2020, states that NQTs who are absent for reasons related to the current coronavirus outbreak, including school closures, sickness or self-isolation, before 1 September 2021, would not count towards this limit.

This means that NQTs who are currently undertaking statutory induction can complete their induction as expected, provided they meet the [Teachers’ Standards](https://www.gov.uk/government/publications/teachers-standards).

Absences totalling 30 days or more that are not related to coronavirus will continue to extend the induction period. Please access the Government guidance for further details ([link](https://www.gov.uk/government/publications/coronavirus-covid-19-induction-for-newly-qualified-teachers/covid-19-induction-for-newly-qualified-teachers-guidance)).

# Safeguarding

## What are the implications for safer recruitment, including DBS checks?

It remains essential that people who are unsuitable are not allowed to enter the children’s workforce or gain access to children. If schools are recruiting new staff, they should continue to follow the relevant safer recruitment processes for their setting, including, as appropriate, relevant sections in part 3 of KCSIE. In response to COVID-19, the Disclosure and Barring Service (DBS) has made changes to its [guidance on standard and enhanced DBS ID checking](https://www.gov.uk/government/news/covid-19-changes-to-standard-and-enhanced-id-checking-guidelines) to minimise the need for face-to-face contact.

## Will I need to organise a new DBS check for staff who have been out of school due to shielding and/or for staff who have been working from home for over 3 months?

As long as the member of staff has remained employed by the school for the duration of the time they have been at home, there is no need to obtain a new DBS check.

## Can a referral to the Teaching Regulation Agency and DBS still be progressed?

Schools must continue to follow their legal duty to refer to the DBS anyone who has harmed or poses a risk of harm to a child or vulnerable adult. Full details can be found in the statutory guidance KCSIE September 2020

Schools should continue to consider and make referrals to the Teaching Regulation Agency (TRA) in accord with KCSIE and the TRA’s ‘[Teacher misconduct advice for making a referral](https://www.gov.uk/guidance/teacher-misconduct-referring-a-case). During the COVID-19 period all referrals should be made by emailing [Misconduct.Teacher@education.gov.uk](mailto:Misconduct.Teacher@education.gov.uk). All referrals received by the TRA will continue to be considered. Where referrals on serious safeguarding matters are received and it is deemed that there is a public interest in doing so consideration will be given as to whether an interim prohibition order (IPO) should be put in place.

# Recruitment

## Should I put a hold on recruitment activities?

Recruitment activities should go ahead where possible as pausing recruitment activities now may have a detrimental effect on the school later on.

A joint statement has been issued by the LGA, the NGA and the professional associations which recommends no change at this time to teachers’ notice periods under the Burgundy Book, but also recognises that an element of flexibility may be required. The full statement is available here.



The DfE is encouraging publicly funded schools to use the [Teaching Vacancies service](https://teaching-vacancies.service.gov.uk/?utm_source=guidance&utm_medium=referral&utm_campaign=name_of_specific_document). This is a free, national service for searching and listing teaching roles. Listing vacancies here will help save schools money and enable the department to gather information on the impact of school closures on teacher recruitment.

The NYCC Resourcing Solutions team have published some helpful guidance, which you can access [here](#Recruitment).

It is important that rigorous pre-employment vetting continues to be undertaken for these staff, though some adjustments may be required. See below for information on changes to conducting pre employment checks.

Schools are advised to ensure they keep applicants fully informed about what decisions have been made and where interviews need to be cancelled or rearranged. It is important to keep candidates engaged should schools wish to consider them for appointment at a later date.

## Are there any changes to how we conduct pre-employment checks?

When recruiting, schools must continue to adhere to the legal requirements regarding pre-appointment checks.

# Linked Documents

## Guidance on Staff with Special Circumstances

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## Guidance on Self Isolation and Quarantine due to coronavirus

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## NYHR Constructive Conversations to Support



## NEOST Staff Wellbeing Guide for Schools & Trusts



## NYCC Guidance on Furlough Leave



## Letter Template for ending furlough leave



## Recruiting During Covid



## School Covid Individual Risk Assessment Template



## School Covid Individual Risk Assessment Guidance



## Lateral Flow Testing: NYHR Workforce Information Pack

