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

**Updated 18.05.20**

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/collections/coronavirus-covid-19-guidance-for-schools-and-other-educational-settings?utm_source=4e31e896-e423-42b1-bc76-55613a187bbb&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate). The latest government guidance is available on the [Gov.uk website](https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19).

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. Changes in each update will be highlighted in the index to show where the amendments have been made. Additionally, a date has been added at the end of each question to show when it was last revised.

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 outbreak. 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-working-together-through-covid-19).

[**Planning for wider reopening of schools (updated 18.5.20)**](#WIDER)

[Do I bring staff back who would generally work with the priority year groups?](#priority)

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

[How do I reassure my staff that risks have been considered and managed?](#risks)

[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?](#legal) – new information added 22.05.20

[I have staff who are unable to return to work as they are reluctant to put their own children back in school – what options do these staff have?](#Back)

[What is the advice where a member of staff is refusing to return to work in school (without a valid reason)?](#refusing)

[Can I ask supply staff to return/work the hours I had previously agreed to honour payment for?](#honour)

[I have some staff on furlough leave. What do I need to do to get them back to work?](#back) – new information added 22.05.20

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

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

[Should I still be limiting the number of staff I have on site to the minimum level?](#mininmum)

[Can a member of staff come into school, even though they are not needed?](#needed)

[Can I ask Teaching Assistants to lead a group of children?](#TA)

[If a member of staff is reliant on public transport to attend work, can I still require them to come in?](#transport)

[Will schools have to provide PPA time for any teachers who are back in full-time? How will we provide PPA time for staff without usual additional providers and ensuring appropriate staffing ratios for the rooms being used with smaller numbers of pupils?](#PPA)

[How will we hold members of staff to account if they cannot/will not manage the expected challenges of teaching alternative year groups, as well as providing the expected quality and consistency for supporting their own year groups when working from home?](#CHALLENGES)

[**Vulnerable Groups and other staff with special circumstances (updated 18.5.20)**](#VULNERABLE)

[Who are the vulnerable groups?](#groups)

[What if an employee lives with someone who is extremely clinically vulnerable?](#clinicaly)

[What if an employee has concerns because they live with someone who is vulnerable?](#concerns)

[**Dealing with cases/symptoms of Covid 19**](#dealing)

[What should I do it I have a confirmed Covid-19 case?](#Confirmed) – updated 22.05.20
[When should employees self-isolate?](#sevendays) – amended and new information added 22.05.20

[What if someone else within the employee’s family has symptoms?](#Fourteendays)

[How should absence be recorded?](#recording) – new information added 23.04.20

[**Personal Protective Equipment (PPE) (updated 18.5.20)**](#Protective)

[When is the wearing of PPE advised?](#wearing)
[An employee wants to wear a face mask in school – should I agree?](#mask)

[**Coronavirus Testing (updated 18.5.20)**](#CVtest)

[Who can be tested?](#whotest) -

[How to access tests?](#access)

[**Staffing Queries**](#Staffing)

[What leave flexibility will there be for staff facing complicated and challenging situations as a result of Covid-19?](#compassionateleave)

[Who are key workers and what does this mean?](#keyworker)

[I have an NQT working in school at the moment, how will COVID -19 affect their NQT year, will it be extended?](#NQT) – new information added 03.04.20 & 11.5.20

[Should we continue to pay additional hours?](#additional) – new information added 23.04.20

[A member of staff is currently pregnant and due to start her maternity leave in 5 weeks’ time, she is self-isolating for 12 weeks and working from home. Can she change the date she starts her maternity leave as she thinks she’ll be able to work for longer at home?](#maternity) – new information added 03.04.20

[**Working from Home**](#Home)

[Should staff be directed to work at home?](#homeworking)

[What kind of work could I ask staff to do from home?](#whatwork)

[**Furlough Leave**](#FL)

[Can school staff be placed on Furlough leave?](#Furlough) – new information added 06.04.20

[I have some staff on furlough leave. What do I need to do to get them back to work?](#return) – new information added 22.05.20

[**Non-established staff**](#NonEstablished)

[Do we continue to pay our supply staff](#ContinuePaySupply)? – new information added 11.05.20

[We have an employee on a fixed-term contract – can we finish this early?](#FTC)

[What should we pay supply staff who are off sick or self-isolating?](#casual) – new information added 31.3.20

[In the event of a school closure, does an agency worker remain entitled to be paid if other directly employed employees continue to be paid?](#closure)

[What is the advice in relation to Exam Invigilators?](#Exam) – new information added 11.05.20

[**Safeguarding**](#Safeguarding) – new section 31.3.20

[What are the implications for safer recruitment, including DBS checks?](#SafRec)

[Can a referral to the Teaching Regulation Agency and DBS still be progressed?](#Referral)

[What checks do schools need to complete for staff who are loaned from another school?](#LoanChecks)

[If staff from another school are temporarily working in school, what are the implications for the Single Central Record (SCR) during this period?](#SCR)

[In terms of safeguarding, what induction needs to be completed for staff who have been loaned from another school?](#Induction)

[**Recruitment**](#Recruitment1)

[Should I put recruitment activities on hold? – new information added 11.5.20](#recruitment)

[Can we continue with our plans to recruit a new Headteacher?](#Headteacher) - new question added 11.5.20

[If someone has been recruited and is due to start soon can I retract the offer of employment?](#retract)

[An employee has asked to rescind their resignation – do we have to accept it?](#rescind)

[Are there any changes to how we conduct pre-employment checks?](#Checks) - new question added 11.5.20

[**Terms and Conditions**](#TermsAndConditions)

[What are the leave arrangements and options available to schools?](#leave) – new information added 03.04.20

[Can employees claim homeworking tax relief?](#Tax)– new information added 03.04.20

[What will the pay arrangements be if I ask my staff to work on the bank holiday?](#Bank) – new information added 05.05.20

[What are the pay arrangements for staff who are deployed to an LA School Hub?](#Hub) – new information added 05.05.20

[**Performance Management**](#performance)

[Should appraisals continue in the current situation?](#apprisal) - new information added on 11.05.20

[**Employee support**](#Support)

[Where can staff go to access help and advice](#SAL)? – new information added 22.04.20

[Where can staff access specialist bereavement support?](#BereavementSupport) – new information added 22.04.20

**Further information**

School leaders can contact NYHR on (01609) 798343 or NYHR@northyorks.gov.uk for further information and management advice regarding the employment implications of Coronavirus. If we are unable to answer your query at this time, it will be logged and guidance issued as soon as we have further information.

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 outbreak.

**Planning for wider reopening of schools**

**Do I bring staff back who would generally work with the priority year groups?**

As specific year groups are re-introduced under the government’s relaxing of coronavirus restrictions, it would be considered a good start point to try to align the returning children to the staff they are used to. This will help as schools should restrict as far as possible movement around the school site, observing government advice to:

* keep cohorts together where possible
* ensure the same staff stay with the same group during the day (recognising that secondaries may have some subject rotation)
* using the same classroom/area throughout the day, and sitting students at the same desk each day

Where it is not possible to deploy the assigned staff to a particular class, then leadership discretion to consider the best alternative would be applied.

**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 schools closed to all but the priority groups (vulnerable children) and children of critical workers. In accommodating the wider opening of schools, 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 the escalating need to increase staff presence in school. Some schools have chosen to develop their own staff questionnaire to allow this information to be acquired. Smaller schools are more likely to be able to hold individual discussions. Any approach should be discreet and confidential.

If staff are expressing particular concerns and anxieties over returning to school, you may find the following sheet of tips helpful [“Constructive conversations to support staff attendance and wellbeing (Covid 19)](https://cyps.northyorks.gov.uk/covid-19)”

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, schools leaders may also wish to encourage them to contact their union representative to discuss their concerns.

**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 sections100 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; 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 extension of school opening and consider the measures they can take to minimise risks to staff. Where employees express concerns about returning, 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: <https://cyps.northyorks.gov.uk/covid-19>

We would encourage, as do the DfE, a focus on reassurance and discussion to agree a sensible way forward acknowledging heightened anxiety.  Some adjustments may be possible but this needs to be balanced against the wider school needs and consistency of treatment of all staff.  Ultimately there are alternative options such as agreeing to a period of unpaid leave or, as a last resort, the option of withholding pay and we would advise headteachers to consult with their HR Advisor if they are considering this option.

**I have staff who are unable to return to work as they are reluctant to put their own children back in school – what options do these staff have?**

School employees are among the group designated as ‘key workers’. All key workers are now able to send their children to school. Unless children meet the criteria for remaining absent from school, e.g. they are clinically extremely vulnerable, or they are showing symptoms of coronavirus, they are able to attend.

For further detail see [Guidance on Staff with special circumstances](https://cyps.northyorks.gov.uk/covid-19)

**What is the advice where a member of staff is refusing to return to work in school (without a valid reason)?**

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 on Staff with special circumstances](https://cyps.northyorks.gov.uk/covid-19)

**Can I ask supply staff to return/work the hours I had previously agreed to honour payment for?**

Yes. Where supply (or relief/casual) employees at the school had been considered eligible for continued payment of their anticipated remuneration, then once they are able to safely return to fulfil the duties for which they are being paid, then it is reasonable to ask them to do so. They should be treated consistently with other colleagues in terms of re-induction, training etc.

**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 with current uncertainties about school openings). 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](https://cyps.northyorks.gov.uk/covid-19-working-together-through-covid-19)).

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.

**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 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.

**Should I still be limiting the number of staff I have on site to the minimum level?**

Yes. The principle remains that risk should be mitigated as far as possible, and the fewer people being exposed to potential infection, the safer it will be for everyone. You will need to deploy sufficient staff to meet the requirements of the children that will be attending school, but if you can manage without the full complement of ‘usual’ staffing levels, then you should continue to allow a proportion to remain at home where they are safest (ideally contributing from home if possible).

**Can a member of staff come into school, even though they are not needed?**

No, in accordance with the answer above, staff should only be in school if they have been deployed there by the school leadership. A member of staff should not attend school if they are not scheduled to attend, and the resources required for the day are already sufficient.

Whilst most staff will accept the principle that staffing should be kept to the minimum numbers required, and sometimes they simply aren’t needed on the school grounds, if an individual particularly wants to be present, then this might be accommodated in the assignment of duties. As the wider opening of schools continues, this is likely to become less relevant as more staff are needed.

**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.

**If a member of staff is reliant on public transport to attend work, can I still require them to come in?**

If you have staff who have no alternative but to use public transport to get to/from work, this needn’t be a barrier to their attendance. Throughout the pandemic, it has been clear that public transport would continue to run expressly to enable key workers to report for duty. Operators have adapted to maintain social distancing and have, for example, set up things like key worker timetables such as [Northern Rail](https://www.northernrailway.co.uk/key-worker-timetables) have done. Ongoing dialogue can continue with staff to explore alternatives, and to gauge the level of reassurance the employee has in the service that they are using. On arrival at work, the staff member should be equally diligent in observing hygiene procedures to prevent risk of transmission.

**Will schools have to provide PPA time for any teachers who are back in full-time? How will we provide PPA time for staff without usual additional providers and ensuring appropriate staffing ratios for the rooms being used with smaller numbers of pupils?**

The requirement for teachers to have PPA time is part of their normal terms and conditions and this has not been changed. So PPA time needs to be built into timetables. Headteachers will need to consider this along with all the other factors in considering how many staff they need in school and what can be done from home. Some of the additional providers may still be available to support the school and cover PPA in the normal way.

**How will we hold members of staff to account if they cannot/will not manage the expected challenges of teaching alternative year groups, as well as providing the expected quality and consistency for supporting their own year groups when working from home?**

Government guidance makes it clear that the normal assessment requirements will not be asked of schools this year and it will be down to individual Headteachers and senior leaders, in discussion with staff, to decide on the curriculum that is appropriate at this time. It may be more practical for the support for home learning to be delivered by staff who are having to work from home. This would relieve the pressure on the staff who are in school and may be working with different year groups. Headteachers and Governing Bodies have a duty to monitor workloads to ensure they are not excessive.

**Vulnerable Groups and other staff with special circumstances (updated 18.5.20)**

See [**this guidance**](https://cyps.northyorks.gov.uk/covid-19) for help with these questions:

Who are the vulnerable groups?

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

What if an employee has concerns because they live with someone who is vulnerable?

Remember that [**individual risk assessments**](https://cyps.northyorks.gov.uk/covid-19-working-together-through-covid-19) will be key for supporting a number of staff in this category. 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 og this new advice.

**Dealing with cases/symptoms of Covid 19**

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

The Health and Safety Executive (HSE), the government agency responsible for regulating workplaces, has updated its guidance around which incidents involving Covid-19 are reportable to them. Where headteachers are advised that one of their employees has been diagnosed with Covid-19 and they suspect this may be work related, this should be flagged with your health and safety service provider as it may be reportable to the HSE.  For locally maintained schools, you should therefore raise this with the Local Authority’s Health & Safety Team.

Last updated 22.05.20

**When should employees self-isolate?**

Employees are required to self-isolate if they have**:**

* a high temperature and/or
* a new, continuous cough
* loss or a change in the normal sense of smell or taste (also known as anosmia)

The employee should stay at home for 7 days from when their symptoms started. They should be directed **not** to go to their GP or other medical center.

If the employee is experiencing only mild symptoms and has not reported as being sick, then the expectation is that they will work from home, if at all possible, during the 7 day isolation period. At the point that they feel too unwell to work then they should report their sickness absence in the usual way.

Employees who are required to self-isolate **must** follow the Government advice which is available [here](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection).

Employees with symptoms should be encourage to get a test as soon as possible. See guidance on testing here <https://cyps.northyorks.gov.uk/covid-19>

An employee receiving a **negative** coronavirus test may return to work earlier than the end of the 7-day self-isolation period. This will be subject to them being well enough to do so and following discussion with their line manager and a risk assessment where appropriate. If the employee is recorded as 7-day self-isolation this period of leave will need to be ended when a negative result is received. The employee will either return to work or, if they are unwell with a non-coronavirus illness, commence a period of sickness absence for another reason e.g. viral illness.

Where an employee has received a **positive** coronavirus test result, and when they are fit enough to do so, they should discuss their return to work with their line manager who will risk assess the situation, but not before the end of the 7-day self-isolation period. Employees who have received a positive test result, can continue to record their absence as self-isolation. If they are experiencing symptoms which would mean that are unfit to work, then their absence should be recorded as sickness with **covid19** as the absence reason.

Absence arising from self-isolation is now being recorded and should be included in the monthly summary sheet. Where the employee is working from home it should be recorded as ‘**Isolation – working from home 7 days**’. Where the employee is not able to undertake any work at home it should be recorded as ‘**Isolation – not working 7 days’**. Any subsequent sickness absence should be recorded under the new category of “**covid19**”. Absence recorded as ‘**Isolation**’ will be with normal pay.

Employees should remain at home until 7 days after the onset of their symptoms. After 7 days, if they feel better and no longer have a high temperature, they can return to their normal working routine. If they have not had any signs of improvement and have not already sought medical advice, they should contact NHS 111.

Last updated 22.5.20

**What if someone else within the employee’s family has symptoms?**

Employees should contact their Headteacher to discuss their situation if they live with others and another person in their household has symptoms of coronavirus. The Government guidance is that all members of the household must stay at home and not leave the house for 14 days. The 14 day period starts from the day when the first person in the house became ill. However, if the person is well, or has only mild symptoms and feels able to work, then the expectation is that they will undertake workfrom home wherever possible. At the point that an employee becomes unfit to work at home then they should report their absence in the normal manner.

All household members over are eligible for testing and this should be actioned as soon as possible. Where the results are **negative** for all members of the household who were tested, the employee should contact their line manager to discuss their return to work in line with normal procedures. They may return to work earlier than the end of the 14-day self-isolation period and this should be ended on MyView. The employee will either return to work or, if they are unwell with a non-coronavirus illness, commence a period of sickness absence for another reason e.g. viral illness.

Where the result for any member of the household who was tested is **positive**, then the employee must observe the 14-day self-isolation period, or the 7-day self-isolation period if they also become unwell. A diagram explaining household isolation is available [here](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874011/Stay_at_home_guidance_diagram.pdf).

Absence arising from self-isolation should be recorded on the monthly summary sheet. Where the employee is working from home it should be recorded as ‘**Isolation – working from home 14 days**’. Where the employee is not able to undertake any work at home it should be recorded as ‘**Isolation – not working 14 days’**. Any subsequent sickness absence should be recorded under the new category of “**covid19**”. Absence recorded as ‘**Isolation**’ will be with normal pay.

Anyone within the household who starts displaying symptoms, needs to stay at home for 7 days from when the symptoms appeared, regardless of what day they are on in the original 14 day isolation period.

Last updated 22.5.20

**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 7 days
* Isolation not working 14 days
* Isolation not working open ended
* Isolation working from home 7 days
* Isolation working from home 14 days
* Isolation working from home open ended

The **open ended** categories are for those staff identified as being more vulnerable who have been directed to work from home. Absence recorded as ‘**Isolation**’ will be with normal pay and is, therefore, not sickness absence.

However, any employee who becomes unwell enough to attend work, or continue working from home, should report their sickness absence in the usual way. Sickness absence resulting from Coronavirus should be recorded as ‘Covid-19’.

Any sickness absence arising from the Coronavirus outbreak will **not be included** for the increments process or sickness absence triggers under the Attendance Management Policy.

Normally, employees are required to provide a medical certificate for any sickness absence exceeding 7 calendar days. This is not possible at the current time but a facility has been set up to enable people to obtain an **isolation certificate** from [online NHS 111](https://111.nhs.uk/service/COVID-19/). NYCC has decided that it will not require employees to obtain an isolation note and will accept a longer period of self-certification on the employee’s return to work. Other settings will need to determine what certification they will require from employees.

On the 23rd April 2020, ESS sent updated guidance to the school email address the monthly absence summary goes to with guidance on how to fill out the absence section of a new “Summary – Recording Isolation and COVID-19” spreadsheet. This is because ESS require additional information if an employee is unable to work due to Covid-19 associated absence. If anyone needs this resending to a different address or didn’t receive the first email, please contact employmentsupportservice@northyorks.gov.uk and they will arrange that for you.

Please note that ESS will still need to know if staff would be unable to attend work if the lockdown was not in place. Please use the normal guidelines for any standard sickness, advising the reason the staff member was ill and the date they will be able to return to work.

Last updated 24.04.20

**Personal Protective Equipment (PPE)**

**When is the wearing of PPE advised?**

Government guidance is currently that wearing a face covering or face mask in schools or other education settings is not recommended. Face coverings may be beneficial for short periods indoors where there is a risk of close social contact with people you do not usually meet and where social distancing and other measures cannot be maintained, for example on public transport or in some shops. This does not apply to schools or other education settings. Schools and other education or childcare settings should therefore not require staff, children and learners to wear face coverings. Changing habits, cleaning and hygiene are effective measures in controlling the spread of the virus. Face coverings (or any form of medical mask where instructed to be used for specific clinical reasons) should not be worn in any circumstance by those who may not be able to handle them as directed (for example, young children, or those with special educational needs or disabilities) as it may inadvertently increase the risk of transmission.

The majority of staff in education settings will not require PPE beyond what they would normally need for their work, even if they are not always able to maintain a distance of 2 metres from others. PPE is only needed in a very small number of cases including:

* children, young people and learners whose care routinely already involves the use of PPE due to their intimate care needs should continue to receive their care in the same way
* PPE should be worn if a distance of 2 metres cannot be maintained from any child, young person or other learner displaying coronavirus symptoms

We are aware that the LA is working on making sure all schools have an adequate supply of suitable PPE available in case of a suspected coronavirus case.

Last updated 15.05.20

**An employee wants to wear a face mask in school – should I agree?**

Such a request may well be a result of an employee’s anxiety about coming into school and so we recommend starting with a conversation with the employee to understand their concerns and why they wish to wear a face covering. Explain to them that you are following government guidance which is very clear that it is not appropriate for schools, as it is unlikely to further protect people who are already observing other hygiene/infection control protocols, and may have a negative impact through incorrect use/disposal, or increasing complacency with other measures. If the employee is adamant, then it is down to the school to make a final decision and we suggest this is done on a case by case basis, a risk assessment carried out to ensure it is used properly, and a record kept to outline the considerations made and basis for the decision.

Last updated 15.05.20

**Coronavirus Testing**

**Who can be tested?**

All school staff are included in the Government’s list of essential workers who can access testing for COVID 19 (coronavirus).

Tests are only relevant for staff as soon as they develop symptoms, within the first 5 days (preferably within the first 3 days) so a speedy response is important. They can also request a test for a member of their household, who has symptoms. This is to determine whether they would need to self-isolate for 14 days.

**How to access a test?**

See [this guidance](https://cyps.northyorks.gov.uk/covid-19) for NYCC locally maintained schools explaining how to access testing.

For other schools and academies refer to Government guidance here: <https://www.gov.uk/guidance/coronavirus-covid-19-getting-tested>

**Staffing Queries**

**Who are key workers and what does this mean?**

The government has asked parents to keep their children at home, wherever possible, and have therefore asked schools to remain open only for those children who absolutely need to attend. This includes children of “**key workers**” and there are specified roles and services which this definition applies to.

Education and childcare are specified areas and all school staff are, therefore, key workers. So if employees are required to attend work and have children at school or an early years setting they can take them as usual if the setting is open. If they are not open the school or setting should be able to direct them to an alternative provision.

Although all school employees are designated key workers this doesn’t automatically mean they should use this status.

Please bear the following principles in mind:

* Staff should keep children away from school if they are able to (but do not have vulnerable people looking after them instead).
* Staff must only send children to school when they are actually at work, not at other times.
* Staff should not send children to school if their partner, or similar, is able to look after them.
* There is an expectation that if staff are working from home the default should be to keep children there, rather than send them to school.  However, it is recognised that some individuals may need to depending on age and other issues relating to children.

Staff may need to use their school ID badge as proof of their key worker status at the children’s school or setting.

Last updated 25.3.20

**W****hat 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.

Last updated 25.3.20

**What if an employee has concerns because they live with someone who is vulnerable?**

This is an extremely anxious time for everyone, especially for those living in a household where an extremely vulnerable individual has been identified. The guidance for the rest of the household, even for those in the shielded group, is that they are **not** required to adopt the protective shielding measures for themselves; however they would be expected to do what they can to support the individual and to stringently follow the guidance on [social distancing](https://www.gov.uk/government/publications/covid-19-guidance-on-social-distancing-and-for-vulnerable-people/guidance-on-social-distancing-for-everyone-in-the-uk-and-protecting-older-people-and-vulnerable-adults) within the household and hand hygiene.

When an employee raises concerns about living within a household with an extremely vulnerable individual, school leaders should firstly discuss the concerns with the employee and where possible address them.  Employees should be encouraged to observe social distancing measures within school.

For some employees who live with or care for an extremely vulnerable person, it may not be possible to socially distance at work and, in that case, consideration should be given to allowing them to work from home, if possible, or to redeploying them to other roles where the risk may be lower.

As in the question above, refusal to attend work may be a conduct issue and advice should be sought from HR. Employees may wish to consider applying for extended unpaid leave and managers will need to consider whether they are able to approve requests, in the context of their service and the demands they are facing.

Last updated 25.3.20

**What leave flexibility will there be for staff facing complicated and challenging situations as a result of Covid-19?**

Educational staff have been identified as key workers, and as such they will be able to access childcare for their own children. School leaders are encouraged to be as flexible as possible to support any affected employees. This includes considering short term temporary changes to working arrangements may be accommodated if alternative childcare is needed.

To support all staff with the current situation up to 5 days paid compassionate leave may be granted, at the school’s discretion. It is there for managers to use to support staff so they can manage the personal complexities and difficulties this situation creates whilst carrying on working.

Last updated 25.3.20

**[What responsibilities do employees have to their employers in the current circumstances?](https://www.local.gov.uk/covid-19-workforce-faqs)**

Schools should provide whatever reasonable support they can to employees to enable them to continue to provide services but, to minimise the risk of infection and absence, employees have a responsibility to:

* work from home if possible in line with the organisation’s requirements. If their role means that they are unable to work from home, attend work if well, unless instructed to do otherwise by the employer in line with Government policy, which is constantly being updated. Be open and honest if they feel that they are unwell with Covid-19
* be flexible in assisting in the delivery of the employer’s services
* follow general infection control practices and good hand hygiene which can help to reduce transmission of all viruses.
* follow all national guidelines issued at the time on reporting Covid-19 symptoms, treatment, use of public transport, self-isolating etc.
* keep their school informed about any new or continuing sickness absence and the reason for it, in line with the published reporting procedure, and keep any absence to a safe minimum [**in line with Government guidance**](https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection) to make it easier to maintain services
* keep their manager up to date with contact details for themselves and next of kin, and help the school to help them and maintain services by sharing information on any travel arrangements and caring responsibilities
* keep themselves abreast of information issued by their employers on how it intends to handle the Covid-19 situation.

Last updated 25.3.20

**I have an NQT working in school at the moment, how will COVID -19 affect their NQT year, will it be extended?**

The DfE are trying to reduce disruption caused by the COVID-19 outbreak on NQT induction. They are encouraging normal assessments to take place if possible. Subject to parliamentary agreement, they are planning to make regulatory changes to mitigate this. Whilst the length of the induction period should ordinarily be 3 full terms and any absences totalling 30 days or more usually automatically extends this, they plan to change the secondary legislation so that any absence related to COVID-19 (such as school closures, sickness or self-isolation), will not count towards this limit.

More information regarding NQT’s can be found [here.](https://www.gov.uk/government/publications/coronavirus-covid-19-induction-for-newly-qualified-teachers/covid-19-induction-for-newly-qualified-teachers-guidance)

Last updated 11.5.20

**Should we continue to pay additional hours?**

Additional hours can be used to recompense employees who work in excess of their contracted hours and should be offered occasionally to cover unforeseen circumstances or exceptional work demands. Where employees are frequently working additional hours as part of a regular pattern of work, for example to cover PPA or provide cover, then these hours should, arguably, be incorporated into the employee’s contract.

Where very regularly and enduring additional hours have ceased, due to the coronavirus outbreak, then affected employees should be treated on a similar basis to supply and relief staff. That is, where there is a regular pattern to their work, over a sustained period and there was a commitment for this to continue, had the outbreak not happened, then this work should be honoured.

This can be done either by incorporating the additional hours into contracts where possible, or by continuing to pay the employee for the additional hours during this period. Where there is a clear pattern to the work then this payment should be easy to quantify and should reflect the regular additional work undertaken. Where this is more variable (but still undertaken very regularly and over a sustained period) an average of pay over the preceding 12 months may be used. For term-time only employees, where an average calculated on this basis is used, then this should also be paid during periods of school closure.

Last updated 23.04.20

**A member of staff is currently pregnant and due to start her maternity leave in 5 weeks’ time, she is self-isolating for 12 weeks and working from home. Can she change the date she starts her maternity leave as she thinks she’ll be able to work for longer at home?**

Yes, employees can change the date their maternity leave starts but they must give you 21 days’ notice. Please note, that if their baby arrives earlier than expected then their maternity leave will start the day after the baby is born.

**Furlough Leave**

See specific guidance for NYCC maintained schools on claiming for furlough here: <https://cyps.northyorks.gov.uk/covid-19>

**Can school staff be placed on Furlough leave?**

Furlough is a complicated issue which should be looked at on a case by case basis therefore, a separate detailed guidance document has been produced by NYCC Legal Services and is available [here](https://cyps.northyorks.gov.uk/covid-19-working-together-through-covid-19).

Last updated 06.04.20

**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 with current uncertainties about school openings). 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](https://cyps.northyorks.gov.uk/covid-19-working-together-through-covid-19)).

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.

**Working from Home**

**Should staff be directed to work at home?**

The Government have advised an increase in homeworking where this is possible. Those who are **extremely vulnerable** must not come into the school. Risk assessments should have been undertaken for the **more vulnerable** group and where social distancing and other protective measures cannot be put in place within the education setting, it is likely these assessments have already determined that this staff group should not be required to attend work. The expectation for anyone not attending school, is that they should be undertaking work from home if at all possible.

Where staff are not working directly with the remaining pupils, homeworking options should first be discussed with school leaders and arrangements made to ensure staff are able to be effective in their roles when working from home. It is also important to ensure that homeworkers remain in contact with their teams and leaders and that there are clear arrangements in place for them to be contacted and available e.g. by phone, email, etc.

The arrangements for self-isolation will continue: those experiencing relevant symptoms should self-isolate for 7 days and those with a member of their household displaying symptoms, should self-isolate for 14 days. Where possible, those who remain fit to do so, should work from home during periods of self-isolation.

A guidance document ‘**Top tips for homeworking**’ has been produced and is available [here](https://cyps.northyorks.gov.uk/sites/default/files/Human%20resources/HR%20newsletters/Home%20working%20top%20tips%20-%20schools.pdf).

Last updated 25.3.20

**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/ plan and prepare lessons
* 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 . . .

In addition, employees may be asked to undertake alternative duties associated with the response to COVID-19. More guidance will follow on this in due course.

Last updated 25.3.20

**Non-established Staff**

**We have an employee on a fixed-term contract – can we finish this early?**

This will depend on whether the contract of employment has a provision for early termination. If it does not, ending it early is likely to be a breach of contract. Schools are advised to take HR advice if they are considering early termination of any contracts.

Guidance has been issued by the Absence Board around when it will continue to pay for absence cover and this is available [here](https://cyps.northyorks.gov.uk/sites/default/files/Human%20resources/HR%20newsletters/Staff%20Absence%20Board%20-%20COVID%2019%20Guidance.docx).

Last updated 25.3.20

**Do we continue to pay our supply staff?**

We have issued a separate document with advice on staff who work on a supply, zero hours contract or casual basis here.

Last updated 11.05.20

**What should we pay supply staff who are off sick or self-isolating?**

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

In recognition of the additional demands which may be made on relief workers during the current situation, agreement has been reached to pay relief workers up to one month occupational sick pay (plus SSP if eligible) should they become sick or need to self-isolate during periods where they have been booked and were expected to work. This will apply to sickness as a result of Coronavirus and any other medical reason.

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.

Last updated 03.04.20

**In the event of a school closure, does an agency worker remain entitled to be paid if other directly employed employees continue to be paid?**

The LGA have offered some detailed advice about the continued payment of agency workers during a school closure as follows:

Whether an agency worker will remain entitled to be paid will depend first of all on whether they are entitled to be paid under the Agency Worker Regulations 2010. Broadly speaking, those Regulations give agency workers the right to equal treatment in terms of "basic working and employment conditions", as if they had been employed directly by the hirer to do the same job. In many cases this means that agency workers will be entitled to the same rate of pay as a comparable employee, so if a comparable employee is being paid during the school closure period, then the agency worker may be entitled to be paid. However, that right only applies after a 12-week qualifying period. To determine entitlement under the Regulations therefore schools will need to check whether the worker has met that 12-week qualifying period.

Importantly though, any entitlement under the Regulations will apply only for the length of the assignment. For example, if a worker was brought into cover absence for a week, then they would remain entitled only to be paid until the end of that week. To determine the length of the assignment the first step will be check the agreement between the agency and the school to see whether that sets out its length. In some cases though the length of the assignment may be more difficult to determine, for example if they were covering sick leave on an open ended basis. In such cases schools may want to make an assessment of how long the assignment might reasonably be expected to have lasted.

In terms of liability under the Regulations for any non-payment, responsibility for providing rights under the Regulations is primarily with the employment agency. However, if the reason the agency worker was not being paid was because the school stopped paying the agency then if a claim was brought by an agency worker then an employment tribunal might well find that the school was responsible for the breach and so it should be liable for the non-payment. If the worker does not have any entitlement to pay under the Regulations, schools should still check whether there is any contractual obligation with the agency and/or worker which would require them to continue paying for the worker.

Finally, in many cases schools will choose to continue to pay an agency worker for the school closure period, irrespective of whether there is any legal entitlement to pay and it is also entirely possible that the Government will seek to legislate on this issue to deal with the extraordinary situation we are dealing with.

Last updated 25.3.20

**What is the advice in relation to Exam Invigilators?**

With the cancellation of the main external exams, it is likely that schools will have a reduced need for exam invigilators to work during the summer term.  In most cases these staff will be on casual employment arrangements, i.e. they are on zero hours or relief contracts.  Generally speaking that would mean that they are not entitled to any payment if they are not required to work.  However, we are aware that many schools had in effect ‘booked’ their invigilators to work during the exam periods and communicated a timetable to them.

Please see the guidance on supply staff here for the options available in terms of how exam invigilators should be treated.

Please note that this is not an area where ‘furloughing’ has the potential to be relevant, as the funding for this activity has not been affected.

Last updated 11.5.20

**S****afeguarding**

**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.

Last updated 31.3.20

**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 at paragraph 163 of KCSIE.

Schools should continue to consider and make referrals to the Teaching Regulation Agency (TRA) as per paragraph 166 of 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. 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. The TRA will continue to progress all cases but will not schedule any hearings at the current time.

Last updated 31.3.20

**What checks do schools need to complete for staff who are loaned from another school?**

Where schools collaborate and children and/or staff from multiple settings are clustered in one place, the principles in [Keeping Children Safe in Education (KCSIE)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) and the guidance [Coronavirus (COVID-19): safeguarding in schools, college and other providers](https://www.gov.uk/government/publications/covid-19-safeguarding-in-schools-colleges-and-other-providers), apply. In particular, the school that is acting as the hub in the cluster, should continue to provide a safe environment, keep children safe and ensure staff and volunteers have been appropriately checked and risk assessments carried out as required.

Regarding members of the school workforce already engaging in regulated activity and who already have the appropriate DBS check, there is no expectation that a new DBS check should be obtained where that member of the workforce temporarily moves to another school to support the care of children. The type of setting on the DBS check, for example a specific category of school, is not a barrier. The receiving institution should risk assess as they would for a volunteer.

It is advised that during this period, schools consider accepting portability in line with the above, as long as the current employer confirms in writing that:

• the individual has been subject to an enhanced DBS and children’s barred list check

• there are no known concerns about the individual’s suitability to work with children

• there is no ongoing disciplinary investigation relating to that individual

Whilst the onus remains on school to satisfy themselves that someone in their setting has had the required checks, including as required those set out in part 3 of KCSIE, in the above scenario this can be achieved, if the receiving institution chooses to, via seeking assurance from the current employer rather than requiring new checks.

Where schools are utilising volunteers, they should continue to follow the checking and risk assessment process as set out in paragraphs 167 to 172 of KCSIE. Under no circumstances should a volunteer who has not been checked be left unsupervised or allowed to work in regulated activity.

Additional advice from the DfE on clusters and safeguarding will be provided in due course.

Last updated 31.3.20

**If staff from another school are temporarily working in school, what are the implications for the Single Central Record (SCR) during this period?**

During this difficult period, it is essential from a safeguarding perspective that any school is aware, on any given day, which staff/volunteers will be in the school, and that appropriate checks have been carried out, especially for anyone engaging in regulated activity. As such, the DfE's guidance states that schools must continue to keep the single central record (SCR) up to date as outlined in paragraphs 148 to 156 of KCSIE.

Schools should ensure there is a record of which staff are onsite daily either on the SCR or separately.

Last updated 31.3.20

**In terms of safeguarding, what induction needs to be completed for staff who have been loaned from another school?**

The existing school's workforce may move between schools on a temporary basis in response to COVID-19. The receiving school should judge, on a case-by-case basis, the level of safeguarding induction required. In most cases, the existing workforce will already have received appropriate safeguarding training and all they will require is a copy of the receiving setting’s child protection policy, confirmation of local processes and confirmation of DSL arrangements. All staff working in school must know who to report concerns about a child or about a member of staff or volunteer who may pose a safeguarding risk to children.

Last updated 31.3.20

**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. The resignation dates of 30 April for Headteachers and 31 May for all other teaching staff remain for September starts.

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.

Should schools wish to proceed with recruitment, they could use a range of selection activities which may be carried out remotely. Interviews could be conducted over the phone, over Skype or Facetime. Other activities could include presentations, data exercises, written tasks and in-tray prioritisation activities. For teaching posts it may be more difficult as the candidate won’t be able to undertake an observed teaching exercise. In this circumstance the school will have to make a decision whether the references and a Skype or telephone interview is enough to determine whether the member of staff is appointable or not.

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.

Last updated 11.05.20

**Can we continue with our plans to recruit a new Headteacher?**

The recruitment of headteachers is a matter for individual schools and their governing bodies. Schools may wish to refer to the guidance issued by the [National Governance Association (NGA)](https://www.nga.org.uk/News/NGA-News/March-2020/Business-continuity-guidance-to-support-boards-thr.aspx) on how governing boards should recruit headteachers during coronavirus (COVID-19).

Last updated 11.05.20

**If someone has been recruited and is due to start soon can I retract the offer of employment?**

The current closure arrangements will come to an end at some point within the year and the school will need a full staff complement at that time. The new member of staff will often have resigned from another position to start with the school so, if the offer of employment is withdrawn they will have no income. Additionally, when the schools re-open the recruitment process may have to start again and the candidate may no longer be available. Consideration should be given to hard to recruit posts where good candidates are scarce.

The legal position is that withdrawing an offer of employment would constitute a breach of contract and therefore carries a risk. One option would be to have a conversation with the person due to start and see if the start date could be delayed by 2-4 weeks. Schools are advised to take advice from the HR provider before withdrawing any offers of employment.

Last updated 25.3.20

**An employee has asked to rescind their resignation – do we have to accept it?**

If a resignation has been accepted in writing, an employer is not obligated to allow the employee to rescind it but schools may wish to consider this. When considering such requests, schools are advised to think about their potential staffing demands over the coming weeks and months, taking into account the increased levels of sickness absence they are likely to experience and their ability to recruit new staff.

Last updated 25.3.20

**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 but some temporary changes have been made to help you perform checks safely.

**DBS checks**: We refer schools to part 3 of the statutory guidance [Keeping children safe in education](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2). Please note that the following temporary changes have been made to the DBS standard and enhanced ID checking guidance:

* ID documents to be viewed over video link
* scanned images to be used in advance of the DBS check being submitted
* the applicant will be required to present the original versions of these documents when they first attend their employment or volunteering role (the change came into effect from 19 March 2020)

**Right to work in the UK:** In addition, the [Home Office guidance](https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks) regarding face-to-face interviews when checking the right to work has been revised.

As of 30 March 2020, the following temporary changes have been made:

* checks can now be carried out over video calls
* job applicants and existing workers can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals
* employers should use the Employer Checking Service if a prospective or existing employee cannot provide any of the accepted documents

Digital checks are available on-line for certain individuals. They include non-EU (or EEA) nationals holding biometric residence permits or cards and EU citizens who have been granted settled status, pre settled status or temporary leave to remain under the EU Settlement Scheme. A link to the Government website where these checks can be made can be found [here.](https://www.gov.uk/view-right-to-work)

Last updated 11.05.20

**Terms and Conditions**

**What are the leave arrangements and options available to schools?**

Below is the revised leave guidance which has been issued in light of the Coronavirus outbreak. This guidance will be kept under review and updated as necessary. This guidance applies for schools who have adopted the NYHR Leave policy.

***Annual Leave***

Taking annual leave enables employees to have a break from the pressures of work and to recharge their batteries. During the current circumstances, it is important that employees continue to take their annual leave at regular intervals as they would usually do so they can benefit from rest and recuperation.

Where leave is already booked in, this should be taken unless there is a request from the employer to cancel it due to work pressures. Managers may receive requests for leave to be cancelled due to the impact of travel restrictions on employees’ holiday plans. Requests to cancel leave should only be accepted where there is a service demand for this.

However, it is recognised that due to unprecedented work demands, some employees may not be able to take their leave as planned, therefore, the following amendments to the current leave arrangements have been agreed. **These will only apply to employees whose leave arrangements have been affected by their involvement in the Coronavirus response and the application of these provisions will be subject to individual line manager approval.**

Last updated 03.04.20

***Carry forward arrangements***

In the rare event that employees have been unable to take leave planned as a result of work related to covid19, and have ended up with more than 5 days to carry over, in these circumstances schools may consider allowing the additional days to also be carried over and to be taken at any point during the year. This also applies to all carry over leave which can be taken at any time during the year and is not restricted to the end May as is usually the requirement.

For the current leave year i.e. 20/21, schools may consider increasing the carry forward amount (where applicable) from 5 to 10 days and extending the period in which this leave must be taken by two years following the end of this current leave year i.e. to 31 March 2023. It is recommended that schools consider whether these provisions are necessary on an individual basis, and that they are only agreed where leave has not been taken **as a result of increased work demands arising from the Coronavirus outbreak**.

Last updated 03.04.20

***Purchase of annual leave***

Schools may consider offering an additional provision for the purchase of annual leave for any employees who are critical to the Coronavirus response and who are unable to take leave by the end of the leave year i.e. 31 March, 2021 as a direct result of their work relating to covid19. It is suggested that a maximum of 5 days may be paid, to be considered and approved by the school at the end of the leave year.

Employment legislation does not allow for the payment in lieu of the statutory 4 weeks paid annual leave. Therefore, employees with less service and therefore less leave may not be able to have their leave paid. For example, an employee with 23 days leave could only receive payment for a maximum of 3 days.

Last updated 03.04.20

***Annual leave whilst under self-isolation and homeworking***

Employees should be encouraged to continue taking leave whether or not there are able to work at home. For employees who are working from home, leave should be requested and approved in the normal way by their line manager.

Employees who are self-isolated or are being shielded, and are unable to carry out their work from home should use any carried forward leave from the leave year 2019/2020 by 31st May, 2020. They should also be encouraged to take a proportionate amount of leave during the next few months, as a guide this should be at least 1 week by 30th June 2020.

Last updated 03.04.20

***Flexi-leave***

Where applicable, schools may wish to consider making interim adjustments to any flexi-time arrangements in place for employees involved in the Coronavirus response or impacted by different working patterns and work demands. The application of these provisions is subject to agreement by the school in advance. Examples of such adjustments may be revised band-widths or alternative arrangements for carrying hours forward.

Last updated 03.04.20

***Compassionate leave***

The current compassionate leave provision of up to five days can be used, at a managers’ discretion, to help employees manage complex personal situations while remaining an active part of the workforce. This might be caring responsibilities including child care or other issues.  Schools may approve up to five days paid leave at any point over the next few months to support employees during the COVID outbreak.

Last updated 03.04.20

***Extended unpaid leave***

It is recognised that this is a difficult and worrying time for employees, and there may be some who feel unable to balance their work and domestic demands. Those with caring responsibilities for a vulnerable or extremely vulnerable person may have real concerns about protecting these individuals and may not wish to increase the risk by themselves attending work. There will also be those who have strongly felt concerns about attending work though they are not themselves within a more vulnerable group.

Where employees raise such concerns managers should take these seriously and discuss any measures which can be put in place to reduce the risk to the employee, including the extent to which social distancing can be achieved within the workplace.

However, there may be some employees who still do not wish to come to work despite these measures due to fears about their own health and that of their dependants. In such cases, the use of annual (where applicable), flexi (where applicable), compassionate and unpaid leave can be considered to cover periods of absence. Some employees may wish to apply for a period of extended unpaid leave. Any such requests are subject to manager approval and these decisions will be taken in the context of their school, the demands being faced and the availability of other employees.

Further information about extended unpaid leave is available in the [Leave Guidance](https://cyps.northyorks.gov.uk/sites/default/files/Human%20resources/pay%20and%20reward/2.%20Leave%20Guidance%20-%20November%2019.docx) (where the Leave policy has been adopted by your school).

Last updated 03.04.20

**Can employees claim homeworking tax relief?**

Employees who are now required to work at home may be eligible to claim tax relief on additional expenses incurred as a result of homeworking. Tax relief isn’t allowed on household expenses employees would be paying anyway, such as rent or mortgage payments or those that relate to both business and private use, like broadband and telephone rental.

Further information is available on the [Gov.uk website](https://www.gov.uk/tax-relief-for-employees/working-at-home).

Last updated 03.04.20

**What will the pay arrangements be if I ask my staff to work on the bank holiday?**

We had anticipated the publication of national guidance on school staffing during an otherwise school closure period in advance of the Easter break – this has however not happened.

On 7th April the DfE issued its financial guidance to schools re-iterating that schools should compile records of their additional costs as a result of Covid19. However, in respect of opening over the Easter holidays, there was no specific mention of additional staff costs being eligible for re-imbursement with the guidance stating that schools should consider adopting rota systems to cover holidays and offer staff time off in lieu of this.

In the absence of any national position we therefore offer the following advice for the different staff groups:

***All school staff***

Generally speaking there are no staff who are contracted to work on a weekend, school holiday or public holiday so any rota duties at these times should be voluntary.

As mentioned above, in order to protect staff wellbeing and minimise any need for existing staff to work additional hours, that will incur costs for individual schools, you are advised to consider rota systems, to cover holidays, & offer staff time off in lieu (TOIL).

In terms of payment:

***Teaching Staff***

There is no provision for paying enhancements in STP&C for work on a public holiday. If TOIL is not possible to accommodate, and additional hours need to be paid to teaching staff, these will be at the normal hourly rate in line with your pay policy.

We advise these payments fall under para 26 – 26.1 c) in STP&C – “participation in out-of-school hours learning activity agreed between the teacher and the Headteacher”

Staff on the leadership spine are not bound by the 195 working days or 1265 directed time hours so TOIL and/or payment is not an entitlement but schools may apply discretion for teachers on leadership and operate a consistent practice across the teaching group.

***NJC Support Staff***

Where support staff agree to work on a public holiday we must advise that, as per the NYCC model pay policy, the NYCC Collective Agreement on public holiday working should apply: this provides for pay at time and a half and TOIL at single rate, at an alternative time.

Claims for any of the above will need to be made by the school/individual following your usual process with your payroll provider.

You are advised to note the costs on your COVID 19 Additional Costs Log.

Last updated 05.05.20

**What are the pay arrangements for staff who are deployed to an LA School Hub?**

In advance of the Easter bank holiday weekend the LA asked Headteachers and Directorate Managers to circulate a request to their substantive staff for volunteers to work in the hubs set up across the County for children of keyworkers on weekends and bank holidays, and across the week for Early Years. This arrangement continues.

Headteachers are asked to accommodate TOIL in their own schools to release staff to work within the hubs but where this is not possible, additional hours payments to the volunteers will be made, taking account of the NYCC Collective Agreement for NJC staff on bank holiday working and weekend working pay arrangements.

The claims for April 2020 have been collated and processed centrally by the Local Authority but for May onwards, there is a claim form for the staff “volunteers” to complete, available within the Hub School and processed through to Employment Support Services by the Hub Leader, on a monthly basis.

The staff costs will be charged to the school that employs the “volunteer” but all claims are being tracked and the costs will be re-imbursed by the Local Authority at the end of this arrangement.

Last updated 05.05.20

**Performance Management**

**Should appraisals continue in the current situation?**

DfE guidance is that schools should continue to operate the usual performance management processes under the School Teachers Pay & Conditions Document for teachers and under the normal appraisal arrangements for support staff. This may mean making some adjustments to performance targets etc to take account of the current circumstances e.g. by basing performance assessment on the period schools were open, adjusting if necessary for the expected trajectory had there been no covid-related changes.

Last updated11.05.20

**Employee support**

**Where 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.

It is likely that all employees will be affected by this emergency one way or another. Possibly through the challenges of new and additional work they are undertaking and also through the possible loss of family, friends and work colleagues. This is all happening during a time when people are facing far-reaching restrictions on their lives which have disrupted their normal support networks and changed the usual arrangements, processes and rites associated with the loss of a loved one.

Much has been done to promote a healthy workforce through the provision of resources and support available through the [‘Looking after you](https://cyps.northyorks.gov.uk/covid-19-working-together-through-covid-19)’ section on the ‘Working together through COIVID-19’ pages of the CYPS website.  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 or by phone on 01609 797973.

Last updated 22.04.20

**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 [‘Looking after you](https://cyps.northyorks.gov.uk/covid-19-working-together-through-covid-19)’ section on 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. Specific guidance is also being added to reflect any changes to usual arrangements and processes as a result of the Coronavirus outbreak.

The Employee Assistance Programme is also available for employees to contact either 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.**

Last updated 22.04.20

**Coronavirus testing**

**Can the employees in my school be tested for coronavirus?**

Testing for Coronavirus has now been extended to all key workers who are having to self-isolate because either they, or a member of their household, have symptoms.

There will be potentially two routes through which employees can be tested: through regional test sites and through local test centres coordinated by the Local Resilience Forum (LRF). The information below applies to the regional test sites only. Further information regarding local test centres will be added when this is available.

Testing is more accurate if undertaken within 72 hours of the onset of symptoms, therefore, it is vital that employees report their sickness or self-isolation quickly to their Headteacher. The necessary arrangements for testing should then be made.

The test will only be offered to people who are showing symptoms. If only the staff member is showing symptoms then only they will be tested. If a member of the employee’s household is showing symptoms, only they, and not the employee, will be tested.

Employees identified as requiring a test for themselves and/or a family member, will be emailed or given a letter detailing the testing arrangements and providing them with a link to an online registration form. Employees must complete and submit the online registration as quickly as possible to enable the test to take place. On completion of the online registration form, employees will receive confirmation of an appointment. For more information on how to arrange a test, please click this link <https://www.gov.uk/guidance/coronavirus-covid-19-getting-tested#arrange-a-test>

Last updated 23.04.20

**Where are the regional test sites?**

The list of regional test sites is being updated as new sites open. At the current time, the closest sites are in Leeds and Gateshead. The sites operate a drive-through model which means that individuals must drive to the site in their own car or the car of someone else in their household. People who arrive on foot, take public transport or a taxi will not be tested. Only people from the individual’s household may be in the car with them.

Employees attending a test centre must ensure that they take their **School ID badge**, their **confirmatory email** and their **mobile phone**. The phone is required as individual’s will be directed to follow the link on their phone and scan their test kit’s barcode.

Last updated 22.04.20

**When will employees receive the results?**

The aim is for test results to be issued within 48 hours of the test being undertaken. This will either be back to the employee’s phone by text or by email.

It is the employee’s responsibility to communicate the results of their own, or their household member’s, test result to the school.

Where it is confirmed that employees or their family members have Coronavirus then they must not attend work and ensure they

observe the 7 and/or 14 day self-isolation periods (see Self-isolation and protecting vulnerable groups section). If an employee in self-isolation is not sick themselves, or is only experiencing mild symptoms and has not reported themselves as sick, they may be asked to undertake work at home during the self-isolation period.

Where it has been confirmed that the employee or their family members do **not** have the virus, the employee will be able to return to work either in line with normal procedures, or when they are fit to do so.

There is an expectation that employees will attend testing where this is offered. If an employee is unable to attend for a test they must discuss the reasons for this with their Headteacher.

Last updated 22.04.20