

## Guidance and template letter for vulnerable employees (England)

An increase in pupil numbers in schools inevitably requires an increase in staffing. You may be in a vulnerable group and have concerns about returning to the workplace. The guidance below sets out information for employees who fall into vulnerable groups, and how they can communicate their position to the school.

We reiterate our advice that staff who fall into the clinically extremely vulnerable, or clinically vulnerable group, or who live with/care for those who are themselves vulnerable, should not be required to return to the workplace. Rather they should be allowed to work from home. This is in line with NJC guidance.

Given the way in which schools will be operating in the immediate future, we expect employers to take all reasonable steps to accommodate the needs of those in vulnerable groups and those in their household.

Do contact your local UNISON branch if you need support. If you don't know your UNISON branch, use our [branch finder](#) or contact [UNISON Direct](#).

This guidance covers:

- 1 **Clinically extremely vulnerable employees (people at high risk)**
- 2 **Clinically vulnerable employees (people at moderate risk)**
- 3 **Employees living with / caring for the vulnerable or extremely vulnerable**
- 4 **Black employees (referred to by government as BAME)**
- 5 **Older employees (over 60)**
- 6 **Employees who have childcare responsibilities**
- 7 **Employees who are feeling anxious about returning to work**
- 8 **Template letter to headteacher**

## 1. Clinically extremely vulnerable employees (people at high risk)

The Government says that all people with serious health conditions which place them in the [clinically extremely vulnerable category](#) (“shielding”) must **not** attend work. If you are in this category, you should have received a letter from the NHS informing you of this. If you haven’t received a letter please contact your GP or hospital consultant.

The [specific DFE guidance advice accepts this](#) and says staff in this position are advised **not** to attend work.

UNISON’s advice is that you should inform your employer if you are in this category. You and your employer would be in breach of Government advice if you were to consider working at school or were to be asked to attend the workplace. Even if your role cannot be carried out from home, you must stay at home on full pay. This provision has been agreed under NJC Green Book terms, which cover the vast majority of local authority and academy schools, and other employers should do likewise in line with government guidance.

## 2. Clinically vulnerable employees (people at moderate risk)

The Government recognises clinically vulnerable employees as those who are 70 or older, pregnant or have a specified condition ([see list](#)).

The [DFE guidance](#) says that anyone in this category should work from home “*where possible*” and schools should endeavour to support this.

UNISON’s position is that anyone in the clinically vulnerable category should work from home. You should inform your employer if you are in this category. You should say that you cannot attend school but are available to work from home. Even if your role cannot be carried out from home, you should stay at home on full pay. This provision has been agreed under NJC Green Book terms, which cover the vast majority of local authority and academy schools, and other employers should do likewise in line with government guidance.

If a staff member who is clinically vulnerable chooses to return to the work place, they should only be asked to work in roles where strict social distancing can be applied.

## 3. Employees living with / caring for the vulnerable or extremely vulnerable

The [DFE guidance](#) states that employees who live with **extremely** clinically vulnerable people should only attend work “*if stringent social distancing can be adhered to*” but should otherwise be “*supported to work at home*”. The DfE guidance acknowledges that young children are not capable of applying social distancing, so it would certainly not be appropriate for staff whose role is to work with young children to attend the workplace if they live with someone extremely clinically vulnerable.

However the DFE guidance for employees who live with clinically vulnerable people (i.e. not extremely clinically vulnerable) is that they can attend work.

UNISON's position is that anyone living with or caring for someone in a clinically vulnerable or extremely clinically vulnerable category should not be expected to attend work but allowed to work from home. You should inform your employer if you are in this category. You should say that you have a household member who is clinically vulnerable or extremely clinically vulnerable, you don't want to put them at increased risk, and would like to discuss working from home.

If your role can't be carried out from home, you should have a discussion with your school about redeployment. Ultimately, this may not be possible and we would expect that your employer accepts that some employees may need to stay at home on full pay. This provision has been agreed under NJC Green Book terms, which cover the vast majority of local authority and academy schools, and other employers should do likewise in line with government guidance.

If a staff member who lives with someone clinically vulnerable chooses to return to the work place, they should only be asked to work in roles where strict social distancing can be applied.

#### **4. Black employees (referred to by government as BAME)**

In UNISON, 'Black' – with a capital B – is used to indicate people with a shared history and is used in a [broad political and inclusive sense](#).

Evidence from the Office for National Statistics shows a greater impact of Covid-19 on Black communities with a disproportionate number of deaths being recorded. The DfE recognise this in their recently [published overview of scientific advice](#). It states that the exact reasons for the increased risk associated with coronavirus (COVID-19) in BAME populations are not known, and there are a number of factors that could underlie this.

The DfE scientific overview states that *“schools should be especially sensitive to the needs and worries of BAME members of staff, BAME parents and BAME pupils.”*

UNISON's advice is that a risk assessment should be carried out for Black staff, and staff who live with a Black person, based on ethnicity, and taking into account other factors such as age, other medical conditions and the sort of work carried out. All redeployment options should be considered to minimise risk, including working from home if deemed appropriate by the risk assessment, or if the staff member is not assured by the measures in the risk assessment. You should discuss your personal concerns with your employer and adapt the letter below as appropriate.

#### **5. Older employees (over 60)**

The DfE has not issued specific advice to schools about employees who are aged over 60. However, [scientific evidence suggests that those over 60 are at higher risk](#). The World Health Organization says the highest risk is in over-60s.

UNISON's advice is that a risk assessment should be carried out for staff over 60 based on age, and taking into account other factors such as ethnicity, other medical conditions and the sort of work carried out. You should discuss your personal concerns with your employer.

## 6. Employees who have childcare responsibilities

The DfE has not issued specific advice to schools about employees whose children are unable to return to school. While school support staff are classed as critical workers whose children should continue to be offered a place at school/nursery, regardless of their year group, inevitably there will be complex situations where this is not straightforward. Boris Johnson said during Prime Minister's Questions on 11 May that he expects employers to be reasonable and take account of employees' childcare difficulties: *"We will count on employers to be reasonable if people can't go to work because they can't get the childcare that they need...plainly they are impeded from going to work and they must be defended and protected on that basis"*.

UNISON's advice is that you should explain your situation to your employer, and we would expect your employer to be reasonable in accommodating your circumstances. This is in line with [NJC guidance](#) which states that employers should be fully supportive of employees with childcare responsibilities and consider flexible working arrangements.

## 7. Employees who are feeling anxious about returning to work

There is no DfE guidance in relation to those who are feeling anxious about a return to work. However, UNISON's advice is that employers need to consider the mental health of employees as part of their risk assessments as well as their general duty of care. If you have concerns about your personal anxiety, contact your employer to explain your situation and discuss working from home. You should not simply stay away from work as your employer may treat your absence as unauthorised.

## 8. Template letter to head teacher

Use the text below as a basis for a letter to your head teacher, amending it to suit your circumstances based on the information above. If you need support in sending the letter, contact your local UNISON branch (details on page 1).

Dear [add name]

I'm writing regarding my personal position with regards to the wider opening of school.

I'd like to draw your attention to the following matter for your consideration when looking at staff availability and my role:

- *Explain your personal circumstances in relation to the appropriate vulnerable group using the information in this guidance*

I'd like you to agree that, given these circumstances, I'll be able to continue to work from home.

If you're planning for me to return to the workplace, please let me know the reasons, including a copy of the risk assessment and where appropriate the equality impact assessment relating to my position.

Best wishes,

[Your name]