

# **CORONAVIRUS (COVID-19): STAFFING GUIDANCE FOR SCHOOLS**

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## **Notice Provisions and Recruitment**

### **Notice periods for teachers and school leaders (Burgundy Book)**

The extent of the impact that the coronavirus pandemic has will vary from school to school and over the pandemic's lifecycle. Employees looking to resign are encouraged to provide as much notice as possible and stay within the standard notice period dates as far as is possible. Whilst there should be no changes to the notice periods there may need to be an element of flexibility if the timing of a resignation is submitted outside of the normal framework.

A joint statement between ASCL, LGA, NAHT, NASUWT NEU and NGA in relation to flexibility in Burgundy Book notice provisions and recruitment during the Coronavirus pandemic can be found [here](#). Although it was issued some time ago the principles still apply.

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## **Performance management**

### **Newly Qualified Teachers**

Guidance published on changes to Newly Qualified Teacher (NQT) induction during the Coronavirus outbreak can be found here:

<https://www.gov.uk/government/publications/coronavirus-covid-19-induction-for-newly-qualified-teachers>

### **Appraisals**

The DfE has confirmed that maintained schools must continue to adhere to the School Teachers' Pay and Conditions Document (STPCD) which includes the requirement to ensure that all pay progression for teachers is linked to performance management. However, the DfE expects schools to use their discretion and take pragmatic steps, consistent with the Education (School Teachers' Appraisal) (England) Regulations 2012 to adapt performance management and appraisal arrangements to take account of the current circumstances. This could include basing performance on the period schools were open, adjusting, if necessary, for expected trajectory had there been no closures.

Schools must ensure that teachers are not penalised during the appraisal process or in respect of any subsequent pay progression decisions as a result of partial school closures, where this has impacted on the ability of the teacher to meet fully their objectives.

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### **Payment of supply teachers/other contingent workers**

As you will be aware, DfE guidance confirms that schools “continue to receive their budgets for the coming year as usual, regardless of any periods of partial or complete closure, and this will ensure they are able to continue to pay for staff and meet their **other regular financial commitments**, while delivering the provision required during this unprecedented period”.

Warwickshire County Council produced a guidance note in April 2020 which was updated in October 2020 on how to treat agency workers during the [pandemic](#).

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## Isolation

### National guidelines

If there is a need for an employee to isolate in line with national guidelines – see [here](#) - the employee must inform their manager.

### Pay during isolation

If an employee is required to isolate in line with national guidelines, they should be paid normal pay whilst unable to attend work and their period of isolation will not count as sickness absence.

Under the **NJC Green Book** (support staff) sickness scheme an employee who is prevented from attending work because of contact with infectious disease is entitled to receive normal pay and the period of absence is not reckoned against the employee's entitlements under the sickness scheme.

Under the **Burgundy Book** (teachers) sick pay scheme where, in the opinion of an approved medical practitioner it is inadvisable for a teacher to attend duty for precautionary reasons due to infectious disease in the workplace, full pay shall be allowed during any enforced absence from duty. This provision also applies where the approved medical practitioner considers it inadvisable for the teacher to attend duty where they reside in a house in which another person is suffering from an infectious disease.

Approved medical practitioner may include NHS 111.

## Recording isolation

**For Warwickshire maintained schools all Coronavirus related isolation must be recorded in Your HR for monitoring purposes.**

**For other schools for example, academies and other customers, there is no need to record Coronavirus related isolation. If however, you want to enable the facility to record isolation in Your HR in line with this section of the guidance please contact [weshrandpayroll@warwickshire.gov.uk](mailto:weshrandpayroll@warwickshire.gov.uk)**

All isolation in line with the national guidance must be recorded on Your HR under "Other Absence and Leave" choosing the type "Isolation". Guidance on how to do this can be found [here](#).

### Arrangements whilst isolating

In the event that an employee is not ill but is isolating it is acceptable for that staff member to work from home during that time. If the employee's role is such that

working from home is not possible, in such instances the employee will be permitted to isolate without any impact on their contractual pay.

The employee must notify their employer and will need to, if required, take any precautions that are prescribed by their medical practitioner. They must also remain in contact with their line manager and be available during their normal working hours in the event that the line manager has to make contact with them whilst they are at home. Employers should keep in touch to support employees.

If an employee is caring for someone who has or may have coronavirus, this period of absence should also be regarded as self-isolation. Given the employee may then have been in direct contact with the virus we would expect home working arrangements to be then considered for the duration of the incubation period.

#### Self-isolation before admission to hospital

The [NHS](#) has instructed that anyone who is due to go into hospital as an in-patient (including day surgery) for planned or elective surgery / medical care may need to self-isolate, along with those they live with and anyone in their support bubble.

They will be contacted by the NHS with more information about what they need to do. Unless already on sick pay, all school employees should remain on normal full pay for the duration of the self-isolation period and those who can work from home should do so. Employees should remain in contact with their manager so that any change of dates for hospital admission are discussed, particularly where this will require a change to or an extension of the period of self-isolation required. Where dates scheduled for hospital admission get deferred, resulting in a further period of self-isolation being required, this is something that school leaders and managers will have to accept as a consequence of the current situation.

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## **Sickness Absence**

### **Recording sickness absence**

#### **NJC Green Book (“support staff”) terms and conditions of employment**

If an employee contracts Coronavirus (COVID-19) and has not previously isolated they must follow the normal sickness absence reporting procedures for notifying sickness absence to their line manager. A sickness absence reason has been added to Your HR – Coronavirus (COVID-19) – for recording this. The sickness absence is then treated in the same way as sickness absence for any other illness under the sickness absence scheme.

If an employee who is isolating becomes sick, they should notify their manager of the change. The manager must end date the isolation record in Your HR under “Other Absence and Leave” and record the sickness absence in Your HR using the relevant reason for the absence.

#### **Burgundy Book (teachers) terms and conditions of employment**

If a teacher becomes ill, they must follow the normal sickness absence reporting procedures in school for notifying sickness absence, and the absence recorded in one of the following two ways:

##### **1. Coronavirus (COVID-19) contracted directly in the course of the teacher’s employment**

**For Warwickshire maintained schools this type of Coronavirus related sickness absence must be recorded in Your HR for monitoring purposes. See below.**

**For other schools, for example, academies and other customers, there is no need to record this type of Coronavirus related sickness absence for pay purposes. If however, you want to enable the ability to record this in Your HR in line with this section of the guidance please contact [weshrandpayroll@warwickshire.gov.uk](mailto:weshrandpayroll@warwickshire.gov.uk)**

Where an approved medical practitioner/NHS 111 attests that there is evidence to show a reasonable probability that an absence is due to Coronavirus (COVID-19) contracted directly in the course of the teacher’s employment, and authorises that absence, full pay will be paid for the period of absence and:

- the period of this absence is not reckoned against the teacher’s entitlement to sick leave
- the period of this absence is reckonable for entitlements to Statutory Sick Pay

The absence must be recorded on Your HR under “Other Absence and Leave” choosing the type “Teachers/NHS Coronavirus in course of employment”. Guidance on how to do this can be found [here](#).

## **2. Coronavirus (COVID-19) not contracted directly in the course of the teacher's employment**

Where the absence is due to Coronavirus (COVID-19) and it was not contracted directly in the course of the teacher's employment (as authorised by an approved medical practitioner/NHS 111), the period of sickness absence is treated in the same way as sickness absence for any other illness under the sickness absence scheme.

The sickness absence reason added to Your HR – Coronavirus (COVID-19) must be used for recording this.

### Self-Certification and Fit notes

Employees self-certify sickness absence for the first 7 days of sickness and a sick note (also known as a fit note) is normally required after 7 days.

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## **Links to government advice on staffing matters**

**[The government updated their guidance for schools and childcare settings returning in January 2021 on 17 December 2020.](#)**

Government advice on staffing matters for schools can be found [here](#) including on:-

- those who are clinically vulnerable (including pregnant women)
- those who are clinically extremely vulnerable
- staff who may otherwise be at increased risk
- staff deployment
- recruitment
- staff taking leave – see questions and answers below

The Government has also provided

- [specific advice on social distancing for everyone](#), including those who are at increased risk from coronavirus.
- [guidance on shielding and protecting people who are clinically extremely vulnerable from COVID-19.](#)
- [actions for early years and childcare providers](#)
- [guidance for special schools and other specialist schools](#)

See also the section on [Clinically extremely vulnerable/ clinically vulnerable staff link to page further down](#)

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## **Employees who have concerns about being at work**

The emphasis should be on individual consultation working with employees on a case by case basis to understand their specific issues and putting measures in place to provide reassurance. Formal action should be a last resort and only where it can be demonstrated that all other options have been explored.

Schools should ensure that they engage sufficiently with individuals about working in school, and particularly those who have been in the vulnerable or extremely vulnerable groups to establish any concerns and attempt reasonable steps to resolve issues. From 1 August these groups were no longer required to shield and could return to work where social distancing is maintained. However, local lockdowns and shielding may be re-introduced. Please see the links above.

All measures should be put in place to provide a COVID-19 secure environment via the completion of risk assessments by each individual school taking into account government and local guidance/ advice.

Although individual risk assessments are not mandatory, they can be used to work through individual staff needs for those in the more vulnerable groups. It is recommended that an individual risk assessment is undertaken for anybody that is a) 70 plus, b) BAME, c) pregnant d) ongoing health condition or e) who expresses concerns. Research does show that some staff may suffer additional anxiety.

Occupational Health, where available, are to provide specialist advice. Other support available, such as an Employee Assistance Programme, should be highlighted for use.

If all measures have been put in place and all options considered including amending duties, workplaces, start/finish times and COVID-19 secure measures are in place if the individual employee still will not attend the workplace then:

- the school should first remind the employee of their contractual obligations and consequences of refusal in writing.
- potentially absence could be unauthorised which ultimately could lead to withdrawal of pay.
- potentially absence could be a matter of conduct and formal action can be considered. This would be a last resort and should not be considered until all other options have been considered.

Before taking action you may wish to take HR advice.

If employees live with someone or are supporting someone, who is considered at increased risk from COVID-19, the expectation during these difficult times is that staff are available to attend work unless they are isolating in accordance with government guidelines.

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### **Asking employees to undertake a different role to their normal role**

If employees agree to undertake a different role and/or working pattern they should continue to be paid at their normal contracted rate. Where they are temporarily undertaking roles that are paid at a higher rate than their usual contracted rate they should receive the higher rate of pay for the duration of the assignment/redeployment. Arrangements should be made to pay the higher rate as soon as practically possible.

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## **Quarantine and travelling abroad**

Staff travelling will need to follow the national guidance issued by the [Foreign & Commonwealth Office](#) (FCO) and also talk to their manager about any implications for quarantining upon return.

The FCO is

- currently advising against all but essential international travel and staff are expected to follow this advice.
- providing a list of countries that are exempt from the 'essential travel' guidance. However, travel disruption is still possible and national control measures may be brought in with little notice so it is important that employees check the national travel guidance and discuss any arrangements or implications due to a change in national guidance in advance or at the earliest opportunity with their line manager.

In June 2020 ASCL, LGA and NAHT published Joint School Workforce Guidance COVID-19: Quarantine on entering or returning to the UK, based on the government's guidance at that time. Although the guidance was written to take account of the summer period the key messages and practical guidance is still valid. We draw your attention to the paragraphs below in red:

7. **Our key recommendation in relation to this issue, is that school leaders and managers have conversations with all their teaching and support staff as early as possible, about the potential impact of this governmental requirement.**

12. **We now have a new and different circumstance (so the paragraphs above, do not apply to the "quarantine" required by government) given that if you arrive in the UK on or after 8 June 2020, ..... from this point forward school staff travelling abroad will be doing so fully cognisant of the quarantine requirements on re-entering the UK.** Some countries may also require travellers to quarantine on arrival which may impact their length of stay and school staff should therefore be advised to check carefully whether this is the case before they make any bookings.

[The full exert can be found here.](#)

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## **Employee support**

### Dignity

All staff must be mindful of the need to treat colleagues with dignity and respect during these exceptional circumstances and remember that actions are taken in line with government guidelines and to help prevent the spread of infection.

### Dependants Leave

If an employee with caring responsibilities is required to take time off to deal with an issue at short notice involving their dependant or needs to make any longer-term arrangements for care, managers may grant emergency dependant leave, usually of 1 or 2 days unpaid. This may be extended in these extenuating circumstances at the discretion of the manager.

This would apply to situations to do with Coronavirus (COVID-19). For example:

- if the employee has children they need to look after or arrange childcare for because the children are self-isolating
- to help their child or another dependant if they're sick, or need to go into isolation or hospital

The following flexible ways to support staff may also be considered if appropriate:

- reducing hours
- changing working patterns
- reassigning tasks that can be done at home

This, of course, needs to be balanced with the delivery of the essential service.

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## **Job Support Scheme / Coronavirus Job Retention Scheme**

Coronavirus Job Retention Scheme which was originally extended to March 2021 was extended again until the end of April 2021 in an announcement on 17 December 2020.

The government will continue to pay 80% of the salary of employees for hours not worked until the end of April. Employers will only be required to pay wages, National Insurance Contributions (NICS) and pensions for hours worked; and NICS and pensions for hours not worked.

The eligibility criteria for the UK-wide scheme remain unchanged

HMRC's current [guidance for employers](#) on the CJRS was updated on 10 November to reflect the rules for the extended scheme period.

[Further guidance, template letters and an excel spreadsheet claim form were emailed to schools on 13 November 2020.](#)

The Job Support Scheme, (JSS) which was scheduled to come in 1 November 2020, has been postponed. The Government has announced that the [Coronavirus Job Retention Scheme](#) (also known as the furlough scheme) will remain open until 31 March 2021. For claim periods running to January 2021, employees will receive 80% of their usual salary for hours not worked, up to a maximum of £2,500 per month, therefore the scheme is more generous than the scheme running in September and October. The percentage may be reviewed for February and March.

For queries on the scheme: WES HR Advice 01926 418614 or [weshrandpayroll@warwickshire.gov.uk](mailto:weshrandpayroll@warwickshire.gov.uk)

For queries around school run provision, early education funding payment impact or any wider early years and childcare business information that may impact the delivery of services please contact: [earlyyears@warwickshire.gov.uk](mailto:earlyyears@warwickshire.gov.uk)

For queries relating to the processing of claims from HRMC: Payroll Services via [weshrandpayroll@warwickshire.gov.uk](mailto:weshrandpayroll@warwickshire.gov.uk)

Education Finance will issue separate guidance and instructions on how to process and record any income transactions on your financial system and the contact details for Education Finance will be issued at that time.

## **Job Retention Bonus (JRB)**

Following further announcements on 5 November the JRB will not be paid in February and the government will redeploy a retention incentive at the appropriate time.

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## **Clinically extremely vulnerable/ clinically vulnerable staff**

As schools fully opened in September staff returned to schools with the appropriate risk assessments for each school and individual risk assessments completed. These should remain live documents which are reviewed in light of any change in circumstance.

Everyone who can work should do so.

[Government guidance](#) has been updated to support the clinically extremely vulnerable in protecting themselves from exposure to COVID-19. It replaces previous guidance on shielding that was in place during the four-week period of national restrictions in November.

Specific guidance for each tier can be found [here](#).

Clinically extremely vulnerable people should not go to the workplace if they live or work in Tier 4 areas.

In all other tiers, arrangements for home working should be a priority. Anyone required to travel into an area in a different tier in order to go to work, should follow the guidance for whichever area is in the higher tier. For example, if they live in a Tier 1: Medium area but work in a Tier 2: High area, they should follow the work advice for Tier 2: High. If they live in a Tier 2: High area but work in a Tier 1: Medium area, they should continue to follow the advice for Tier 2: High areas.

Where people in Tiers 1, 2 or 3 cannot work at home, they should discuss this with their line manager in the first instance, with the view of agreeing arrangements for them to attend their workplace as long as it is COVID-Secure. Public sector employees working in essential services, including childcare or education, should continue to go into work.

The Government/NHS will [write to everybody who is clinically extremely vulnerable](#) to set out detailed advice while the new restrictions are in place.

The [government guidance](#) about new restrictions from 5 November includes guidance on protecting people more at risk from Covid-19:

If you are over 60 or clinically vulnerable (including women who are pregnant) you:

- should be especially careful to follow the rules and minimise your contacts with others
- should continue to wash your hands carefully and more frequently than usual and maintain thorough cleaning of frequently touched areas in your home and/or workspace

Employees who cannot work at home should only attend the workplace if it is COVID-secure. Potential redeployment opportunities could be considered but, again, only to a workplace that is COVID-secure. If an employee expresses concerns about returning to the workplace it is important that their manager ascertains and seeks to address the reason for the concerns and carries out an individual risk assessment.

If the COVID secure requirements are not met, the employee should not return to work until the appropriate measures are in place and in the meantime should continue to remain at home on normal full pay.

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## **The Queen's Platinum Jubilee 2022**

The Government has announced that there will be an additional bank holiday to celebrate Her Majesty The Queen's Platinum Jubilee. The late May bank holiday will be moved to Thursday 2 June 2022 and an additional Jubilee bank holiday will be on Friday 3 June 2022.

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