

## Staffing decisions that need to be considered when opening your school

Is the employee required to return to school?

↓ Yes

— No →

The employee should continue to work from home. This also applies to those employees who cannot carry out their role at home e.g. site assistant. These employees should remain at home on full pay until required to return to school.

If the employee is required to return to school, is the employee clinically **extremely** vulnerable?

↓ No

— Yes →

This group will have received a letter from the Government advising them to shield. They should stay home and shield. The employee should stay home and work from there on normal pay. If they are unable to work you could pay normal sick entitlement.

Is the employee otherwise fit and happy to return to school?

↓ No

— Yes →

The employee can return following a risk assessment.

Is the employee pregnant?

↓ No

— Yes →

The employee can return but offer the safest available on-site roles with a specific risk assessment. If none is available then they should stay home and work from there. However, if the nature of their job means they cannot work from home and there is no safe on-site role, or there is an on-site role but they reasonably refuse it, they can be suspended on full pay.

Is it because they have no childcare?

↓ No

— Yes →

You could look at alternative work to be done at home and if that is not possible, consider unpaid, dependents leave, annual leave or parental leave.

Is it because they care for a clinically extremely vulnerable person?

↓ No

— Yes →

According to the guidance, people who live with someone who is in the very high-risk group should stringently follow guidance on social distancing. They are not required to shield themselves. Options are to offer the safest available on-site roles with a specific risk assessment. If none is available you could allow staff who live with someone at very high-risk to work from home if at all possible, or allow annual leave, unpaid leave, dependents leave and parental leave.

Is it because they are ill with COVID-19 or some other medical condition?

↓ No

— Yes →

In these situations, we advise that you follow the rules around self-isolation and your usual sickness process and provide access to sick pay in the normal way.

Is it because of travel concerns?

↓ No

— Yes →

There will be no right to pay if employees do not return to work for this reason unless there is a reasonable belief in serious and imminent danger whilst travelling. You should make adjustments if possible, especially if clinically vulnerable or pregnant.

Is it because of a fear of catching COVID-19?

↓ No

— Yes →

It is so important that you are building trust with these individuals. Listen to their concerns and do your best to reassure them without them feeling pressured to return. Depending on the circumstances, these staff may not have a right to full pay and in time, if there is no agreement to return to school despite measures taken and evidence of you acting reasonably then as a very last resort you could consider taking disciplinary action. Our advice is that you consider each case on its own and any health and safety concerns are taken very seriously and advice sought.

Is the employee clinically vulnerable?

↓ No

— Yes →

Complete a risk assessment for these individuals. Consider the safest possible roles available in school or if none are available consider alternative work that could be delivered from home. If that is not possible other types of leave e.g. unpaid, annual leave or sick pay may also be suitable in certain circumstances.

You can re-assure that you are controlling risks within school. Unpaid leave is advisable in short term. In time, disciplinary action may be appropriate. There is no right to pay unless the employee has a reasonable belief that they are in serious and imminent danger and are concerned about Health & Safety. Take advice if Health & Safety is raised as the reason.