



**UNISON: the public service union**  
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**Branch Secretary:** Dan Sartin

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Your Ref:

Our Ref:

**Tuesday 19<sup>th</sup> May 2020**  
**By email**

Dear head teacher

**Government's plans to increase number of pupils in schools on 1 June – request for copy of risk assessment**

I write on behalf of UNISON members at your school concerning the government's plan to increase pupil numbers on 1 June and the threat this plan poses to the health and safety of pupils, parents, staff and our wider community.

UNISON is taking up our concerns over safety directly with the government and we are calling on the Prime Minister to step back from an unsafe increase in pupil numbers on 1 June. We want to work together with government to create the conditions for a safe return to schools, based on the principles and tests set out by education unions representing support staff, teachers and head teachers. The government has, however, failed to meet these principles and its own five key tests; meaning a safe increase in pupils on 1 June is not possible.

UNISON is clear that the current situation is not the fault of the school or its leadership and we understand that the school has a duty to plan for all eventualities. Therefore, we would request that you please urgently provide UNISON and the other recognised unions with a full copy of the school's draft risk assessments for increasing pupil numbers. On request we will also ask to see the individual health and safety risk assessments you are drawing up for your staff, particularly where they fall into one of the following four categories:

1. Are clinically extremely vulnerable ('shielded')
2. Are clinically vulnerable
3. Live with someone who is clinically extremely vulnerable ('shielded')
4. Live with someone who is clinically vulnerable

I would further request that you urgently enter into collective discussions with UNISON on the measures that would need to be taken for a safe increase in pupil numbers. Where you have a UNISON workplace representative within the school, we would ask you to begin discussions with them as soon as possible. Where you do not have an on-site UNISON rep, please contact us via our Chichester office.

To assist these discussions, UNISON (alongside other union colleagues) has produced a detailed checklist and planning guide which follows the structure of the DfE planning guide and is enclosed with this letter. We believe this checklist will clearly demonstrate just how unsafe increasing pupil numbers on 1 June would be.

May 19, 2020

The Department for Education has confirmed that 1 June is an 'aspiration' and therefore the responsibility for taking the decision about when it is safe to increase pupil numbers will rest with individual schools. UNISON believes therefore that it is important that we all stand together to ensure that everyone in the school and community is safe.

We also wish to draw your attention to the inadequacy of the WSCC template risk assessment distributed by the Director of Education and Skills in the afternoon of Friday 15<sup>th</sup> May. This template was not discussed with UNISON, nor we suspect any trade unions. There is no advice provided to you to discuss the risk assessment and work together with accredited trade union representatives, which is a legal requirement.

There are also clear deficiencies with it. It excludes both categories of staff who live with clinically vulnerable and extremely vulnerable staff (see 3 and 4 above). For staff who are clinically vulnerable the risk assessment does not follow Local Government Association advice, and there is a presumption that these staff should return to school. This is wrong.

The Local Government Association issued a circular to council employers as recently as 15<sup>th</sup> May advising: "As you will be aware, many relevant issues relating to social distancing, PPE and sickness leave have been covered in earlier NJC guidance circulars, the contents of which remain applicable until they are superseded by further NJC guidance... For employees who live with but don't 'care' for relatives in the vulnerable groups the NJC guidance is clear that all options for working at home should be considered (including redeployment if practicable). The employer has a duty of care to the employee, so if the employee cannot work at home and the employer insists that they should attend the workplace, the onus is on the employer to do everything possible to mitigate risk of the employee 'taking the virus home' to their vulnerable relative. Q9 of the LGA Workforce Team's FAQs also covers this issue. The employer needs to ascertain and address the employee's concerns, particularly if they are in a role that can't be performed at home. Ultimately, the employer will need to decide whether to accept the employee's concerns and, as previously advised, may have no option other than to accept that some employees will be staying at home on full pay for the duration of this emergency as they are not able to work from home."

At UNISON we wanted to emphasise this because we are clear that jointly agreed guidance remains in place, and it is important that schools stick to it, and do not use central government guidance as an alternative where this would result in less favourable treatment for staff. UNISON also know that the communications from the Director of Education & Skills on this subject have been delayed, poorly drafted and unclear previously.

We look forward to receiving your risk assessment and engaging with you further to ensure that support staff are enabled to work safely at the current time.

Yours sincerely



Dan Sartin  
Branch Secretary