

## **Updated guidance for academic-related, professional services staff regarding the Covid-19 lockdown**

January 2021

### **Should I be working on site/campus?**

The UK and devolved governments have issued clear guidance to the public that all work that can be done from home should be done at home. Universities are not an exception to this legal requirement.

England guidance can be found here: <https://www.gov.uk/guidance/national-lockdown-stay-at-home#summary-what-you-can-and-cannot-do-during-the-national-lockdown>

Northern Ireland guidance can be found here: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-regulations-guidance-what-restrictions-mean-you>

Scotland guidance can be found here: <https://www.gov.scot/coronavirus-covid-19/>

Wales guidance can be found here: <https://gov.wales/coronavirus>

All of this guidance makes it clear that the most important thing you can do is 'Stay Home' because this will limit transmission of Covid-19, and help to get the virus under control. The guidance also makes it clear that leaving home is only permitted in very specific circumstances, attending work being one of them, but only if it can't reasonably be done from home. In universities the vast majority of work can and should be done from home.

The DfE have further explained to the sector employers that while decisions about employment, including those staff deemed critical to the continuing operation of the institution, should be agreed on a case-by-case basis, they expect employers and staff to show understanding and offer flexibility when making these decisions.

## **My employer has told me that I am a critical/key worker? Does this mean I will have to attend work on site?**

### **England**

In England, the definition of critical workers has been expanded since the first lockdown, and now includes work covering the EU transition, as well as those critical to the Covid-19 response.

You can read the full guidance here: <https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision#critical-workers>

The expansion of this definition is about securing in-school/college educational support for these workers' children, rather than requiring them to attend work. The key message about only attending work if it can't reasonably be done from home still applies.

The government have stated that roles that may be prioritised for accessing school places, would usually fall in four broad categories:

1. staff or research students responsible for research and other activities to mitigate the effects of Covid-19 and for other essential research and supporting activity necessary to meet regulatory, legal, health and safety or other on-going requirements. This would include long-running research which cannot tolerate a break, staff or others looking after living resources (e.g. animals, plants or bacterial cultures) or hazardous materials; or those that are essential for the maintenance of equipment and facilities
2. academic and teaching staff, to deliver face to face teaching to those students that are permitted to receive teaching on campus, or to support those students who are continuing their placements in person and cannot be supported remotely, as well as those developing or delivering resources for remote learning where these need to be created or updated using facilities only available on the provider's premises.
3. staff responsible for providing services for students who need to remain in student accommodation or in facilities which remain open for students or essential research, including catering staff, cleaners, wardens, mental health support, IT and security staff
4. staff critical to the safety and security of the university estate and other business critical operations.

## Scotland

The definitions of key workers agreed with local authorities previously during the pandemic continue to apply. This sets out that:

*There should be a particular focus on key workers in posts which ensure that essential services can be delivered and cover tasks within the local community which support the vulnerable and aid community resilience.*

Decisions on who is included are taken at a local level but the Scottish government has stated that for those working in education (category 3 workers), the definition should only apply to those '*without whom there could be a significant impact on Scotland (but where the response to Covid-19, or the ability to perform essential tasks to keep the country running, would not be severely compromised).*'

The full guidance can be found at: [Coronavirus \(Covid-19\): school re-opening arrangements for January 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-covid-19/school-re-opening-arrangements-for-january-2021/pages/1-1-introduction-and-definitions.aspx)

## Wales

Who is categorised as a critical worker is set out in government guidance which was published on 14 December 2020.

It is local authorities who ultimately decide who is a critical worker for the purpose of such workers being able to access a school place for their children during school closures as a result of Covid-19.

Local authorities have to have regard for a list provided by the Welsh government in deciding who is a critical worker and they are also advised to reflect on types of employment and associated impacts in their area. The government list includes higher education (HE) lecturers, support staff in HE settings such as catering, cleaners, caretakers, maintenance staff and all those involved in the operation of HE institutions.

The full guidance can be found at: <https://gov.wales/identifying-children-critical-workers-guidance>

## Northern Ireland

Key workers in education are limited to just specialist education professionals who will remain active during the Covid-19 response. The devolved government has also made it clear that higher education institutions should deliver distance learning to the maximum extent possible.

The full guidance on key workers can be found here: <https://www.education-ni.gov.uk/frequently-asked-questions-education-restart#toc-0>

## All nations

In all four nations, the definition of key/critical worker is about accessing childcare/schooling. It does NOT mean that you have to send your children to school.

If you do fall into the definition of a key/critical worker, it means that you may be able to access a school/college place for your children. It doesn't mean you have to attend the work site.

You should only be required to attend your work site if your work cannot be carried out at home and is deemed essential to the operation of the university. We would expect employers to be seeking agreement with their recognised trade unions on these limited groups of staff.

If you are asked to attend the work site, the employer must still ensure there is a suitable and sufficient risk assessment in place, which must be reviewed based on the current circumstances (e.g. the lockdown/restrictions in your nation and new more infectious strains of Covid-19). There should be a generic Covid-19 risk assessment as well as a personal risk assessment which will take into account our personal circumstances (for example any health issues, who you live with, how you travel to work etc.)

## **I am regarded as essential for my university to carry on its business and cannot work from home. What should I expect my employer to do to ensure my health, safety and wellbeing?**

UCU is aware that some staff in areas such as IT and facilities for example will need to provide a physically present skeleton staff to ensure that the institution can continue to function virtually.

Working on a campus or in buildings with few or no other staff can present its own set of risks. Members have raised their concerns with us about staff on site not being able to access clean toilets and other facilities; rubbish bins not being emptied; anti-bacterial hand gel not being available and left behind food leading to infestations of rodents and insects. These are all potential risks, and employers are required to address them.

Your employer should have already produced a preventative coronavirus specific risk assessment for the workplace in consultation with employees and H&S reps which should then be shared with the staff affected. In light of the current lockdown and the new variant of Covid-19, these risk assessments and control measures must all be revised. UCU has produced updated guidance for branches to help with this:

[https://www.ucu.org.uk/media/11290/Updated-Covid-19-guidance-for-branches---Jan-21/pdf/ucu\\_covid19\\_branch-guide-update.pdf](https://www.ucu.org.uk/media/11290/Updated-Covid-19-guidance-for-branches---Jan-21/pdf/ucu_covid19_branch-guide-update.pdf)

As well as updating the generic Covid-19 risk assessment, the employer should update risk assessments and safe systems of work that apply to your occupation and area of work and the activities you will be expected to undertake. If you have individual risk factors the employer should also undertake an individual risk assessment to implement any additional controls that may be needed to ensure the risks to you remain low. In addition, the employer should have in place organisation wide preventative stress risk assessments to ensure any potential stressors in the workplace are identified and controls put in place to avoid or mitigate the impact of these.

When requiring staff to physically attend work, your employer should consider how you can travel to work safely to minimise exposure to coronavirus. If you would usually travel by public transport, the employer could ensure workplace parking if you have access to a car or bike storage if cycling is a realistic alternative or alternatively change the timings of your working day to ensure you're travelling outside of busier commuting times. Some employers have paid for taxis to facilitate safe travel, but there are concerns about ventilation in small vehicles which should be considered: [https://www.hse.gov.uk/coronavirus/equipment-and-machinery/air-conditioning-and-ventilation.htm#ventilation\\_vehicles](https://www.hse.gov.uk/coronavirus/equipment-and-machinery/air-conditioning-and-ventilation.htm#ventilation_vehicles). If someone is unable to travel to work without significant risk, then the employer should not force staff to travel, finding alternative work which can be carried out remotely.

If you have any concerns about your health and safety, you should raise it directly with your manager and make sure your local UCU branch representative is copied in.

## **My school-aged children are no longer attending school, and I need to support their home learning. What should I do?**

If as a result of child-caring/home schooling responsibilities, you are unable to attend site, then your employer should facilitate home and flexible working, or consider furloughing you/putting you on special leave on full pay to ensure you are able to fulfill your personal responsibilities.

Even if you are a critical/key worker both UCEA and the DfE have confirmed that this doesn't prevent you being furloughed, and the UK government have made it clear that furlough can be used if you have caring responsibilities: <https://www.gov.uk/guidance/check-if-you-could-be-covered-by-the-coronavirus-job-retention-scheme>

Although there were some question marks around furloughing in HE during the first lockdown because the scheme didn't extend to people whose jobs were funded via public funds, we know that a number of universities did use the mechanism. UK government guidance says 'Organisations can use the scheme if they are not fully funded by public grants' (<https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme#who-can-claim>) which would suggest that

universities can and should be using this scheme. You shouldn't be afraid as a branch to request that staff be furloughed (at 100% pay) when it is impossible for them to carry on work and home obligations.

Branches should seek to reach agreement with their employer to facilitate such furloughing or a special leave policy if the university won't consider using the furlough scheme. Such an agreement should acknowledge that supporting children to learn can be a demanding full-time job, and that the age of a child is not always a relevant factor in the need for such support, i.e. children with special educational needs and disabilities will require extra support. A policy should also ensure that those who make such requests are fairly treated when they are considered, and do not suffer a career detriment as a result, since this could be a breach of the Equality Act 2010.

We know that some universities have been claiming that as critical workers you will be able to send your kids to school and attend work as normal, but the definitions given by all of the nations makes it clear that this status is limited to a small group of workers, and the overriding imperative is to 'Stay home' and work at home wherever possible.

## **I do not feel safe attending the work site. What should I do?**

In addition to the guidance on collective approaches to address Covid-19 health and safety concerns, UCU realise that individual members may also have particular concerns about the safety of a return to on site work and in-person working in light of their particular individual circumstances. We have therefore produced a series of template letters for use by members who reasonably believe that a request or demand that they return to on site working would place them in serious danger from Covid-19, in order to raise their concerns directly with their manager.

The letters are drafted for use by members in different circumstances; the relevant template will need to be tailored to the circumstances of an individual member and branches may need to support members to assist them in completing their letter. The template letters can be found here - <https://www.ucu.org.uk/covid19letters> - you will need your log in details to access them.

## **I work in the library and my employer is asking me to attend work in-person. Is it safe for me to do so?**

Government guidance in England makes it clear that higher education provision will remain online until mid-February for all except future critical worker courses, e.g. health and social care courses, along with the wider public health message across the nations to 'Stay Home' and only attend work if it can't reasonably be done from home. UCU branches default position should therefore be a precautionary one, that libraries on campuses are closed.

Universities may ask for library services, such as an order and collection service, to be open to support those studying on future critical worker courses. UCU believes that the focus for library services should be on supporting students to access online resources with staff working remotely as much as possible.

Research on fomite transmission (transmission via inanimate objects) by the REALM project, which was published before the latest variant in the UK developed, is helpful for H&S reps to consult when considering the safety of library services:

<https://www.oclc.org/realm/research/lab-testing.html>. The research shows that the lifespan of the virus at room temperature on different materials varies depending on the type of material and whether items are stacked or unstacked. Virus has been detected on some of these common library materials for up to eight days. This is useful evidence for the need for proper quarantine measures and safe handling and storage, collection and delivery processes to be in place before any service can safely operate.

Any employer requiring library staff to attend on-site should have produced a risk assessment not only taking into account the new variant of the Covid-19 virus but also the research on fomite transmission.

Added to these measures there would of course need to be substantial safety measures in place for other possible transmission routes including aerosol transmission which is now considered the main transmission route, hence the need for people to not mix with others and remain at home. Ventilation has been used to help with this, but may be more problematic in winter because of external temperatures, and the need for employers to ensure that workplaces remain at an appropriate temperature as specified in the Workplace (Health, Safety and Welfare) Regulations 1992: <https://www.hse.gov.uk/pubns/books/I24.htm>. Both the HSE and CIBSE have guidance on how to improve workplace ventilation and ensure thermal comfort which can be found here: <https://www.hse.gov.uk/temperature/thermal/> and: <https://www.cibse.org/knowledge/knowledge-items/detail?id=a0q2000006obXh>

Your employer should have already produced a **preventative** coronavirus specific risk assessment for the workplace in consultation with employees and H&S reps which should then be shared with the staff affected. In light of the current lockdown and the new variants of Covid-19, these risk assessments and control measures must all be revised. UCU has produced updated guidance for branches to help with this:

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The latest SAGE report outlining the new risks as they relate to the new and more transmissible variant Covid-19 and the mitigations needed to contain spread should be considered as part of any risk assessment process: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/948607/s0995-mitigations-to-reduce-transmission-of-the-new-variant.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/948607/s0995-mitigations-to-reduce-transmission-of-the-new-variant.pdf)