

UCU Covid-19 H&S guidance for UCU prison education reps

Omicron variant

Updated 17 January 2022

The Omicron variant continues to spread rapidly across the UK and while the link between infection rates, hospitalisations and deaths is weakened, it is not broken. As infection and positivity rates hit record levels the long-term impact of Omicron and how this variant could affect long-covid rates remains uncertain¹.

Current situation across the prison estate

On Tuesday 11 January, UCU met with HMPPS' Head of Health and Safety via the Joint Unions in Prisons Alliance (JUPA) which Marianne Quick, UCU's Bargaining & Negotiations Official for Prison Education and Sarah Rigby from the POA Co-Chair. At that meeting we were given an update as to the latest situation with regards to covid across the prison estate. At the time of writing there are now over 100 prison outbreak sites with 17 on the watch list.

The most recent Gold Command briefing returns all sites to the new national baseline of Stage 3, with prisons adjusting their regimes in accordance with this directive. There are a number of sites at Stage 4 determined by the severity of the outbreak and only one site (North Sea Camp) has been approved as an exception, to continue delivery at Stage 2. The Stage 3 regime expectations have been updated in light of new controls with prisons being able to increase controls as required to respond to local risk.

The Gold Briefing dated 9 December, set out that all non-essential footfall must be stopped to limit the risk of incursion of the virus into a prison. Whilst those that can work from home should work from home, those that cannot deliver their role or service remotely must attend work. Where elements of the regime such as education continue to operate for example, teaching staff will continue to need to attend the prison.

Stage 3 was previously informed by Exceptional Delivery Models (EDMs) and these still provide the base for Stage 3 regimes. However, with new COVID controls since EDMs were created such as increased testing and in light of HMPPS' further experience of managing the risk within prisons, there are a range of outline expectations for what is permitted at Stage 3 now. The key controls at Stage 3 include:

- wings to remain compartmentalised from each other as much as possible with activity mainly dedicated to the wing group/cohort. Staff should be deployed to **avoid cross contamination between wings/cohorts to support this**
- essential work and small group risk assessed activity is permitted but this should be from each cohort and not mixed and any essential mixing should be subject to controls such as social distancing, face mask/face coverings and possibly testing
- classroom based education for smaller non-mixed groups may operate but should be limited with a blended learning model expected with more in cell activity
- dedicated cohort activity with appropriate ventilation and cleaning in between groups is still appropriate
- there are several critical workshops/workplaces that are classed as essential work (these will be further redefined shortly) and employment in kitchen, canteen, laundry, waste management and cleaning roles remain essential, again subject to clear controls and wherever possible compartmentalisation.

Prison Rule 73 - introduction of daily staff testing and mandatory staff testing implications for non-directly employed staff.

At the JUPA meeting, HMPPS set out that they will be shortly enforcing Prison Rule 73, which affords them the right to refuse entry to anyone who does not evidence a negative covid test result

This has now been confirmed in the latest Gold Command briefing dated 14 January.

The briefing introduces the testing requirements for non-directly employed staff (NDE Staff), and requirements for all others entering a prison, under the application of Prison Rule 73.

Daily testing for all directly employed HMPPS staff

This testing is being introduced to increase the identification of a positive case at the earliest opportunity and therefore, limit the risk of transmission into the prison. Daily mandatory testing will be subjected to a two week roll out period, with all sites expected to be live and reporting by 2 February 2022, however prisons will be expected to implement this as soon as possible. 'Daily' means a test will be undertaken on any day working in a prison establishment or youth custody site and this should be completed prior to commencing work inside the prison, be that at home or at the prison testing facilities (subject to the local model adapted).

Mandatory testing will continue to be subject to fortnightly review. The introduction of daily mandatory testing is a temporary change following government guidance and will also be kept under review to determine whether the risk presented continues to require this additional control.

Testing

There may be individuals who are medically exempt from testing. If this is the case, they should provide evidence from a medical professional.

LFD testing: Throughout this time of increased testing, LFD testing should be completed using the allocated self-collect test kits at the member of staff's home, or by using the self-collect kits at the prison's Asymptomatic Testing Sites at the beginning of the shift/day's work.

Staff can choose to take and register their test at home, and will be supported in doing so, but should note that it will not be possible to grant overtime in either PP or TOIL if they choose to do so.

When conducting LFD tests on site, wherever possible, staff should not commence work until a negative LFD test result is provided (between 15-30 minutes from swabbing). A waiting area permitting social distancing should be provided to staff whilst they wait for the result.

PCR testing: Staff will also undertake a weekly PCR test as per current processes.

Mandatory staff testing for non-directly employed staff and others entering prisons

From 17.01.21, all those entering a prison, Directly Employed or Non-Directly Employed, will be required to test with an LFD test at the beginning of their working day (either prior to or when attending the prison for work.) They must be offered the same access to testing as Directly Employed staff, detailed above.

Acceptance of risk for non-compliance with testing for non-directly employed staff and others

The request for prisons to return to Stage 2, and further to Stage 3 in December 2021, outlined the suspension of all non-essential movement through the prison gates. However, non-directly employed staff, contractors and others working in prisons will still be coming into establishments for essential requirements and Governors/Directors still have some discretion on their continued entry. Their requirement to engage with testing programs or demonstrate a recent negative result as part of the 10% assurance check is to protect all the people within our establishments the same as HMPPS staff. However, as these staff members or ad hoc visitors to the site are not managed directly through the prison, line managers may not be on hand to assist with managing staff compliance or exemption from testing and these staff members are covered by the HR policies of their own employer. Nevertheless, under Prison Rule 73, Governors may (with the delegated authority of the Secretary of State) prohibit or restrict entry to any persons presenting a risk to the prison

by not complying with this public health requirement to engage in testing, against the interest of all others living and working in the prison.

All staff should continue to take responsibility for their own health and safety in relation to Covid-19 and comply with all measures implemented to help ensure the safety of those around them. A requirement to test supported by guidance and local risk assessments is a reasonable instruction to maintain Covid-19 secure workspaces and protect others. Governors should refer to existing policy lines on mandatory testing when faced with non-compliance, refusal to test, or queries about mandatory staff testing from directly employed staff.

UCU raised with HMPPS the issue of test availability and that this system had to be operated on a no detriment basis. I.e members should not suffer a detriment (ie, loss of pay) if for any reason there were no availability of tests which led to the prison refusing entry

Updated hazards & controls

In addition to the comprehensive advice set out previously - **Covid-19 hazards and controls: considerations for ongoing review of risk assessments in prison education (ucu.org.uk)** - reps should also seek the implementation of the following control measures at this critical time:

- given the requirements by HMPPS now that anyone accessing prison sites need to produce evidence of a negative test, employers need to ensure access in work time to regular, free testing (PCR and LFD tests) and provide support to those who are asked to self-isolate
- employers should ensure that staff do not suffer a detriment if for reasons outside of their control, no tests are available and they are refused access to a prison site
- ensure all staff have access to vaccinations and boosters in work time without loss of pay
- ensure staff who are required to self-isolate or have caring responsibilities for those who are isolating are offered appropriate levels of support and do not suffer detriment to their pay or conditions notwithstanding contract type such as those on atypical or insecure contracts
- reduce the number of people required on site while transmission rates remain high and implement measures to reduce mixing and close contact transmission in indoor work settings
- ensure any workers at increased risk from Covid-19 are not required to undertake in person work at this time and that alternatives are offered to reduce exposure risks
- ensure safe staffing levels and a safe working environment for those working in-person and at home which considers the potential risks to their physical and mental health. Workloads must be considered in risk assessments

- ensure there is a safety threshold for ventilation of 12-17 litres per second per person in indoor spaces (CO2 proxy of approximately 800ppm2). Employers can also use HEPA air filtration units to clean the air where appropriate and reduce airborne transmission risks
- ensure all workers undertaking in-person work have access to high quality, well-fitting face masks which offer effective levels of respiratory protection from airborne transmission. (FFP2 standard facemasks filter at least 94% of viral particles and FFP3 filter at least 99%)
- ensure a minimum of 2m social distancing as standard to prevent close contact transmission
- ensure effective cleaning and hygiene measures are in place to reduce exposure through contact
- ensure there is adequate instruction, information and training for all stakeholders on any new safety measures that will be implemented.

Escalation routes

UCU also advises members to raise with their line managers and local UCU rep concerns if controls set out in the risk assessment are not being implemented on the ground. This should also include submission of 'near miss' forms with your employer and the prison. If you are in any doubt as to what the local escalation procedure is, please contact your site rep or committee member.

UCU has agreed escalation routes directly to HMPPS where issues are not being rectified locally. Please speak to your local reps or branch officer if you believe a matter has remained unresolved and needs escalation.

Covid response and guidance across UK

www.gov.uk/coronavirus

UCU guidance

UCU Prison Educators Poster – Staying Safe on Site:

[Stay_safe_on_site_A3_3.png \(1191x842\) \(ucu.org.uk\)](#)

UCU's Five Principles for Post-16 Education Recovery:

www.ucu.org.uk/recovery-principles

Independent Scientific Advisory Group for Emergencies (SAGE):

www.independentsage.org/

Further information and guidance for specific hazards and control measures

Homeworking

At this particularly critical time employers should identify ways to increase the numbers of staff working remotely. UCU recognise that remote / homeworking where possible, requested, or required will help to prevent transmission and significantly reduce the spread of Covid-19 and the Omicron variant in particular across post-16 education. Doing so will also allow onsite activities to be more safely conducted during this period.

Employers must ensure they have measures in place to ensure homeworking can be undertaken safely. Employers must update organisation wide stress risk assessments to ensure there are appropriate safety measures in place to prevent or control any work-related stressors such as excessive workloads.

UCU Stress Toolkit (stress risk assessment guidance):

www.ucu.org.uk/media/11447/Stress-toolkit/pdf/UCU_stress_toolkit.pdf

and stress resources:

www.ucu.org.uk/stress

HSE stress and homeworking resources:

www.hse.gov.uk/home-working/index.htm

Ventilation

Risk assessments need to ensure each space to be utilised is well ventilated with clarity on maximum occupation levels to reduce airborne transmission risks. HEPA filtration units can be used to clean the air and CO2 monitors can also be used as a proxy measurement to ensure there is a good supply of fresh air into a space to prevent spread of Covid-19. SAGE advise, '*[v]entilation should be assessed, and if possible improved, first before considering whether there is a need to use an air cleaner.*' (SAGE EMG, *Potential of Air Cleaning devices and personal decontamination to manage transmission of Covid-19*, 4th November 2020).

UCU ventilation guidance:

www.ucu.org.uk/media/11758/Covid-19-Ventilation-at-work-September-2021/pdf/covid19_ventilation-guidance-202109.pdf

TUC ventilation guidance:

www.tuc.org.uk/blogs/ventilation-ventilation-ventilation

SAGE EMG '*Potential application of Air Cleaning devices and personal decontamination to manage transmission of Covid-19*' 4th November 2020:

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/>

[attachment_data/file/939173/S0867_EMG_Potential_application_of_air_cleaning_devices_and_personal_decontamination_to_manage_transmission_of_Covid-19.pdf](#)

Face masks and face coverings

High quality face masks should be worn in indoor spaces and at any time where social distancing may be difficult (exemptions excluded). In addition, UCU want to see employers implement better quality face masks at a minimum FFP2 standard which offers at least 94% filtration of virus particles). FFP2 or FFP3 masks (without an exhalation valve) will offer protection to individuals and are subject to the Personal Protective Equipment Regulations 2002.

BSI guide to masks and face coverings for use in the UK during the Covid-19 pandemic, June 2020:

www.bsigroup.com/globalassets/localfiles/en-gb/product-certification/personal-safety/bsi-guide-for-personal-safety-equipment-0520.pdf

Mask Use and Ventilation Improvements to Reduce Covid-19 Incidence in Elementary Schools — Georgia, November 16–December 11, 2020:

www.cdc.gov/mmwr/volumes/70/wr/mm7021e1.htm

Social distancing

Social distancing can reduce close contact transmission and also support better ventilation and reduction in airborne transmission by limiting occupancy rates in indoor spaces. Social distancing should be seen as a positive measure which would help prevent a number of different transmission routes (close contact and droplet transmission, airborne transmission, and fomite transmission).

Independent SAGE statement on 2m vs 1m social distance guidance in indoor settings, June 2021:

www.independentsage.org/wp-content/uploads/2020/07/2m-vs-1m-guidance-Independent-SAGE-statement-June-21.pdf

Cleaning and hygiene

Enhanced and effective cleaning and hygiene measures must be in place. Employers need to ensure cleaning is undertaken by staff who are well trained and equipped to undertake regular cleaning duties. COSHH risk assessments for usage of all cleaning materials needs to be undertaken for cleaning staff and others who may come into contact with cleaning materials, sprays and sanitisers. Appropriate levels of information, instruction and training must be provided to enable safe usage and storage of all cleaning materials.

Cleaning, hygiene and handwashing to reduce coronavirus (Covid-19) transmission, HSE 9 December 2021:

www.hse.gov.uk/coronavirus/cleaning/index.htm

Disproportionate impact

Covid-19 has not impacted on everyone equally, and employers must consider the equality impact in their workplaces. There are many people at increased risk of contracting Covid-19 and many who could have severe and long term health outcomes. There are a number of unknowns about the risk factors for long covid and this must be considered in workplace risk assessments to protect people from the short and long term impact of Covid-19 infection. Individual risk assessments must also be undertaken to ensure individual risk factors are identified and appropriate measures put in place to protect people from harm.

84th SAGE meeting on Covid-19, 25 March 2021:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/976319/S1163_SAGE_84_-_Final_minutes.pdf

Covid-19 and Health Inequality, Independent SAGE Report 21, November 2020:

www.independentsage.org/wp-content/uploads/2020/11/Inequalities-_i_SAGE_FINAL-draft_corrected.pdf

Long Covid: The long-term health effects of Covid-19, 17 December 2021 :

<https://post.parliament.uk/long-covid-the-long-term-health-effects-of-Covid-19/>

Testing, data and support

Regular, free PCR and LFD testing should continue for those people who are symptomatic or asymptomatic respectively with support mechanisms in place for those required to self-isolate. Staff should not suffer loss of pay where they need to take time off work to self-isolate or care for those self-isolating and should not be subject to absence management procedures.

Workplace risk assessments need to identify the limits of testing as a control measure given the reduced availability of PCR and LFD tests at this time. Employers should ensure they have suitable reporting mechanisms in place to improve the accuracy and transparency of PCR and LFD testing data and have mechanisms in place to monitor the effectiveness of existing measures in preventing transmission.

Using behavioural science to help minimise the spread of Covid-19, Independent SAGE Report 52, Nov 2021:

www.independentsage.org/wp-content/uploads/2021/11/12th-November-Behavioural-Science-report.pdf