

Special Schools Staff Noticeboard

12 Feb 2021

Date: 06/01/2021

GMB believes that the Government's failure to provide clear guidance for staff in special schools is unacceptable.

As your union, we know that the risk of transmission to staff in special schools is often higher than in mainstream settings. GMB has explained this reality to the Department for Education, and we have written to the DfE to urge Ministers to publish fresh guidance in consultation with workers in special schools.

The below information summarises the latest official guidance for schools in England. If new information becomes available then it will be communicated to you. All information is correct as of Wednesday 6th January.

Are special schools required to be open?

The Department for Education said on social media (Tuesday 05 January) that 'special schools will remain open'.

The formal guidelines are more complicated. The Government has said that only the children of critical workers, and 'vulnerable' children or young people, should attend school. The current definition of 'vulnerable' children includes those with an Education, Health and Care Plan (EHCP).

In practice, this includes almost all pupils in special schools. 98% of pupils in state special schools have an EHCP, according to DfE statistics. All children in special schools are required to have an EHCP, unless a limited number of 'exceptional circumstances' apply (SEND Code of Practice 2015, section 1.29).

Therefore, under current guidance, a small minority of children in special schools may not be technically classed as 'vulnerable.' However, education providers and local authorities could choose to classify pupils who do not have an EHCP as 'vulnerable' under the current guidelines.

What is the official advice on when special schools should be open?

Official advice published on New Year's Eve stated that special schools 'have the option of agreeing with parents that individual pupils can stay at home' this week on a case by



case basis. The DfE said that families would need to request an authorised period of absence this week.

The advice went on to say that ‘the aim should be that all pupils in special schools and AP are back in school by the second week of term (on or after 11 January 2021).’

This advice has not been updated following the imposition of new lockdown restrictions. GMB has written to the DfE and called for new advice to be issued that takes account of the changes over the last few days.

Have EHCP entitlements changed?

At the time of writing, no changes to EHCP entitlements have been made in 2021.

In the Spring of 2020, the Government introduced new regulation that ‘relaxed’ local authorities’ duty to meet the requirements of individual pupils’ EHCPs. The absolute duty was replaced by a requirement to make ‘reasonable endeavours’ to fulfil EHCP entitlements.

The ‘relaxation’ was allowed to expire in the Summer of 2020. GMB recognises that in some cases the entitlements listed in EHCPs may be in conflict with the support that schools are realistically able to provide at the present time. GMB has taken up this issue with the DfE, and if issues arise with individual EHCPs then you should raise it with your GMB branch.

Other issues

GMB believes that action and official guidance is needed on a number of additional issues that directly affect many special schools. Examples include loss of access to NHS services, the lack of funding for specialist adapted IT devices, and transport difficulties.

We continue to engage with employers and the Department for Education on these and other issues to represent your voices when decisions are made.

EARLY YEARS

GMB Union continues to press Government to close nurseries and pre-schools to all but key workers and vulnerable children.

We commend the local campaign carried out by GMB Sussex branch reps in getting Brighton and Hove Council to do this.

[Read the full press release](#)

SAFE SYSTEMS OF WORK

GMB will never play fast and loose with the security of your jobs and whilst most of the



country moves into another lock-down we still need to ensure schools that remain open for key workers and vulnerable pupils are safe.

GMB have taken the decision that the best way we can protect you is by asking you to issue: Letter 1 first (Request for a Revised Risk Assessment) then Letter 2 (Working from Home letter if you feel unsafe).

Request for a Revised Risk Assessment

Working from Home letter if you feel unsafe

This two-stage letter process will help to build added protection for you against disciplinary and dismissal.

Letter 1 seeks a revised risk assessment and if this is insufficient you are better protected to raise the H&S breaches to tell your employer why you feel unsafe and want to work from home.

PAY TERMS AND CONDITIONS

The National Joint Council for Local Government Services has confirmed that agreements set out at the start of the Pandemic in March 2020 in relation to those members working in Local Authority Schools will apply to the current lockdown period. You can find the relevant NJC circulars here.

NJC Circulars

GMB negotiated these agreements with Local Government Employers on behalf of members at the start of the Pandemic and believe these are 'best in class' in terms of members safety and protection.

STAY CONNECTED

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4. Stay in touch with us join our GMB Schools group on Facebook and join our mailing list by emailing us at schools@gmb.org.uk
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Past Statements & Bulletins



Date: 20/01/2021

COVID-19 ABSENCE RATES HIGHER FOR SCHOOL SUPPORT STAFF THAN TEACHERS, GMB ANALYSIS SHOWS

Throughout the pandemic your union has been raising concerns that our members are disproportionately being exposed to the Covid virus.

School support staff make up 2/3 of the total education workforce and have been on the frontline in every classroom and every school across the country throughout the pandemic.

Vaccine access must be 'urgent priority' as official figures show 33,000 support staff workers absent due to Covid in December

GMB, the union for school support staff, has called for urgent occupational priority for vaccination for school workers as new figures show that more support staff workers were more likely to be absent from work due to covid-19 than teachers.

The figures, which cover schools in England only, were published by the Department for Education (DfE) this week.

A total of **33,267 school support staff** were absent on 17 December 2020 for covid-19 related reasons, including confirmed and suspected infections and those who were required to isolate due to exposure inside or outside school.

GMB has long said that support staff workers were at the highest occupational exposure to Covid-19 in schools, as common tasks include administration of medicine, supporting children one to one, food, personal care together with close pupil contact whilst supporting learning.

SCHOOL SUPPORT STAFF ARE THE BACK BONE OF EVERY SCHOOL AND IT'S TIME SCHOOLS ARE MADE SAFE FOR THEM.

1. An estimated **6.1 per cent of school support staff** were absent on December 2020 due to Covid-19.
2. This compared to **4.4 per cent of teachers** and school leaders.
3. Covid-19 absences have been higher for support staff than teachers on every day recorded by the DfE (since 12 October 2020).

The disparity was even greater in **Special Schools**, where **16.2 per cent** of support staff were absent in December 2020 for reasons linked to covid-19 (compared to 5.4 per cent of teachers and school leaders).



The DfE has said that it believes that teachers and support staff should receive occupational priority for phase two of the vaccination programme. However, no official decision has been made, and Joint Committee on Vaccination and Immunisation advice on occupational prioritisation only mentions teachers.

GMB is campaigning for all school workers to have access to vaccination.

GMB RESPONSE

Rehana Azam, GMB National Secretary, said:

“ Schools cannot function without support staff, and these figures confirm that these critical workers are not getting the support they deserve.

It is not a coincidence that whilst many teachers are teaching remotely from home, lots of GMB members remain in schools, supervising classes, preparing food and maintaining school buildings.

Many of our members are performing tasks that involve a high risk of transmission, without adequate PPE, and often in poorly ventilated buildings.

Support staff are the highly skilled professionals of the education system but too often they are ignored in public debate.

The comments from Deputy Chief Medical Officer Jenny Harries to Parliament yesterday did not reflect at all the reality on the ground.

“ The DFE’s own statistics prove this. Ministers across Government need to wake up and recognise the reality that hundreds of thousands of low-paid school workers are at high risk of infection, with devastating consequence for workers, pupils and the wider community.”

The reality is that without urgent priority access to vaccinations for school support staff, the cycle of community transmission in schools will not be broken.

You can [read the full GMB Press response here](#).

ANOTHER DAY AND ANOTHER U-TURN

WELL DONE TO GMB MEMBERS WHO STOOD FIRM ON THIS

Daily Contact testing within schools is paused!

In a [statement Dept of Education said](#):

“ In light of this changing situation, we now recommend that the rollout of daily contact testing within schools is paused, other than for schools involved in further evaluation. This will enable the further detailed evaluation of changing circumstances including, potentially, lower infection rates and modelling work required to understand the benefits of daily contact testing in this new phase of the pandemic.

Date: 15/01/2021

ONLY WORK TO YOUR CONTRACT OF EMPLOYMENT

GMB School Support Staff work under the pay terms and conditions of the Green Book, apart from a very small number of members in multi-academy trusts with whom GMB negotiates separately (that don't follow the Green Book).

GMB is a recognised trade union that has been negotiating pay agreements and Covid guidance that ensure you are paid your wages.



GMB will continue to ensure no school support staff lose out on pay during Covid-19. Teachers' Unions have no jurisdiction on your pay terms and conditions of work and do not represent school support staff employed under Local Government Green Book Terms and Conditions.

We have members contacting us saying that they feel compelled to work beyond their contracted obligations. As many teachers work on-line it is school support staff are being left to lead the classroom.

GMB has already negotiated guidance that employers should be following please see an extract from the NJC Circular which remains the case:



We would remind employers of the more general guidance from the NJC regarding redeployment and the need to ensure volunteers are sought first (volunteers should not be sought from employees who live with and / or have caring responsibilities for people in the vulnerable groups referenced above) and relevant training and risk assessments are undertaken (see [NJC 170320 CIRCULAR](#)).

Unless there are urgent, mitigating reasons, employers should not require staff who do not have experience of supervising large groups of children as part of their usual role, to be doing so now without adequate support being provided. Employees who agree to undertake a different role and / or working pattern should suffer no financial detriment and continue to be paid at their usual contracted rate. Where employees 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.

GMB strongly advises against working outside your contracted obligations and have set out advice on how to challenge your employer. Please see a sample letter that you can ask your GMB rep to issue if you feel unable to:



Dear Headteacher,

Similar to the first lock-down schools remain open to all key workers and vulnerable children.





As we move into lock-down 3 some schools are intending to allow all teachers to work remotely and support staff are expected to attend work, (on a rota basis in some cases) , to support the children who are in school.

My union GMB finds this approach unacceptable and are supported in this position by other unions.

Can you please confirm our school will run on a shared rota basis as in the previous lockdown?

I am aware you are extremely busy, but a prompt reply would be appreciated.

Kind Regards.

MAKE SCHOOL SAFE – RISK ASSESSMENT

'It is a legal requirement that schools should revisit and update their risk assessments (building on the learning to date and the practices they have already developed). It is good practice to treat risk assessments as a "living document" which is kept under review, especially having regard to changing circumstances.'

GMB will continue to support you in challenging your employer to make your working environment safe. It is important to stress that any member working previously under a personal risk assessment (such as staff who are Clinically Vulnerable) should have risk assessments reviewed in response to the new strain of Covid.

GMB have a two-step letter process in place.

[Request for a Revised Risk Assessment \(Letter 1\)](#)

[Working from Home letter if the workplace is unsafe \(Letter 2\)](#)



This two-stage letter process will help to build added protection for you at work.

Letter 1 seeks a revised risk assessment and if this assessment is insufficient (or not undertaken) you are better protected to raise the H&S breaches and for GMB to be able to tell your employer why you feel unsafe and want to work from home.

We want you to know GMB has your back on this issue, so please speak to a rep before sending the first letter. Your GMB rep can advise you on both letters. If you are not sure who your GMB rep is, please contact your region.

Making Schools Safe – A GMB online briefing

Join GMB's safety experts and our National President, Barbara Plant (herself a School Support Staff member of GMB) for a briefing on the steps we believe every school should take to ensure the safety of our members during the pandemic.

5.30pm – Thursday 21st January

gmb.org.uk/makeschoolsafe

And this will be your opportunity to step forward and sign up for a longer, more detailed programme of briefings aimed at existing GMB reps and members who want to find out more about what they can do to ensure their school is safe.

You can register early for the full programme and find out some more information here:
[Microsoft Forms](#)

Joint union checklist for partial opening period to February

During the current desperate public health situation, it is imperative that the way schools operate during lockdown does not make matters worse.

This supplementary joint union checklist is provided to help schools review their risk assessments and implement measures which firstly reflect the known greater transmissibility of the new variant and secondly meet the specific requirements of partial opening.

The measures set out below are recommended for immediate implementation during this period of partial opening. Please also refer to the [full joint union checklist](#) for safe opening for guidance on measures that should continue to be in place.



Given the changing situation, this advice may be updated over the coming weeks so please check via our website link that you are using the current version.

VULNERABLE GROUPS

Risk Assessments remains key to ensuring you feel safe at work. GMB has also negotiated additional advice that fall into the category of vulnerable staff as follows:

The advice is titled Working from Home and your union negotiated this at the start of the pandemic. Please [read it in full](#).

We highlight the following:



Local Authorities will have employees who are in the vulnerable groups where they could be looking at months of working at home.

This group includes those who are:

- **pregnant women**
- **aged 70 or older (regardless of medical conditions)**
- **under 70 with an underlying health condition listed below (broadly anyone instructed to get a flu jab each year on medical grounds):**
- **chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease (COPD), emphysema or bronchitis**
-



chronic heart disease, such as heart failure

- **chronic kidney disease**
 - **chronic liver disease, such as hepatitis**
 - **chronic neurological conditions, such as Parkinson's disease, motor neurone disease, multiple sclerosis (MS), a learning disability or cerebral palsy**
 - **diabetes**
 - **problems with your spleen – for example, sickle cell disease or if you have had your spleen removed**
 - **a weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy**
 - **being seriously overweight (a BMI of 40 or above)**
- There are some clinical conditions which put people at even higher risk of severe illness from COVID-19.**

People falling into this group are those who may be at particular risk due to complex health problems such as:

- **People who have received an organ transplant and remain on ongoing immunosuppression medication**
- **People with cancer who are undergoing active chemotherapy or radiotherapy**



- **People with cancers of the blood or bone marrow such as Leukaemia who are at any stage of treatment.**
- **People with severe chest conditions such as cystic fibrosis or severe asthma (requiring hospital admissions or courses of steroid tablets)**
- **People with severe diseases of body systems, such as severe kidney disease (dialysis)**

Roles that do not readily lend themselves to working at home

This circular sets out considerations for employees who are otherwise well but cannot attend their normal place of work due to the Government's instruction for people to work at home and avoid all nonessential travel.

As previously advised, all options for using annual leave, special leave etc should be explored but given the length of time that this national emergency is set to last it is not reasonable, for example, to expect employees to use their entire annual leave entitlement to cover all or part of the lockdown period as consideration should be given to planned booked holidays later in the year, along with employees who may require leave throughout the year to support dependents.

The position relating to all support staff in schools presents particular challenges.

Current guidance is that schools are to remain open unless specific circumstances dictate otherwise. At such time as the expected closure of schools is announced, council employers will need to work quickly with Head

“ Teachers and School Business Managers to ensure consistency of approaches to home working as applied to corporate council employees and school-based employees. Ultimately, in many cases employers will have no option other than to accept that some employees can neither work at home nor be redeployed / seconded etc and will therefore be staying at home on full pay for the duration of this emergency.

STAY CONNECTED

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2. **If you do not have a workplace rep on-site consider becoming one**
3. **Pass this briefing to a non-union member and ask them to join**
4. **Stay in touch with us join our GMB Schools group on Facebook and contact us by emailing us at schools@gmb.org.uk**
5. **Join a GMB virtual meeting - we arrange these on a weekly basis and will post details on our social media accounts – the next National Meeting is 5.30pm – Thursday 21st January, register @ gmb.org.uk/makeschoolsafe**

08/01/21

GMB demands Government Make ALL Schools Safe in the lockdown.

Schools are still open for key workers' children, and children classified as vulnerable. The list of eligible children has been expanded and there are more pupils in school than during the first lockdown.

Some schools (including many special schools) are at or near full attendance. Many pupil bubbles have grown in size and cannot be safely sustained. We need a consistent approach between schools and early years' education, which has been left out the current lockdown arrangements and remain fully open.

We need Government to take their responsibility to children and their school support staff seriously.

More funding is required. Safe classroom spaces need to be created. Safe ventilation systems need to be installed. More equipment needs to be provided to enable proper remote learning. The Chancellor recently found £4.7 billion to support businesses, and billions more have been spent on a failed track and trace system – but where is the funding for schools? Without investment, schools will continue to be a key source of community transmission.



Almost two-thirds of school workers are in support staff roles and they need to be treated equally and fairly.

All week we have been meeting with our members and we have heard just how anxious and how worried our members are. We are here for you please get in touch with us <https://www.gmb.org.uk/gmb-regions>

GMB CONTINUES TO PUSH GOVERNMENT ON THE FOLLOWING:

To make schools safe we are urging the Government to do the following:

1. Set clear guidance on bubble size and review the classifications of pupils who are expected to attend school. Introduce sensible local flexibilities so more children who can be safely educated at home. Make funding available to hire more staff to enable rota systems to be put in place.
2. Make funding available to provide proper PPE, make essential adaptations in schools, and provide the right equipment so more children can be safely taught remotely.
3. Make support staff a priority occupational group for vaccination on an equal basis to teachers.
4. Engage with unions and employers to establish proper career and pay structures for support staff. This should be done through re-establishing the School Support Staff Negotiating Body (SSSNB) to recognise the essential contribution that key workers in schools have made since day one of the pandemic.
5. Press for a dramatic increase in Statutory Sick Pay and childcare support in your discussions with other Departments, in order to reduce the pressure on parents to unsafely attend work when they should be in isolation.

GMB has organised an [open letter](#) to the Secretary of State for Education - [please sign](#)

PAY, TERMS AND CONDITIONS

The National Joint Council for Local Government Services has confirmed that agreements set out at the start of the Pandemic in March 2020 in relation to those members working in Local Authority Schools will apply to the current lockdown period. You can find the relevant NJC circulars [here](#).

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Date: 07/01/2021

Restricting attendance during the National Lockdown for schools in England

Following the enactment of a new national lockdown which was passed into law by Parliament yesterday (Wednesday 6th January) members have been contacting GMB with queries regarding how safety should be maintained in school during the restrictions on the attendance of pupils other than key workers and the vulnerable.

You may be now aware that the advice for school support staff not to attend school given by NEU and Unison (using as a basis the Section 44 Employment Rights Act) has been withdrawn by those unions.

Support staff may be required to be present in school to support children of key worker and the vulnerable unless the risk assessments individual and school wide indicate that the workplace is unsafe.



Please see details issued by [Dept of Education email on S44](#)

GMB has consistently campaigned for our members safety in school throughout the Pandemic accurately and transparently and we will continue to do so.

The DFE have published further guidance (Restricting Attendance during the National Lockdown for school in England) and we have set out below some of the key points below and GMB's position.

Risk Assessment

The Guidance says - 'It is a legal requirement that schools should revisit and update their risk assessments (building on the learning to date and the practices they have already developed). It is good practice to treat risk assessments as a "living document" which is kept under review, especially having regard to changing circumstances.'

GMB will continue to support you in challenging your employer to make your working environment safe. It is important to stress that any member working previously under a personal risk assessment (such as staff who are Clinically Vulnerable) should have risk assessments reviewed in response to the new strain of Covid.

GMB have a two-step letter process in place.

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Working from Home letter if the workplace is unsafe (Letter 2)

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Letter 1 seeks a revised risk assessment and if this assessment is insufficient (or not undertaken) you are better protected to raise the H&S breaches and for GMB to be able to tell your employer why you feel unsafe and want to work from home.

We want you to know GMB has your back on this issue, so please speak to a rep before sending the first letter. Your GMB rep can advise you on both letters. If you are not sure who your GMB rep is, please [contact your region](#).

Bubbles

The Guidance says - 'Maintaining distinct groups or 'bubbles' that do not mix makes it quicker and easier in the event of a positive case to identify those who may need to self-isolate and keep that number as small as possible.'

GMB will continue to push for bubbles in school to be as small as possible and to oppose cross-bubble working as this increases the risk of infection.



Covering for Teachers

The Guidance says - 'Schools may need to alter the way in which they deploy their staff and use existing staff more flexibly. Managers should discuss and agree any changes to staff roles with individuals. It is important that planning builds in the need to avoid increases in unnecessary and unmanageable workload burdens.'

GMB does not support our members routinely picking up the duties of teachers and if members have concern in this area, they should contact their GMB rep. Please do not take on additional work above and beyond your contractual duties Further details will be issued on this.

Pay, Terms & Conditions

The National Joint Council for Local Government Services has confirmed that agreements set out at the start of the Pandemic in March 2020 in relation to those members working in Local Authority Schools will apply to the current lockdown period. You can find the relevant NJC circulars [here](#).

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Date: 05/01/2021

Clinically Extremely Vulnerable and High Risk Groups in Schools



Following the Announcement by the Prime Minister last night (Monday 4th January) that all schools cross England are to move to remote learning from today Tuesday 5th January (apart from children of Key Workers and those that are Vulnerable) we have fielded questions from members today on their obligation to be in school during the current Level 5 lockdown, so we have set out some advice below.

Local Authority Schools

The National Joint Council for Local Government Services has confirmed that agreements set out at the start of the Pandemic in March 2020 in relation to those members working in Local Authority Schools will apply to the current lockdown period. You can find the relevant NJC circulars [here](#).

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Academy Schools

Where the GMB is recognised we encourage Academy Schools to follow the NJC agreements. There is still a requirement for Academy Schools to conduct risk assessments and you have the legal right to request a personal risk assessment particularly if you are a member of the Clinically Vulnerable Group.

We have previously set out advice in the Joint Union Guidance on Clinically Extremely Vulnerable Workers and Higher Risk Groups which you can find [here](#) (or in "**Guides & Documentation**" below).

Early Years

The Government Announcement last night omitted Early Years provision from closing to all children other than Key Workers and those that are Vulnerable. GMB will continue to lobby for nurseries to move to remote learning in the same way as Primary and Secondary Schools have (please note that Reception classes are considered part of Primary Education).

If you have any concerns about any working in school throughout the Pandemic you can **contact your Region**.

Please remember that whilst Teaching colleagues will be working remotely from the school its GMB that has the expertise in advising and supporting members who are required to work in school supporting the children of Key Worker and those that are Vulnerable.

All current and past bulletins can be found by clicking "**Past Statements & Bulletins**" at the bottom of this page.

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04/01/21

Making Schools Safe

From New Year's Day onwards GMB has called on Secretary of State for Education Gavin Williamson to extend home learning for all primary school children with the exception of vulnerable children and key workers' children.

GMB will never play fast and loose with the security of your jobs and whilst most of the country moves towards another lock-down we still need to ensure schools that remain open for key workers and vulnerable pupils are safe.

GMB have taken the decision that the best way we can protect you is by asking you to issue: Letter 1 first (Request for a Revised Risk Assessment) then Letter 2 (Working from Home letter if you feel unsafe).

This two-stage letter process will help to build added protection for you against disciplinary and dismissal.

Letter 1 seeks a revised risk assessment and if this is insufficient you are better protected to raise the H&S breaches to tell your employer why you feel unsafe and want to work from home.

We have spent most of the day making requests for revised risk assessments. If you or your GMB rep has not done this as you read this (and your school remains open after the Prime Minister's announcement) please do this as a matter of urgency.

Whilst we want members to raise their concerns directly we want to assure you we can collectively support you throughout the process and this is why the GMB has focused on getting Government to take the decision to keep schools open out of the hands of Head Teachers.

For the record (as there has been some misinformation by some) GMB will always provide support and representation for our members regardless of the circumstances particularly where members don't feel safe at work.

GMB are collectively ensuring we challenge head teachers who have not updated the risk assessments to allow you to work from home.

GMB will always provide support for all members even if they decide not to attend their workplace because they believe that to do so places them at a serious and imminent danger.

You may have seen that other Unions have advised their members that Section 44 of the



1996 Employment Rights Act gives members the right to leave their workplace in the face of a serious and imminent risk of danger. Whilst this legislation may give protection against any action being taken by employers, the reality is Section 44 means hasn't been tested in the context of Covid-19. In the event a member is dismissed for not attending work they could be waiting months to get their case heard in an Employment Tribunal without any pay.

That's why we feel a two-step process is a better way to keep you protected and allows you to remove yourself from the workplace until it's safe and further action can be considered.

The Prime Minister's Announcement

This is a fast-changing situation we are moving to a further lockdown. Westminster Government has been consistently behind the science and are now being brought to pressure and follow the science.

The newly announced school closure (except for key workers and vulnerable children and Early Years) gives the Government across the UK time to put proper protective measures in place that will actually reduce the risk to school staff and pupils. These include:

- Investing in ventilation systems and heating to ensure that schools do not have to choose between Covid or hypothermia;
- Providing additional temporary classroom provision, so that bubbles can return to adequate sizes; social distancing can be maintained and ventilation improves; rota provisions put in place to allow staff to alternate work between home and work to limit transmission where risk is high.
- Recruiting additional temporary support staff to ensure that all bubbles can be properly staffed with no crossing of bubbles;
- Ramping up the vaccination programme so that all schools' workers can be vaccinated before schools fully reopen;
- Implementing a considered approach to Covid testing in schools that addresses the concerns of pupils, parents and staff

The Westminster Government has already dedicated £78 Million to provide testing in schools, and with the many billions that have been spent on Track & Trace and PPE this critical investment should be made now whilst the opportunity is there to truly make schools 'Covid-secure'.

Pay, Terms and Conditions

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03/01/21

GMB Guidance: Re-opening of Primary Schools & Early Years (England)

GMB has been clear from the start of the Covid pandemic that our school-based members' safety and pay terms and conditions are GMB's utmost priority.

Yesterday (Saturday 2 January) GMB called on Secretary of State for Education Gavin Williamson to extend home learning for all primary school children who are not the children of Key workers or who are vulnerable. We welcomed the decision of the Secretary of State to U-turn on primary schools and early years in London boroughs and believe the same instruction should apply across the rest of England where 78% of the population is currently under Tier 4 restrictions and 21% under Tier 3.

We have taken extensive legal and health & safety advice on the position of the Secretary of State in asking primary schools in England to open to all pupils from tomorrow. We have concluded that we are not able to advise school-based support staff members with legal certainty not to attend work if you are not members of existing Clinically Extremely Vulnerable groups.

This is because, unlike teachers, our support staff members typically are likely to be less able to work remotely from home, and all schools in England will have children of key workers and vulnerable children returning tomorrow - Monday 4 January.

GMB will not run the risk of our members being disciplined or dismissed from their employment for not attending work without an authorised reason such as sickness or holiday. You may have been advised that other Unions are suggesting that Section 44 of the 1996 Employment Rights Act Model letter gives members the right to leave their workplace in the face of a serious and imminent risk of danger but whilst this legislation may give protection against any action being taken by employers, the reality is what Section 44 means hasn't been tested in the context of Covid -19.

However, we will rigorously continue to press local authorities, multi-academy trusts, and schools on their legal duty to update risk assessments and put in place the necessary measures to protect our members from increasing rates of Covid infection including calling on



schools to be closed where they deem unsafe.

We support those local authorities who have taken the decision to close schools to children (other than for key workers or vulnerable groups) against the Secretary of State's position - and we will continue to work with sister unions and relevant other bodies to ensure the safety of our members, their families and the wider public.

We are liaising with the National Association of Head Teachers (NAHT) and Association of School and College Leaders (ASCL) unions to consider the legal action they are proposing to challenge the Government's decision not to delay the re-opening of schools for a short period of time whilst risk assessments/testing/policy on vaccination etc. is thoroughly considered and will keep members advised of progress.

No one wants to disadvantage any child's learning, but the safety of children, staff, and the school community must come first which is why we are also calling for the vaccination of support staff – vital key workers - to be brought forward immediately.

What members should do next

Our advice is that you should attend school tomorrow unless your school has already confirmed it will be closed or you are in a Clinically Extremely Vulnerable Group - or have an authorised reason not to be in school (e.g sickness or holiday). We appreciate sister Unions are suggesting the issuing of a Section 44 Model letter. Your Union does not expect you to have raise your safety concerns individually with your employer – we want to help reps and members to raise concerns collectively and to stand together.

1. If your school remains open our advice is that you should be present for work.
2. You have a right to ask for revised Risk Assessments. In almost every part of England, infection rates have increased, making Covid exposure more likely. Schools should be revising their risk assessments accordingly and taking appropriate action to mitigate the increased risk,
3. Contact your local GMB rep if you are worried about returning to work
4. If you do not have a workplace rep on-site consider becoming one
5. Pass this briefing to a non-union member and ask them to join
6. Stay in touch with us join our GMB Schools group on Facebook and join our mailing list at schools@gmb.org.uk

You have a legal right to a safe workplace, and it is the responsibility and duty of your employer to ensure that this is the case. You should insist that effective measures are in



place for you to work safely and raise a complaint or grievance if you are concerned – GMB is ready to help you do this. Please contact your GMB representative or Region.

Please note that no Union is advising any of their members not to go to work where key workers/vulnerable children will be present. In the first lockdown it was predominately school support staff who kept schools open whilst teachers delivered lessons online from home.

School support staff make up half the school workforce we make no apologies in saying it's not just about the teachers - the safety of school support staff is just as important

GMB School Support Staff work under the pay terms and conditions of the Green Book, apart from a very small number of members in multi-academy trusts with whom we negotiate separately. GMB is a recognised trade union that has been negotiating pay agreements and guidance that ensure you are paid your wages.

GMB will continue to ensure no workers loses out on pay during Covid-19.

Teachers' Unions have no jurisdiction on your pay terms and conditions of work and do not represent school support staff employed under Local Government Green Book Terms and Conditions. Whilst you may hear of teacher unions demands please note they do not have any oversight of your pay terms and conditions.

GMB will not hesitate to register a dispute with your school if your school is deemed unsafe and by registering a dispute this is a far better way to protect you at work. GMB Teams are on standby to support you.

02/01/21

GMB calls on Government postpone all school reopening in England

We know what a worrying time this may be for you and we want to assure that your union has been working throughout the Christmas break to get Government to rethink their decisions on Schools across England.

GMB Statement

On Tuesday 22nd December, GMB met with officials from the Department of Education and the Secretary of State Gavin Williamson about their plans for Covid mass testing in schools in England from 4th January 2021.

The Secretary of State Gavin Williamson detailed plans to include funding of £78 million to support schools with the Lateral Flow testing process and the use of military personnel in schools to assist with the setting up of testing all on a voluntary basis. Deputy Medical Officer Jenny Harris explained that the proposed Lateral Flow Tests would be a self-administered only without the need for medical oversight. Details of the DfE announcement can be found here:

<https://www.gov.uk/government/news/school-contingency-plans-to-be-implemented-as-cases-rise>



However, since this announcement by the Secretary of State on Wednesday 30th December the government have now placed 78.4% of the UK's population under Tier 4 and U-Turned on their decision of keeping 10 of the 32 London Boroughs schools open to Primary school children from Monday 4th January.

GMB are alarmed at the escalating rate of Covid Infections across the country and particularly now with a new strain of Covid identified we believe that most schools risk assessments will not be fit to maintain the safety of children, staff, and the community from this new strain.

We have always maintained the position that schools should only remain open to the wider school community when vigorous risk assessments are in place to keep our members safe. GMB have been working with Local Authorities, Multi Academy Trusts, and Individual Schools to ensure this.

Therefore, we are calling on all schools to remain closed from Monday 4th January 2021 apart from children of Key Workers and Vulnerable Adults

You can read the full GMB statement at <https://www.gmb.org.uk/news/time-common-sense-government-must-postpone-schools-re-opening>

GMB Demands

GMB is clear: schools must be safe if they are to open and we will not hesitate to register a dispute or call for a school to close if safe systems of work are not in place.

If you have any concern for your safety at work please contact your local GMB rep details at <https://www.gmb.org.uk/gmb-regions>

GMB demands the following:

1. Safe Systems of work
2. Guaranteed wages
3. Action to save lives

Safe Systems of Work

We need the confidence that schools are safe for staff and pupils. Where we have clear evidence that this isn't the case we will call for the school to be closed down or a register a dispute to protect our members.

GMB has called for face coverings to be made available from the beginning of the pandemic. Where necessary, clinical face masks should be available for example where staff are supporting pupils or staff exhibiting symptoms.



Given the evidence around airborne transmission, adequate ventilation is more important than ever. A clean supply of fresh air is vital to control transmission, so if a classroom cannot open windows sufficiently and has no effective air extraction then it is not deemed safe.

Correct Personal Protective Equipment (PPE) identified by risk assessment should be always available.

GMB have consistently called for Clinical Vulnerable (CV) and Clinically Extremely Vulnerable (CEV) staff to work from home. Where their role cannot be completed at home, mutually agreed alternative work should be provided. In the small number of cases where this is not possible staff should be paid as normal.

Bubbles must be reduced to the optimum level to ensure safety, and cross bubble working should cease. Bubbles need to be of a workable size that minimises the risk of infection.

Where there is a local outbreak, bubbles, and in some cases whole schools, should be closed for a deep clean and to allow for isolation of staff and pupils to protect the local community.

GMB is also calling for priority in vaccinations for school support staff our often-forgotten Key Workers.

Guarantee Wages

GMB School Support Staff work under the pay terms and conditions of the Green Book, apart from a very small number of members in multi academy trusts with whom we negotiate separately. GMB is a recognised trade union that have been negotiating pay agreements and guidance that ensure you are paid your wages. We will continue to ensure no workers loses out on pay during Covid-19.

Teacher Unions have no jurisdiction on your pay terms and conditions of work and do not represent school support staff employed under Local Government Green Book Terms and Conditions. So whilst you may hear of teacher unions demands please note they do not have any oversight of your pay terms and conditions.

Save Lives

The real test for government is to have a workable solution to have all staff tested, tracked and traced and priority on vaccination rollout so that any staff in contact with the virus can self-isolate and minimise risk and infection. If this measure can't be put in place then potentially lives could be put at risk and GMB will not accept this.

GMB makes no apology for putting the health and safety of our members first and if protections are not met, we will if required register disputes with employers who fail in their duty of care to put safe systems in place and will call for a school to be closed if it puts our members lives at risk.

What Members Can Do

1. If your school remains open you have a right to ask for revised Risk Assessments



2. Contact your local GMB rep if you are worried about returning to work details at <https://www.gmb.org.uk/gmb-regions>
 3. If you do not have a workplace rep on site consider becoming one details at <https://www.gmb.org.uk/become-workplace-representative>
 4. Pass this briefing to a non-union member and ask them to join at <https://www.gmb.org.uk/join-gmb>
 5. Stay in touch with us and join our mailing list at schools@gmb.org.uk you can find us on Facebook at <https://www.facebook.com/GMBSchoolStaff/>
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18/12/20

Update on recent announcements on mass-testing in schools: GMB advises members not to volunteer to carry out the testing on staff and pupils.

On Friday 10th December, GMB met with officials about Covid mass testing in schools in England in the New Year. We welcomed the conversation as we all want to combat Covid 19 and protect not just pupils, but the whole schools' workforce as well. However, at this initial meeting we highlighted concerns including a lack of qualified and trained medical professionals to carry out the tests, the high percentage of false negatives, potential risks and associated costs. We urged caution about quick announcements and sought agreement that further meetings would be required to iron out potential pitfalls and ensure a roll-out of testing procedures that are safe, effective and reliable.

Sadly, ministers ignored this caution and made their announcement without any detail about how it would work.

The Westminster government is delivering testing kits to secondary schools in England from January without the staff, the training or the medical supervision to carry them out effectively. Testing in primary settings is expected to follow in February.

GMB is generally supportive of a testing regime to identify asymptomatic staff and pupils with Covid-19. But this must be delivered with a rigorous programme of training and education for pupils, parents and staff. We have serious concerns about the rushed nature of these plans.

Testing kits are being delivered to schools without the medical oversight, staff or adequate



training to conduct the tests effectively, accurately and safely.?

We are greatly concerned that staff who are not medically trained will feel pressured into performing these tests on other staff and students, with inadequate training on how to do so.

Research into the use of Innova Lateral Flow tests by Public Health England and Oxford University determined that a false negative result was determined 21% of the time when testing was performed by a scientist; this increased to 27% when performed by a medical professional, and more than doubled to 42.5% when those tested administered the test themselves. These findings have been confirmed by the mass testing programme in Liverpool where less than 50% of results were accurate.

We therefore have severe concerns that lessons have not been learned from the Liverpool programme; that inadequate time is available for a full training and practical supervised experience that will result in competent testers; and that what the Government perceives as a 'game changer' will result in huge numbers of false negative results that create false confidence, rather than the hoped for 'magic bullet'. We are also greatly concerned that a negative test will give people a false sense of security.

The fact is that it is highly unlikely that staff, pupils or parents will have confidence in barely trained non-professionals administering medical procedures.

GMB calls for the existing sensible control measures including isolation of bubbles to remain in place. The mass testing, particularly given the high number of false negatives, cannot be a substitute for other control measures like bubbles, isolation, masks and ventilation which must stay in place, so that the testing is an **additional** measure in schools, not a replacement.

GMB says it is critical that we don't throw away our hard-won gains at this late stage, when a well-considered and properly implemented programme delivered by fully-trained competent staff can deliver the assurance we all want.

GMB will be challenging the Secretary of State and employers to put safety first and continue isolation and other protocols whilst mass testing is introduced. A copy of our letter to Gavin Williamson can be found [here](#).

We are fast losing confidence in government advice which directly impacts school staff members. Some employers were threatened with legal action for taking a sensible precaution of closing schools a few days early at the end of term, just days before government announced that secondary schools would start late in the new term. We cannot understand the logic behind this.

GMB is advising members not to volunteer to carry out the testing on staff and pupils, until we get satisfactory reassurances on a number of issues. We have grave concerns about online training for what is a medical intervention, and also about protections from liability for our members. If your school tries to coerce you into training to conduct the tests, contact GMB immediately.

GMB reminds our members that testing is not compulsory, and whilst testing is to be welcomed, we have yet to be convinced that we can support this programme.



Until more information is forthcoming, if members have any concerns about taking the test they should contact their local GMB rep for advice.

02/11/2020

GMB STATEMENT: SCHOOLS IN ENGLAND DURING THE 2ND LOCKDOWN

Following the announcement over the weekend regarding a second lockdown in England due to Coronavirus, and the news that the Westminster government are intending to keep schools open GMB's position is as follows.

Without school support staff our emergency and key workers would not have been able to work throughout this pandemic. Our members have kept schools running and we will continue to ensure this is fully recognised.

The recent ONS figures say that outbreaks in schools are rising rapidly, which demonstrates that Government guidance is not fit for purpose. Indeed, the Government's own Scientific Advisory Group SAGE identified that the closure of schools would have the single biggest impact in reducing infection rates. The government is refusing to discuss widening the lockdown to include schools so urgent measures for safe systems of work are vital to protect our members should schools continue to remain open.

GMB DEMANDS

GMB is clear: schools have to be safe if they are to remain open and we will not hesitate to register a dispute or call for a school to close if safe systems of work are not in place.

GMB Key Demands are:

1. **Safe Systems of work**
2. **Guaranteed wages**



3. **Saving Lives**

SAFE SYSTEMS OF WORK

We need the confidence that schools are safe for staff and pupils. Where we have clear evidence that this isn't the case we will call for the school to be closed down or a register a dispute if necessary to protect our members.

GMB has called for face coverings to be made available from the beginning of the pandemic . Where necessary, clinical face masks should be available for example where staff are supporting pupils or staff exhibiting symptoms.

Given the evidence around airborne transmission, adequate ventilation is more important than ever. A clean supply of fresh air is vital to control transmission, so if a classroom cannot open windows sufficiently and has no effective air extraction then it is not deemed safe.

Correct Personal Protective Equipment (PPE) identified by risk assessment should be always available.

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Bubbles must be reduced to the optimum level to ensure safety, and cross bubble working should cease. Bubbles need to be of a workable size that minimises the risk of infection.

Where there is a local outbreak, bubbles, and in some cases whole schools, should be closed for a deep clean and to allow for isolation of staff and pupils to protect the local community.

GUARANTEE WAGES

GMB School Support Staff work under the pay terms and conditions of the Green Book, apart from a very small number of members in multi academy trusts with whom we negotiate separately. GMB is a recognised trade union that have been negotiating pay agreements and guidance that ensure you are paid your wages. We will continue to ensure no workers loses out on pay during Covid-19.

Teacher Unions have no jurisdiction on your pay terms and conditions of work and do not represent school support staff employed under Local Government Green Book Terms and



Conditions.

SAVE LIVES

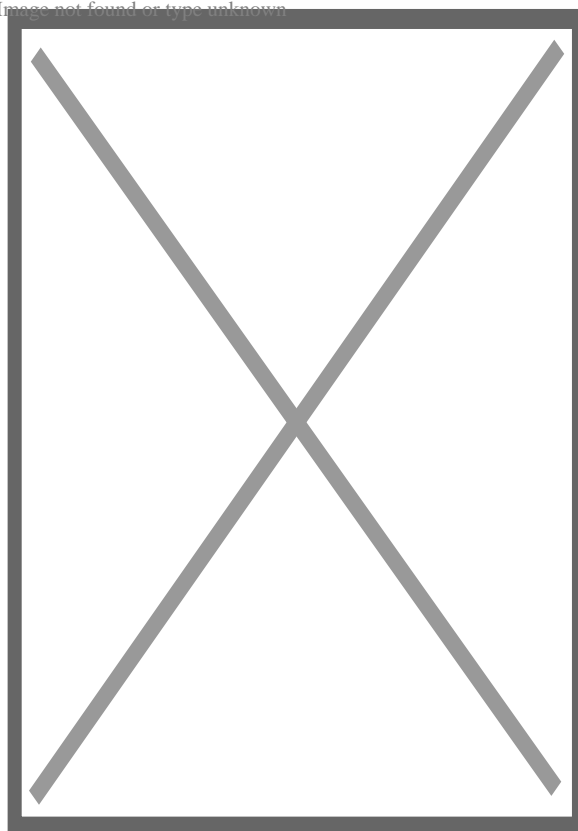
The real test for government is to have a workable solution to have all staff tested, tracked and traced so that any staff in contact with the virus can self-isolate and minimise risk and infection. If this measure can't be put in place then potentially lives could be put at risk and GMB will not accept this.

GMB makes no apology for putting the health and safety of our members first and if protections are not met, we will if required register disputes with employers who fail in their duty of care to put safe systems in place and will call for a school to be closed if it puts our members lives at risk.

Pandemic Guides & Documentation

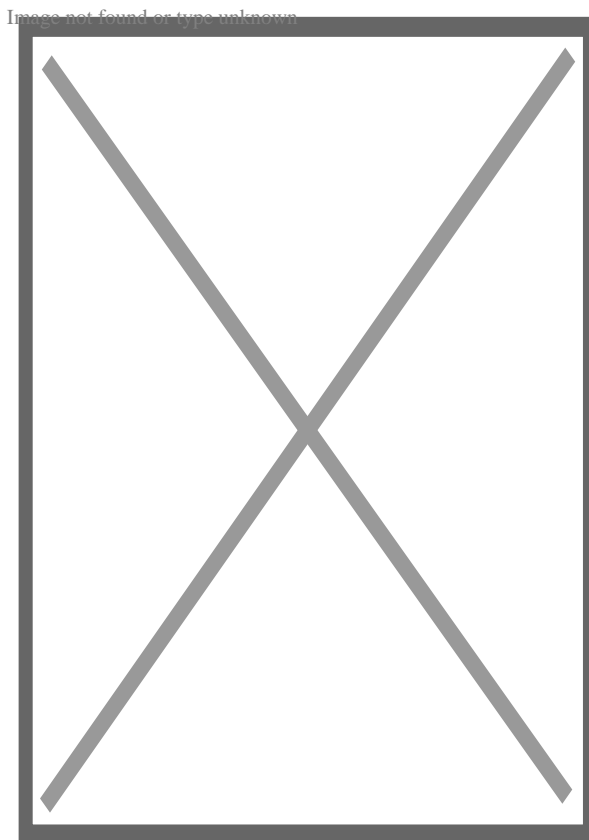
Joint Union Guidance for January-February opening during lockdown

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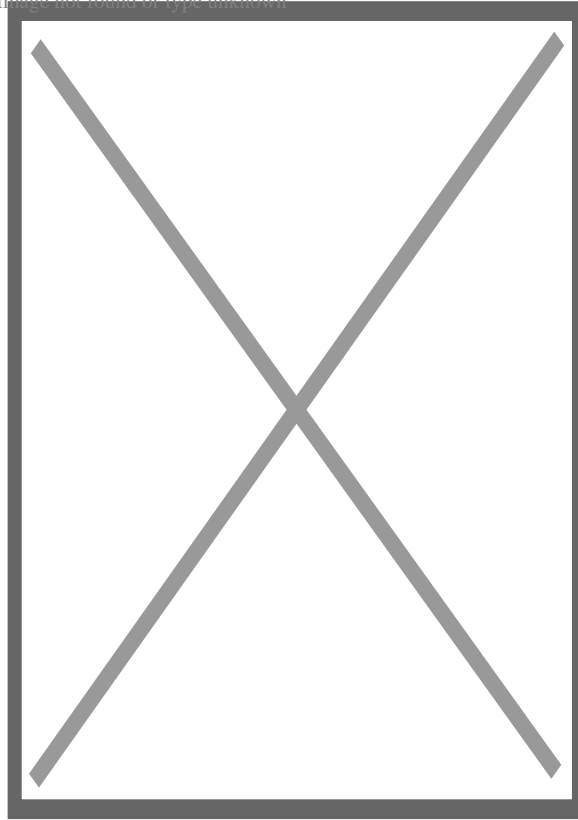
Joint Union Advice on Medically Vulnerable and Higher Risk Groups (England)

The joint union guidance for vulnerable employees was updated on December 2nd.



Following the announcement by the government that it intends to keep schools fully open during the lockdown in England and the second wave, GMB, UNISON, UNITE and NEU have produced an updated safety checklist for schools.

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Serious health and safety failings – escalation letter (England)

We have produced a model letter for branches to send to any school where there are concerns around serious COVID health and safety failings that are putting members at serious and imminent danger. This could include instances, for example, where a school is refusing to allow staff and pupils to wear face coverings, advising staff to ignore quarantine advice, etc.

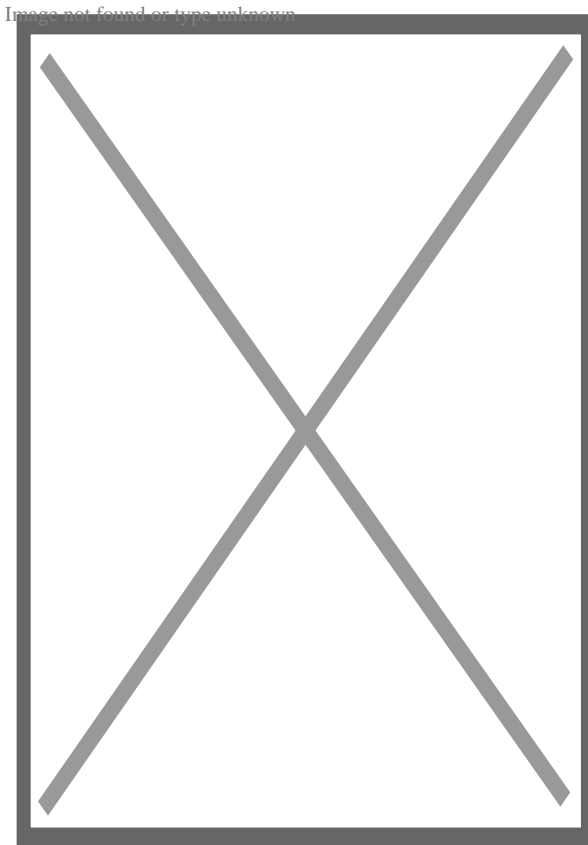
Please speak to your branch or regional officer before sending.

NHS Test and Trace app (England)

A small number of schools have told staff to turn the NHS app off the whole time when they are in schools, or to ignore alerts on the app advising them to self-isolate. This is wrong. Department for Education guidance is clear that pausing contact tracing in schools is only recommended in three situations. For more information please see the guidance below.

Joint Union Guidance from the September 2020 Return

The Joint Unions in Secondary Education have released a Checklist for Reps in relation to the DfE Guidance for a wider school reopening in September.



Letters to DfE

Date: 19/10/2020

GMB signs letter in support of deaf children at school during the Coronavirus

The joint unions for schools, including GMB, are signatories in full support of the National Deaf Children's Society (NDCS) letter to Gavin Williamson and fully support their work to ensure the safety, education and mental wellbeing of this vulnerable group.

Deaf and hearing-impaired children are particularly impacted by covid if they lip-read to communicate, and the society is calling for accessibility of clear face masks or coverings



where required for staff to properly communicate with them. Deaf children are statistically more vulnerable to mental health conditions, and particularly more vulnerable now.

The letter asks Williamson as Minister of State for Education to:

- take steps to ensure that clear face masks are widely and readily available in
- revise the department's guidance on face coverings in education to encourage the use of clear face masks that help to break down the communication barrier for deaf children and young people.

Williamson responded positively, and stated:

"[We] plan to update our guidance to say that, should staff and/or pupils need to wear face coverings in and around their educational setting, they should consider wearing clear face coverings if needed to meet the needs of their pupils and students."

Further revision of the department's guidance are expected following a meeting between the NDCS and DfE today.

Read the full NDCS letter [here](#).

Read Williamson's response [here](#).