



5 May 2022

Joint Unions' statement on ARK's changes to Covid practices

The recognised trade unions write to you in relation to the recent email communication from the trust of the 4th May and the trust's new practices in relation to Covid-19.

We are extremely concerned by the contents of the communication, as we believe that the practices now being proposed by the trust could potentially pose a risk to the education, health, safety and wellbeing of pupils and staff. With primary SATs beginning on 9th May and secondary exams soon after we are fearful that the trust's new approach will lead to further disruption in this crucial period for pupils and staff.

We set our concerns in detail below:

Risk assessment

The trust has effectively communicated to schools that they do not need to assess and mitigate the Covid risk to pupils and staff. Whilst under DfE guidance schools may no-longer have to undertake Covid 'specific' Risk Assessments, employers still have a legal responsibility to take account of all government and UKHSA guidance. Furthermore, it is also still a legal requirement that schools regularly review and update 'general' risk assessments, whenever circumstances change, to reflect the current level of risk. As you will be aware, this should be done in consultation with trade union representatives and staff. Any such risk assessment should include identifying and reducing the risk from infectious diseases including Covid-19.

In addition, it should be noted that there are still a number of groups identified as higher risk, such as those who are immunosuppressed, pregnant. As such, trade union colleagues would welcome an understanding of the mitigations that the trust have in place as part of its overall revised risk assessments.

As such, the recognised trade unions would request that the trust sends a urgent update to schools clarifying that it is still a legal requirement for each school to regularly review and update their 'general' risk assessments, in consultation with union representatives and staff, whenever circumstances change, to reflect the current level of risk, and that any such risk assessment identifies and appropriately mitigates any such risks from infectious diseases including Covid.

Cleaning

It is highly risky and far too premature to be removing all Covid cleaning regimes, particularly given the continued presence of Covid-19 in schools, coupled with the rise of other infectious conditions currently (e.g. Norovirus, RSV, and the reported cases of childhood hepatitis). Such news from the trust will be extremely concerning to many staff, parents, and pupils.

Given this, the recognised trade unions would request that the trust agrees to keep in place the enhanced cleaning regimes operated over the last two years given the current risk of infectious conditions to pupils and staff.

Sickness absence and Covid

The recognised trade unions believe that it is unfair and unreasonable to apply sickness absence triggers (including loss of pay and possible dismissal) for covid absences given the level of occupational exposure suffered by school staff.

Under the trust's new approach, staff following public health/government guidance, and indeed the trust's own guidance for staying off work when sick, will be punished for catching a virus whilst working in a setting where infections are highly transmissible. Indeed, those working in educational settings still have one of the highest incidences of Long Covid according to official [ONS figures](#)¹.

In light of these circumstances, the vast majority of trusts we are dealing with are still recording Covid absences separately and are suspending targets and triggers in occupational sickness policies for any absences connected with Covid.

As such, the approach from Ark will be seen as an outlier and sits at odds with the aspiration to be an employer of choice.

On a related note, all education unions have agreed a new Joint Protocol for the Management of Long Covid that we are urging Ark and other employers to sign up to (see attached). We would urge the trust to show its commitment to its staff by agreeing to sign this protocol

The recognised trade unions therefore request that the trust agrees to keep in place arrangements whereby Covid absences are recorded separately and do not count towards targets or triggers within occupational sickness policies.

Breach of consultation and negotiation

Finally, the fact the trust has made its announcement without any consultation or negotiation is unacceptable and undermines the spirit of consultation that the trust has engaged in with trade unions throughout the pandemic. It should be noted that our next meeting is now scheduled for 12 May, and, as such, the recognised trade unions request that the proposed measures outlined in the email referenced above are delayed until a further discussion can take place on 12th May.

¹ <https://www.tes.com/magazine/news/general/education-joint-top-sector-affected-long-covid>