Dear colleagues,

Branches are advised to review and update risk assessments in light of updated DfE operational guidance for further and higher education (England) and emerging risk factors for Covid-19.

This action note gathers together information relevant to branch reps and safety reps who will be consulting on risk management arrangements in their workplaces. There are a number of developments reps need to be aware of which are detailed below together with some recommendations for action.

Previous guidance on Covid-19 related risk assessments and control measures remain valid and can be found here [UCU coronavirus advice]

1. HSE spot checks taking place in Further Education (England and Wales)
2. DfE operational guidance updated for further and higher education
3. TUC report on the under-reporting of covid-19 cases under RIDDOR
4. Shielding guidance updated
5. Impact of vaccination programme and UCU joint statement with UCEA
6. Government action to tackle B.1.617.2 variant
7. UCU agree joint statement with UCEA on Covid-19 testing in HE
8. Risk assessments – advice to branches
1. **HSE spot checks taking place in Further Education (England and Wales)**

- HSE will be carrying out spot check calls and visits to FE providers in England and Wales. Spot checks will take the form of an initial phone call to review the measures taken to minimise spread of COVID-19 and will evaluate providers knowledge and awareness of the relevant government guidance and the control measures required under health and safety legislation. In some cases, a follow up visit may be necessary to check a suitable and sufficient risk assessment is in place and that controls are being implemented in line with the latest guidance.

- UCU advise safety reps to make contact with their employers about the HSE spot checks and seek agreement that the employer will involve safety reps in any conversations taking place. Ensure the employer is aware that you also wish to speak with those HSE inspectors undertaking spot checks via telephone or undertaking visits to your workplace.

- Safety reps should ensure risk assessments are suitable and sufficient and raise any concerns direct with employers and the HSE when appropriate. This is particularly important as we see changes to government policy on social mixing and use of face masks in education settings.

2. **DfE operational guidance updated for further and higher education (England)**

- The updated guidance for further education (England) confirms that from 17 May 2021 ‘face coverings will no longer be recommended for pupils and students in classrooms or communal areas’ but should continue to be worn ‘...by staff and visitors in situations outside of classrooms where social distancing is not possible.’

- The guidance also affords FE providers discretion in recommending the use of face coverings by students and staff where appropriate, particularly when teaching settings are more reflective of a workplace environment.

- In higher education the updated guidance (England) states that face coverings can continue to be used ‘...where social distancing or good ventilation is difficult to maintain’. Examples given include ‘workshops, laboratories, offices, libraries, teaching rooms and lecture halls’.

- UCU are clear that it is too soon to remove this important mitigation when infection rates of the B.1.617.2 variant are increasing. It is very likely that there will be a surge in infections and as yet the impact of the vaccination programme on the next anticipated wave of infections remains unknown.

- Branches should note there is different guidance on the use of face coverings Northern Ireland, Scotland and Wales.

- It should also be noted that public health teams in areas affected by the B.1.617.2 variant are likely to require the continued use of face coverings in classrooms and indoor environments.

- Additional updates to the DfE guidance in May (England) relate to changes falling under Step 3 of the Roadmap which includes asymptomatic testing, outbreak
management, an expansion of leisure and other educational activities and student wellbeing.

3. **TUC Report on the under-reporting of Covid-19 cases under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)**

- On 23 May 2021 TUC published a report on RIDDOR, Covid and under-reporting highlighting the massive under-reporting of covid-19 cases in workplaces during the pandemic.

- **RIDDOR** is an important piece of legislation that ensures employers have a level of scrutiny and accountability on any work-related injuries, exposures and fatalities. Without this reporting it becomes difficult for HSE and others to identify areas where employers can improve safety measures and prevent any further transmission of Covid-19 in the workplace.

- The report states, "*This lack of data on occupational exposure and fatalities has made it more difficult to track where outbreaks are occurring and where problem employers or workplace adjustments need identifying.*"

- It is important that branches and safety reps ensure employers are sharing data on covid-19 infection rates within their workplace and investigating any potential cases of disease to ensure the safety measures in place are robust and reducing transmission risks to the lowest level practicable.

- If branches are concerned about the lack of safety related data being shared or a failure of the employer to report COVID cases under RIDDOR, they should contact their region or devolved nation office for further advice. UCU are clear that GDPR should not be used to restrict access to information needed to enable safety reps to perform their statutory functions under the Safety Representatives and Safety Committees Regulations 1977.

4. **Shielding guidance updated**

- Government guidance (England) on shielding and protecting people who are clinically extremely vulnerable (CEV) from Covid-19 was updated in May 2021. While some restrictions were eased on 17th May, additional caution is advised for those who are CEV, especially in areas where the new B.1.617.2 variant is spreading.

- Government guidance (England) continues to advise people to work from home where possible and states, "*If you cannot work from home, we are no longer advising that you do not attend the workplace. Your employer is required to take steps to reduce the risk of exposure to COVID-19 in the workplace and should be able to explain to you the measures they have put in place to keep you safe at work.*"¹

- Shielding guidance is different for the devolved nations of Scotland, Wales and Northern Ireland.iv

- UCU expect employers to allow CEV workers and those at increased risk from covid-19 to continue to work from home where they wish to do so.

- Employers should undertake a review of individual risk assessments for CEV staff, clinically vulnerable (CV) staff and others who are at increased risk from covid-19
before any return to in-person work. Risk assessments will also need to be reviewed if there are increased transmission risks where a member of staff lives or works.

- Workers at increased risk from covid-19 can be advised to liaise with GPs and occupational health should they have any concerns. Please also see the NHS risk assessment tool and the NHS COVID-19 clinical risk assessment tool which can be used to better understand clinical risks.

5. Impact of vaccination programme and UCU joint statement with UCEA

- UCU have signed a joint statement with UCEA and other higher education unions to encourage staff uptake of vaccinations. The statement also re-iterates the importance of continuing to implement Covid-19 safety measures and the importance of adherence to safety measures irrespective of vaccination status.
- At this stage we remain unclear as to the impact of the vaccination programme in reducing the transmission of Covid-19. There is evidence of reduced vaccine effectiveness against variants of concern such as the B.1.617.2 (Indian) variant which is spreading across various parts of the UK.
- While Government continues to monitor the effectiveness of the vaccination programme in reducing the spread of COVID-19, employers should continue to take a precautionary approach in line with health and safety legislation and ensure the workforce do not become complacent about the ongoing covid-19 transmission risks. Vaccination is just another mitigation to control spread of COVID-19 and all other mitigations must remain in place.

6. Government action to tackle B.1.617.2 variant

- Government has amended their guidance on current covid restrictions on 21st and 25th May 2021 for those areas where the new covid-19 variant (B.1.617.2) is spreading. Areas where the B.1.617.2 variant is spreading fastest are listed in this guidance and the situation can change rapidly due to the increased transmissibility of this variant.
- New variants of Covid-19 present new risks both within and outside of workplaces. Risk assessments should be reviewed to take account of emerging scientific evidence on all new variants of concern and prevalence of any variants in local areas where staff live or work. There are currently 5 variants of concern and 8 variants under investigation.
- Risk assessment controls will likely need to include reductions in social mixing, particularly indoors, good levels of ventilation indoors, social distancing of 2 metres plus, use of face masks and face coverings and staff being facilitated to work from home wherever possible. This will require clear and timely communications from employers and close monitoring of adherence to safety measures.
- Public Health England will continue to update their risk assessment on B.1.617.2 variant as the situation develops. There is a high confidence that this variant is more transmissible than the UK variant B.1.1.7 which spread rapidly across the UK and the rest of the world.
- Independent SAGE published a ‘six point plan for dealing with the B.1.617.2 variant’ with recommendations that include improvements to local systems of outbreak control and limiting any mixing in indoor spaces, particularly in areas most affected by the new variant.
7. **UCU agree joint statement with UCEA on Covid-19 testing in higher education**

- UCU and the other HE trade unions have signed a joint statement with UCEA to encourage staff uptake of covid-19 testing to make workplaces safer.
- The statement is clear that tests can sometimes produce false positives and negatives and “that a negative LFD test result does not signal the ‘all clear’ for mitigation measures to be reduced.”
- The statement also encourages “the sharing of anonymised data with local trade unions in relation to the take-up of Covid-19 testing. For example data on uptake and positivity rate to allow constructive discussions on risk management arrangements in line with broader health and safety legislation”. UCU are clear that information shared with UCU safety reps does not need to be anonymised if this prevents them from performing their statutory functions under the SRSC Regulations 1977.

8. **Risk Assessments – advice to branches**

- Previous guidance on Covid-19 related risk assessments and control measures remain valid and can be found here [UCU coronavirus advice]

8.1. Ventilation

- Employers should audit and regularly review the ventilation rates of their indoor work spaces to control the significant risk of airborne transmission of Covid-19. A useful checklist for safety reps can be found here: [https://www.hazards.org/infections/venting.htm#safetyreps](https://www.hazards.org/infections/venting.htm#safetyreps)
- Poorly ventilated spaces should not be used and ventilation should be increased as much as possible to mitigate the increased risk of more transmissible Covid-19 variant(s).
- Control measures do not need to be costly. Rooms with windows should be aired/purged regularly throughout the day and between different users/classes. This prevents build-up of covid-19 particles in the indoor space. Ventilation rates can be improved by reducing the numbers occupying or frequenting indoor spaces (including those people who may come and go throughout the day) and by reducing time spent indoors, particularly in multi-occupant spaces.
- HSENI have detailed information on the importance of ventilation in controlling Covid-19 risks with links to legislative requirements, industry standards, scientific evidence and recommendations for preventing airborne transmission [https://www.hseni.gov.uk/articles/ventilation-and-covid-19](https://www.hseni.gov.uk/articles/ventilation-and-covid-19)

8.2. Face coverings, face masks and PPE

- Employers should continue to apply the principles of prevention as outlined under regulation 4 of the Management of Health and Safety at Work Regulations and continue to implement multi-layered controls to prevent the spread of Covid-19. It is clear that good quality face masks and face coverings will continue to play a key role in controlling the spread of COVID-19.
• Employers should ensure that workers are aware of the different levels of protection offered by different types of face covering or face mask and the reason for their usage in the workplace. Type IIR masks and face coverings do not offer adequate protection to the user from airborne transmission of Covid-19. They are not considered PPE. FFP3 face masks filter 99% of virus particles and FFP2 masks filter 95% of viral particles, they are considered PPE and fall under The Personal Protective Equipment Regulations 2002.
• Employers should provide the highest level of respiratory protection for workers such as FFP2 of FFP3 standard face masks while the COvid-19 virus continues to spread in community and workplace settings. Given there is no longer a PPE supply issue it is vital that employers reduce airborne transmission risks to the lowest level practicable by improving ventilation and by providing suitable PPE.
• Employers should ensure that staff and learners wear face coverings or face masks in line with local risk assessments, local agreements, government policy or public health advice.
• Employers should ensure that where face coverings are used, they are of a high standard, are well fitted and have a minimum of three layers protection.

8.3. Long-Covid

• Long-Covid is the name given to the continuing symptoms people experience as a result of being infected by Covid-19. Symptoms are specific to each individual but someone who had mild symptoms from Covid-19 can experience continuing and serious ill health.
• UCU safety reps and equality reps briefing: long Covid gives an overview of some of the key considerations for branches and actions they can take to support members.
• ACAS have also produced guidance for employers and employees on long covid: https://www.acas.org.uk/long-covid
• Branches should ensure long-covid is identified in risk assessments as another potential, long term risk arising from infection. Additional measures could include reasonable adjustments under the Equality Act and workplace support mechanisms for those experiencing ongoing ill health.

8.4. Mental Health

• Employers should identify a number of measures they can take to improve staff mental health and well-being which has been negatively impacted by the pandemic.
• Employers should undertake institution wide stress risk assessments, ideally following the HSE management standards approach and keep these under regular review in consultation with UCU safety reps and branch officers.
• Employers should identify a range of preventative and protective measures that will avoid or mitigate the impact of various stressors in the workplace.
• Please see resources available from UCU on tackling stress in the workplace including stress toolkit, model stress survey, model stress risk assessment and other branch resources. A UCU webinar on tacking stress in the workplace and the latest ‘breakfast briefing’ on risk assessments is also available on this page: https://www.ucu.org.uk/stress

8.5. Workload
• Employers should, given the huge pressures on staff and the additional activities required by safety measures, have taken steps to ensure workloads are manageable and reduced to the absolute essentials.
• Employers should ensure that workload demands are understood across the organisation to be a potential cause of work related stress.
• Employers should take actions to prevent and minimise workload stressors through institution wide stress risk assessment and local agreements in consultation with UCU safety reps and branch officers.
• UCU ‘It’s Your Time’ campaign resources can be accessed via the UCU website here: https://www.ucu.org.uk/workloadcampaign

8.6. Cleaning and hygiene arrangements

• Employers should continue to ensure regular cleaning throughout the working day and ensure appropriate resources are in place which includes additional paid hours and hiring of additional staff where necessary.
• **COSHH risk assessments** should be in place following consultation with UCU safety reps and there should be clear safe systems of work and suitable PPE for all staff undertaking cleaning.
• Employers should recognise that cleaning is a skilled role and should not expect staff who are not employed as cleaners to undertake cleaning roles.
• Staff who are expected to undertake general cleaning of personal work stations or equipment should be given an appropriate level of instruction, information and training in line with COSHH risk assessments.

8.7. ‘Hybrid’ working and ‘blended’ learning

• Branches should ensure that any temporary arrangements for ‘hybrid working’ and ‘blended’ learning, are agreed following consultation with UCU. It is clear that many employers are looking to develop more permanent arrangements around this and branches should seek support from regions where proposals have already been tabled for negotiation.
• Any agreements on working arrangements should address issues of health and safety, safeguarding, privacy protections, and staff performance rights; include ongoing training and IT support; and avoid excessive workloads and performance management measures. UCU guidance on performance rights and lecture capture can be found here: https://www.ucu.org.uk/media/11173/Guidance-on-GDPR-moral--performance-rights-and-accessibility-in-recorded-lectureslessons/pdf/ucu_lecturecapture_guidance.pdf

**ACTION REQUIRED:**

Branches are asked to review and update risk assessments in light of new and emerging risk factors for Covid-19 and the information provided in this update.

Andrew Harden                  Paul Bridge
Head of Further Education      Head of Higher Education

ii https://www.gov.scot/publications/covid-shielding/pages/overview/


vii PHE risk assessment for B.1.617.2 22 May 2021