



## **Association of Educational Psychologists**

# **Coronavirus (COVID-19) FAQs & Guidance**

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## **AEP Coronavirus (COVID-19) FAQs**

The novel Coronavirus (Covid-19) presents a significant challenge to everyone. Events are moving rapidly and advice on how to best combat the coronavirus pandemic is changing every day. This is a very worrying time for us all. As a union, we are working to help to ensure the health and safety of all members.

See the [latest NHS advice on Coronavirus](#).

The current situation in the UK has raised many questions for AEP members. Please note that this advice is being updated on a regular basis. The AEP advises members to read and follow the latest advice from the health authorities.

Please see below information relating to many different queries. This covers a range of issues; however, the list is by no means exhaustive and will be updated as and when more information becomes available.

## **HEALTH & SAFETY**

**Q. I have no symptoms, but I have a health condition which puts me at risk of becoming significantly ill if I contract the virus. I do not want to go into schools and other settings, which will put me at risk. Can I refuse to go in?**

**A.** Employers are responsible for complying with all health and safety standards, contractual and statutory employment rights as well as equality rights. Current government advice is for everyone to try and stop unnecessary contact with other people – ‘social distancing’. Government guidance recommends a number of measures including home working, where possible. Employers need to be especially careful and take extra steps for anyone in their workforce who is a ‘vulnerable person’ and is at increased risk from coronavirus.

They include, but are not limited to, those who:

- have a long-term health condition, for example asthma, diabetes or heart disease, or a weakened immune system as the result of medicines such as steroid tablets or chemotherapy
- are pregnant
- are aged 70 or over
- care for someone with a health condition that might put them at a greater risk

Speak to your manager about your concerns in the first instance. Occupational health may need to be involved and if you have a disability, your employer will need to offer reasonable adjustments. Your employer should be conducting risk assessments, putting measures in

place and providing information and training on how to minimise your risk of exposure, specific to your medical condition. In order to minimise the risks to those in vulnerable groups, you should discuss with your manager which tasks are a priority, but can be undertaken without going into schools – for example, report writing, research or attending meetings remotely (e.g. by Skype). You should also follow government advice with respect to hygiene, and encourage others to do so.

**Q. What if I am pregnant?**

**A.** Under health and safety law, employers should carry out a risk assessment of new and expectant mothers in the workplace and put measures in place to reduce the risk of harm to the mother and unborn child. As a ‘vulnerable person’ employers need to be especially careful and take extra steps for anyone in their workforce who is pregnant and is at increased risk from coronavirus.

Current government advice is for everyone to try and stop unnecessary contact with other people – ‘social distancing’ and recommends a number of measures including avoiding public transport and home working, where possible. Speak to your manager as a priority who can refer you to the occupational health service if you have any concerns about exposure to Covid-19.

**Q. I am the principal carer for a relative who has to self-isolate. What should I do?**

**A.** You should seek advice from a medical professional, such as your GP or NHS 111. The government guidance sets out that if someone has symptoms, everyone in their household must self-isolate for 14 days. If you are a local government employee, a recent NJC circular confirms that, “if an employee is caring for someone who has or may have coronavirus, this period of absence should also be regarded as self-isolation. Given the employee may then have been in direct contact with the virus the circular sets that employees would expect home working arrangements to be then considered for the duration of the incubation period.” As such, you will receive normal pay for the duration of the isolation.

**Q. One of the EPs in our service suffers from anxiety and is finding the situation increasingly difficult to deal with. Her condition is exacerbated by travelling and being in public places – she is terrified of catching Covid-19. What can I do to help her?**

**A.** If she feels able to do so, then you could encourage her to work from home, or offer her some flexible working. You could also allow her to take some holiday, or unpaid leave. However, if her anxiety is severe, it could amount to a disability. Medical advice should be sought, and see what other adjustments could be made. If her anxiety prevents her from attending work, she may be regarded as on sick leave and entitled to sick pay.

**Q. What if I have concerns about how coronavirus is being handled in my workplace?**

**A.** Employers should have effective procedures in place to allow employees and their representatives to raise any concerns in relation to equipment, policies and processes for managing Covid-19 at the earliest opportunity.

Employees should feel able to raise concerns without detriment and should receive timely feedback on their concerns.

**Q. What is the position in relation to medical confidentiality when an employee is diagnosed with coronavirus?**

**A.** The overriding duty on employers is to protect the health and safety of employees, and others, for example agency staff. You should keep staff informed about cases in your organisation. Remember, you probably don't need to name individuals and you shouldn't provide more information than necessary.

## **PAY & CONTRACT**

**Q. Although I have no symptoms, I have been advised by NHS 111 that I have to self-isolate. Will I still get paid?**

**A.** If the NHS advice is telling you to self-isolate, you should stay away from work. The NHS advice should be treated as being the same as advice from your own GP (and you should not be visiting your GP in these circumstances). If you are employed by a local authority, your pay will continue as normal. There will be no impact on your sick pay and coronavirus (COVID-19) will not impact on contractual sick pay. A recent NJC circular sets out what Local Authorities responsibilities are with respect to coronavirus. This states that an employee "should stay on normal full pay for the duration of the self-isolation period until such time as they are confirmed to have contracted the virus, at which point they transfer to sickness absence leave and the usual provisions of the sickness scheme will apply".

**Q. Will a period of self-isolation be added to my sickness record?**

**A.** The AEP believes that any sickness absence or self-isolation should not count towards formal sickness absence triggers. Your employer should have a clear policy outlining how this absence will be treated, and how you will be paid. For local government employees a recent NJC circular confirms that, "if an employee is fit for work but decides, or is instructed, to self-isolate, their absence should not be recorded as sickness absence."

**Q. I have some significant health issues, which my manager knows about. The information I have read means that I am at higher risk of serious illness or death if I contract COVID-19.**

**I discussed this with my manager who told me that I still had to carry out all my school visits and reviews. They said that if I didn't, I would face disciplinary action. Is that fair?**

**A.** It isn't! If your employer imposes this kind of restriction on you, or stops paying you, it could amount to discrimination. We would challenge an employer who seeks to impose a provision, criterion or practice which requires people to work during a pandemic as this may be indirectly discriminatory against an employee who has a disability which places them in a 'high risk' group. An employer may also be liable if they refuse to let an employee with a disability work from home as a 'reasonable adjustment'.

**Q. I am a self-employed EP. Can I still work?**

**A.** Yes. At the moment, you are still able to go to work as normal, however any clients may be ill or isolated. You will need to take any additional precautions to protect your health. If you are going to someone's house, you should check, before entering, if anyone has, or is suspected to have, COVID-19.

**Q. As a self-employed EP, I rely on my income for my living costs. If I can't work because of Coronavirus, how will I get paid?**

**A.** If you are unable to work because your clients cancel their appointment, you will need to invoke any contractual clause within the contract to prevent payment default. Currently, if you are self-employed, you will not be eligible for statutory sick pay (SSP), although there may be other benefits you would qualify for, depending on your individual circumstances, such as ESA (Employment Support Allowance). <https://www.gov.uk/employment-support-allowance/how-to-claim>

**Q. I work for a small group of EPs. Am I eligible for SSP if I have to take time off with COVID-19?**

**A.** This may depend on your contractual circumstances. If you are employed, any sick pay entitlement will be included in your contract of employment. In response to the current crisis, small employers are able to reclaim SSP paid for coronavirus absences.

**Q. I'm on a zero hours contract – will I get sick pay as well?**

**A.** Some workers employed on zero hours contracts, may find they are not covered by an occupational sick pay scheme if they find themselves unwell or have to self-isolate. Employers should treat workers on these contracts like any other, and pay sick pay on the basis of a worker's average hours – or, full pay in cases of isolation.

**Q. I work for a local authority on a locum contract. Will I still get paid if I am unable to go to work?**

**A.** This depends on the terms of your contract if you have one. If you are contractually entitled to sick pay, you will receive that for the period of time you are sick. You may also be paid if you are required to self-isolate.

**Q. My employer does not pay sick pay for the first 3 days of any sickness absence. Will the new SSP legislation change this?**

**A.** As the Government introduced emergency legislation, and SSP is payable from day one for coronavirus absence, your employer will be expected to pay you SSP from the same point. In addition, local authorities are expected to comply with the circular stating that self-isolation will not impact on salaries or sick pay.

**Q. I am due to be on annual leave in a couple of weeks, but my manager has cancelled authorisation, because of the lack of staff. Can they do this?**

**A.** All leave is granted on the condition that the employer is able to support the absence. If the situation changes, then leave can be cancelled with appropriate notice – at least one week's notice for one weeks leave – but can ask employees to postpone if service delivery is compromised.

## **WORKLOAD**

**Q. If the estimates are accurate, and we have severe sickness absence, we are unlikely to be able to deal with the number of EHCPs coming through in the statutory time frame. What will happen regarding our PDRs?**

**A.** If there are significant delays due to the current crisis, we do not expect any AEP member to be disadvantaged because of it. If sickness absence in the volumes expected causes the LA to be unable to meet its statutory obligations, then there will need to be discussions about how this work is dealt with in due course. For the time being, you should carry on working as normal.

**Q. If the schools close, what should I do about outstanding assessments?**

**A.** You can either write a report based on the information you have, or you can defer until such time as you are able to see the child/young person. This decision should be made in

discussion with your manager/PEP. We are currently awaiting guidance for Local Authorities on how to manage the EHC assessment process in the current context.

**Q. If schools are closed, I will struggle with childcare arrangements. What can I do?**

**A.** All employers are being asked to facilitate home working wherever possible. Following any school closures, employers should be fully supportive of employees with childcare responsibilities and consider flexible working arrangements, including working from home, adapting working patterns to care for children or dependants or taking time off, whether this is special leave, annual leave or flexible working.

**Q. Someone in my household is sick, but I have too much outstanding work to do. My manager has told me I must go home from work and self-isolate. I am really worried about the outstanding work. I'm not sick. I should be working.**

**A.** If you fall within the government guidance to self-isolate, then you should do so. If you have a lot of work, try and organise how you can do this from home e.g. holding consultation discussions via telephone. This protects the health of other people, and follows government advice.

**Q. I have some specialist work that must be carried out at specific intervals. If I have to either self-isolate, or get sick, there will be a problem, as some work will be missed. This will negate the whole project.**

**A.** There is likely to be some significant depletion of the workforce at various times over the next few months. Where there is critical work, it is important that contingency arrangements are made. Make sure that someone else knows what needs to be done and when. Make plans to ensure that any time-critical work can be done, even if you are not there.

## **TRAINEES**

The current situation will be having an impact upon all those currently engaged in initial training programmes.

We understand that discussions are underway between all those involved and we will provide further information and guidance as soon as it becomes available. Training providers will be keeping in touch with their trainees to keep them updated.

### **Further information**

<https://www.tuc.org.uk/sites/default/files/2020-03/COVID-19%20Guide%20for%20Reps.pdf>

<https://www.gov.uk/government/publications/coronavirus-action-plan>

<https://www.local.gov.uk/sites/default/files/documents/NJC%20Circ%20Coronavirus%2006Mar20.pdf>