

## Model letter for UNISON members in schools, nurseries and early years in Wales

Dear [name of head],

### **Re: Health & Safety**

I am writing to you following the increase in transmission and infection rates currently recorded across Wales.

You are, I am sure, aware that you have legal duties to protect the health, safety and welfare of your staff and pupils. Those duties arise under the following legislation: -

- Sections 2 and 3 of the Health & Safety Act 1974
- Regulations 3 and 8 of the Management of Health & Safety at Work Regulations 1999
- Regulation 4 of the Personal Protective Equipment at Work Regulations 1992
- Regulation 4 of the Workplace (Health, Safety & Welfare) Regulations 1992
- Regulation 7 of the Control of Substances Hazardous to Health Regulations 2002

The most recent advice from the TAC summary provided to Welsh Ministers on 23<sup>rd</sup> Dec confirms that the new variant of Covid 19 is present in Wales and is highly infectious. We also know from scientific advice that and infection rates have increased significantly since schools closed.

I appreciate that measures have been in place since September to allow the school to open but according to recent SAGE reports, those measures may no longer be sufficient.

We are yet to have information from Welsh Government that measures taken last term have reduced the spread of the disease and that precautions taken in school have been effective. Analysis of the new variant has yet to be shared and decisions should be based on this being made available.

Based on the above I do not believe that it is safe for me to return to [insert name of school].

If I do attend [name of school] I believe that this will present a **serious** and **imminent** danger to my health and safety.

I am therefore writing to inform you that I am exercising my contractual right not to attend an unsafe place of work. I believe that not attending work in the current circumstances is an appropriate step for me to take for the following reasons:

1. The **dangers** that are preventing me from attending work are the risk of contracting coronavirus and or spreading coronavirus to others.
2. The **person(s)** I am seeking to protect are myself, my family, our pupils, their families, my colleagues, their families and members of the public.

3. I believe that this danger is **serious** because coronavirus infection is potentially fatal and has already resulted in more than 73,512 deaths in the UK with a significant up surge in recent weeks.
4. I believe that, if I were to attend work, the danger would be **imminent** because before Christmas the highest infection rates were in children of school age, and the new variant may be more transmissible amongst students than previously.
5. I will be happy to return to the workplace once the TAC group have reported that the R rate has decreased, scientific advice has been produced on safety measures required to make schools more "Covid secure", risk assessments have been updated and any necessary further safety measures implemented.

In the meantime, I am of course willing to carry out any of my duties or alternative agreed duties at my grade that can be undertaken from my home, and to be in school supporting provision and the learning of key worker and vulnerable children where necessary.

Yours sincerely,