**Template letters for staff regarding returning to the workplace: employee with no particular relevant characteristics (HE)**

Dear [ ]

I am writing to register my concern about the proposal that I should resume working in the workplace instead of from home from [date] and to request that I be allowed to continue to work remotely and deliver my teaching online.

I have seen a copy of the university’s risk assessment for the buildings in which I am expected to work and I believe that this does not give adequate weight to my specific circumstances, which I will set out below.

I am also concerned that the 'Covid Age Tool' which the university suggests is used as a basis for discussions will line managers is not fit for purpose. Using this as a basis for decisions about in-person working does not take into account the range of limitations listed by the Association of Local Authority Medical Advisers, not least that "The tool is based on evidence that is evolving and is under constant review. As new scientific evidence becomes available, its estimates of vulnerability may change over time." (<https://alama.org.uk/covid-19-medical-risk-assessment/>). Emerging evidence of long-lasting effects of even initially 'mild' bouts of the virus are not addressed by the university's 'Covid Age Tool'. I also note that even where the 'Covid Age Tool' gives a 'Covid Age' of 'below 50' and 'low risk', the tool itself notes that 'Increased risk of infection may be accepted where there are no reasonably practicable means of reducing it further'. In the circumstances of my work, it is clear that there are 'reasonably practicable means of reducing' the risk further, as I can carry out all of the tasks required of my work from home.

**My circumstances**

I have been working remotely since [date] and am confident that I can continue to do so effectively and deliver my teaching remotely when provided with the necessary equipment by my employer. The proposal to resume working in the workplace has caused me great apprehension and anxiety about the risk of becoming ill with COVID-19 and I will be consulting my GP about this if I feel it to be necessary to support my mental health. In the absence of effective controls on transmission of the virus such as a functioning test and trace service, a vaccine and an adequate risk assessment with satisfactory preventative measures I do not believe that I will be safe working in the workplace. I am aware that the university has put in place an additional campus test and trace facility, but understand that capacity of this is limited, and that it depends on processing tests through NHS laboratories which are evidently experiencing huge problems nationally.

**The applicable guidance**

I refer you to the guidance document, “Principles and Considerations: Emerging From Lockdown” issued by Universities UK to institutions, and the Appendix to that document which contains a jointly agreed statement between UCEA and the HE trade unions including UCU, of which I am a member. The guidance document states:

“**PRINCIPLE ONE**

**The health, safety and wellbeing of students, staff, visitors, and the wider**

**community will be the priority in decisions relating to the easing of Covid-19**

**restrictions in universities.**

**PRINCIPLE THREE**

**Universities will review their teaching, learning and assessment to ensure that**

**there is the required flexibility in place to deliver a high-quality experience and**

**support students to achieve their learning outcomes in a safe manner.**

**Consider….How and under what circumstances it may be appropriate for staff to work**

**from home.**

**PRINCIPLE FOUR**

**Universities will regularly review the welfare and mental health needs of students**

**and staff and take steps to ensure preventative measures and appropriate**

**support are in place and well communicated as restrictions are eased.**

This guidance requires you to put the health, safety and wellbeing of staff (and students) first when making decisions about returning to face to face working and to consider individual risk assessments in particular for mental health harms, and consider under what circumstances staff can be enabled to deliver a high quality learning experience for students remotely. I do not believe that the risk assessments which I have been shown has done this adequately.

[Pick up detailed issues from the RA about which the member is unhappy:-

**The issues**

I am particularly concerned about the following points from the risk assessment:

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* ]

**The law**

**Health and safety at work**

You will be aware that under the Management of Health and Safety at Work Regulations 1999 the University is required as my employer to make a suitable and sufficient assessment of the risks to the health and safety of employees to which they are exposed whilst they are at work (Regulation 3). Outside the workplace I have of course been working from home, associating with a very small number of people and [mention any other relevant precautions eg getting someone else to do the shopping]. I request that you fulfill your duty to assess the risk to me whilst I am at work and take preventative and protective measures by allowing me to continue to work remotely and deliver my teaching online.

As you are aware, you also have a duty under Regulation 8 to provide me with a procedure to follow in the event of serious and imminent danger to enable me to stop work in the presence of such a danger and proceed to a place of safety. I request that you fulfill this duty by allowing me to continue to work remotely and deliver my teaching online.

**Negligence**

As my employer you have an actionable duty of care to guard against foreseeable harm to me as your employee. As set out above, there is a foreseeable risk of harm to me by way of serious risk of illness from Covid 19 if I have to return to working in the workplace and I believe that you would be in breach of your duty of care to require me to do so.

As evidenced by the UCEA guidance mentioned above, you are also aware of the risks to the mental health of staff. I believe you would be in breach of your duty of care to require me to resume working in the workplace given the distress this proposal is causing me, and that any harm to my mental health in these circumstances is foreseeable.

**Whistleblowing**

I would just remind you that I am protected by section 47B Employment Rights Act 1996 from any detriment on the grounds of having informed you about these potential breaches of your legal obligations and endangerment of health and safety.

I would be grateful to receive confirmation that I may continue to work remotely, or a full written response to my concerns as set out above, and in the meantime for your confirmation that I may continue to work remotely whilst I await this response.

Yours sincerely