

*To each Board of Management*

*07<sup>th</sup> of January 2021*

Government Decision to Reopen Special Schools and Special Classes

Dear members of the Board of Management,

I write to you as the legal employer of Fórsa members within your school and with regards the above. As you know yesterday the Government announced the decision to reopen all Special Schools and Special Classes as per normal on Monday 11<sup>th</sup> January next.

Whilst Fórsa supports the continuation of educational support for SEN students during any period of school closures, we believe the decision to Special Schools and Special Classes as per normal on Monday 11<sup>th</sup> January next, exposes staff, students and their families to unacceptable risks at the height of the Covid-19 Pandemic. With case numbers increasing in significant numbers day on day and a new, more virulent virus strain rampant in the community, we believe the implementation of this policy the implementation of this policy is simply, not sustainable.

We also believe that the decision takes no cognisance of the fact that the Boards of Management, being the legal employers of our SNA, School Secretary and Caretaker members, are legally obliged to provide a safe and healthy working environment for their staff, as per the Health, Safety and Welfare Act of 2005 and subsequent amendments.

In effect meaning it is the legal employer who is exposed to any risk of recrimination, in the event that they do not, uphold their duty of care to their employees or adhere to the obligations under the aforementioned act(s).

As such, we are seeking commitments from you as the employer on a number of concerns on behalf of our members. I would be obliged if you could revert providing clarity on the following:

- a) That each and every staff member returning to the school premises will be tested for Covid-19 and will only be permitted back into the working Environment once it has been confirmed that they have tested negative.

No staff member wished to be responsible for an outbreak amongst colleagues, vulnerable students or their families. Many staff will have had limited social

interactions over the festive period, as was permitted. With the new strain of the virus and its increased virulence, members could be carrying same and be infectious, whilst either not yet showing virus symptoms, or being asymptomatic. The only way to ensure that Covid-19 does not enter into the school environment is true a dedicated test and trace programme for all staff, in advance of their return.

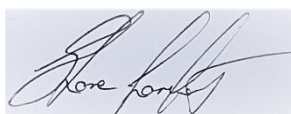
- b) That you provide accommodation such as remote working arrangements for staff who cannot attend the workplace due to a lack of childcare, caused by the recent Government decision to close / limit childcare facilities. Members, who may have previously had children in schools, or minded by grandparents previous, will simply not be in a position to source adequate childcare arrangements before Monday, nor could they do so at all, in a safe manner with the current prevalence of the virus in the community and risk of infection, whilst adhering to current public health advice to limit contacts.

Such members should be afforded a remote working facility, where they can link in with SEN students and their families remotely, allowing them to manage the childcare commitments imposed on them by the government decision, whilst still carrying out their duties in a safe and appropriate manner.

- c) Confirm that you, as the legal employer, can provide a safe and healthy working environment (encompassing the risk of Covid-19 infection) for all the staff, this would include adherence to the current public health advice, vis-à-vis social distancing requirements, adequate space and ventilation etc. whilst also ensuring adherence to the general application guidelines of the Health, Safety and Welfare Act. Including ensuring working places are at an adequate room temperature etc. whilst staff are present.
- d) Confirm and demonstrate adherence to the provisions of the “Work Safely Protocol”, which is a revision of the “Return to Work Safely Protocol” in particular but not exclusive to the, pre return to work provisions, found in section D4 of the aforementioned document, including completion of return to work forms in advance of any staff members return to the workplace.

I would be grateful if you can furnish satisfactory responses to the above, providing the commitments and clarity sought, in advance of staff returning to the workplace, on Monday the 11<sup>th</sup> of January.

Yours Sincerely,



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Shane Lambert  
Assistant General Secretary, Schools,  
Education Division, Fórsa

General Secretary Kevin Callinan

Deputy General Secretaries Eoin Ronayne | Matt Staunton

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