

May 2021



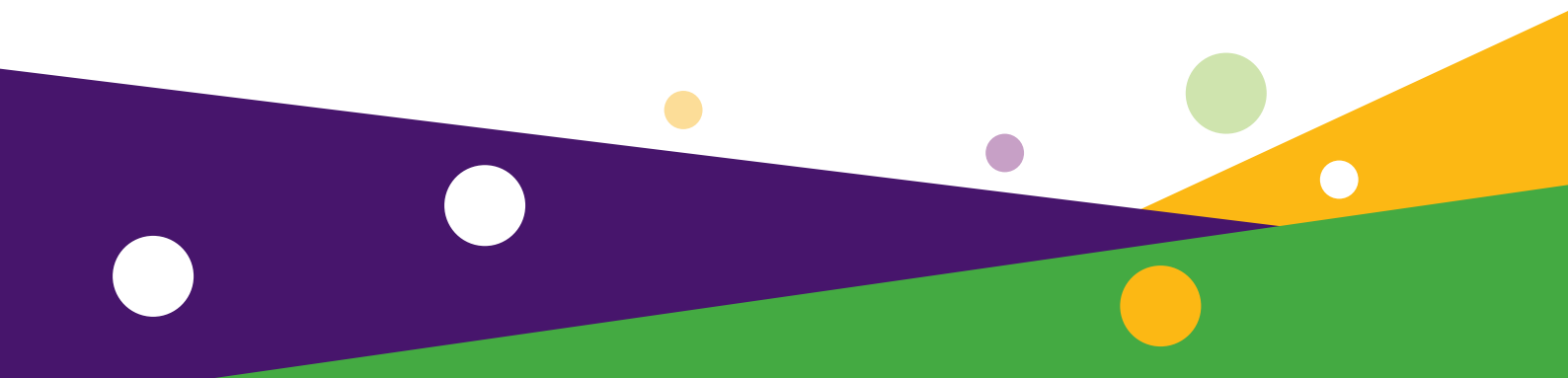
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COVID-19 UPDATE





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Workplace Exposure COVID-19 Questionnaire

Complete the survey on the Thompsons website [here](#) if you or your colleagues contracted COVID-19 as a result of your work

Your information is crucial. It will help us to campaign, improve health and safety, and give the best support and legal advice we can to our members.

Dear colleagues

When I wrote the opening to Derbyshire UNISON’s COVID-19 guide at the very beginning of January, the number of new daily confirmed cases in the UK had just topped 60,000 for the first time.

Today, we can finally see a brighter future, even though vigilance will remain our watchword when it comes to members and their daily working lives.

This latest guide – hopefully the last! – is designed to cover the few outstanding issues which remain live for many members. It is not intended to give practical advice on social distancing, prevention, PPE etc. UNISON’s advice on all things COVID-19 remains accessible via the national website at www.unison.org.uk/coronavirus-rights-work.

Emerging from lockdown

The next stage of us emerging from lockdown is about to happen as I write. If all goes well, all restrictions could be lifted five weeks later. But the horrific images and stories from India, Brazil and elsewhere show that better times ahead for us isn’t worldwide good news.

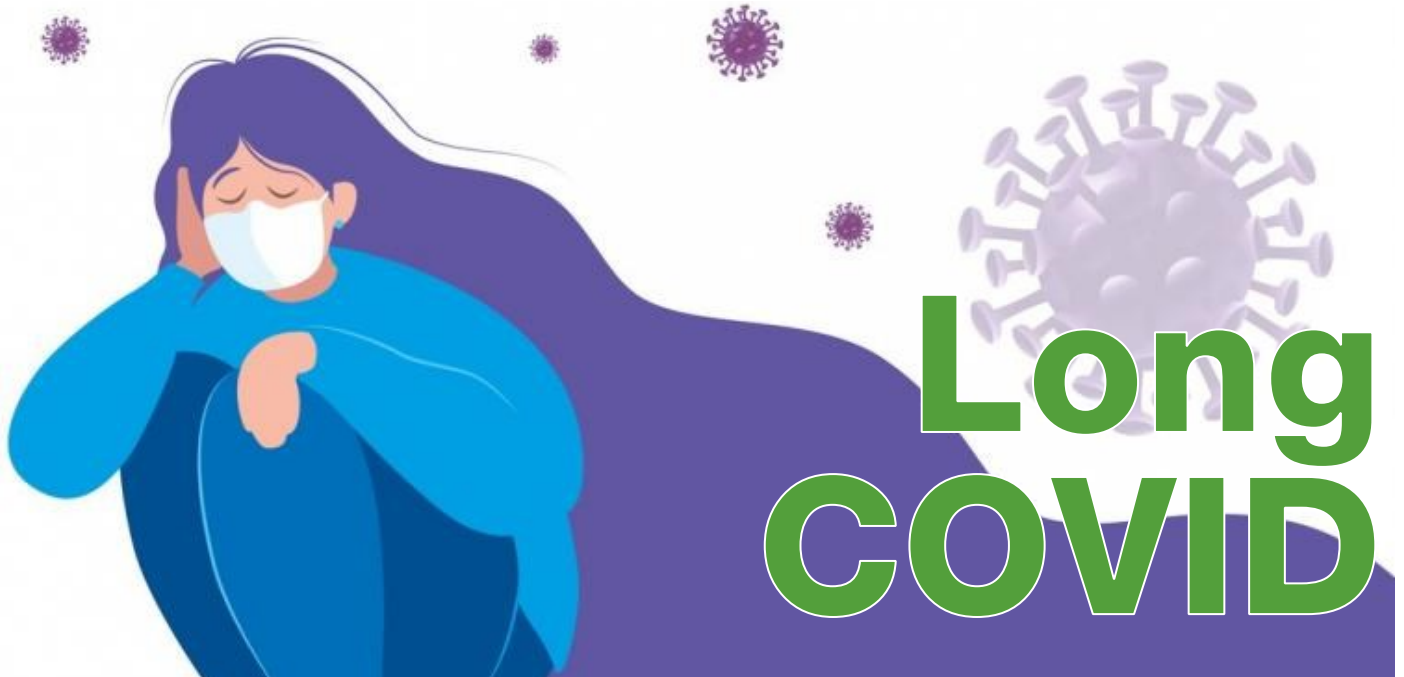
The virus and new strains of it are still very much prevalent and will be so for some considerable time. The current closure of Wilsthorpe School in Derbyshire following an outbreak is a timely reminder of the dangers. We wish all our members there a speedy recovery if they have been personally affected. Get in contact if there’s anything further we can do.

Thanks from Derbyshire UNISON

Finally, another big thank you to the thousands of you who have been working right the way through the pandemic, either from home or, because of the nature of your job, ‘in the thick of it’ in care homes, schools and communities. And we definitely haven’t forgotten all those who couldn’t work and have had to spend a year on less than full pay and now face more job uncertainty.

And please - if you did contract COVID-19 as a result of your work, please fill in our questionnaire (see left). This will help UNISON to continue the best possible service we can.

Jeanette



C OVID-19 can cause symptoms that last weeks or months after the infection. Known as 'long COVID', they can affect someone's ability to work and lead to sickness absence.

The effects of long COVID can come and go. On some days the person might seem well, but on others their symptoms can be worse and they might need to be off work again.

An employer's responsibilities

If you are suffering from long COVID, you must make sure your employer is fully aware of the diagnosis. They should be supportive of you including maintaining contact while you are off sick. If your sickness absence is intermittent, your workload shouldn't be allowed to accrue, ie your work should be covered and/or shared out.

Your employer may offer an occupational health assessment, which you should accept. They may also want to consider other reasonable adjustments or phased returns. If this support is not happening, please contact Derbyshire UNISON.

We would also want to make sure that absence through long COVID is recorded separately for sickness absence and capability issues.

Disability or not?

Under the law, a disability is a physical or mental impairment that has a 'substantial and long-term' negative effect on a person's ability to do normal day-to-day activities.

'Long term' means the impairment:

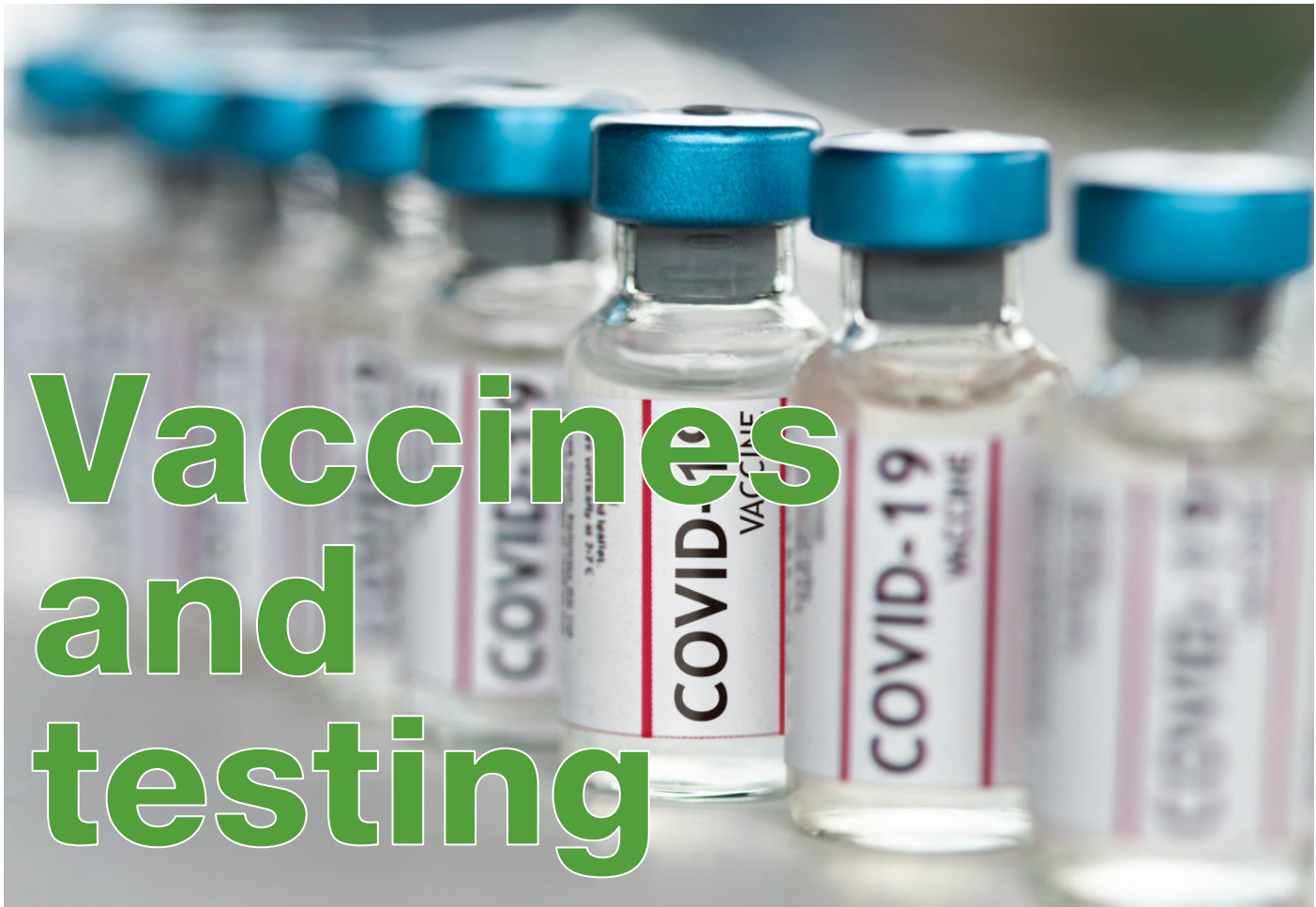
- has lasted or will last for at least 12 months
- can come and go or is likely to last for the rest of the person's life

Long COVID is still a new illness. It may take time to understand it fully. It can affect a person's day-to-day activities and it's currently understood it can last or come and go for several months. The effects of long COVID could also cause other impairments.

But rather than arguing whether long COVID can be classed as a disability, UNISON will want to make sure your employer addresses reasonable adjustments rather than move directly to punitive measures should it result in long-term absence or capability problems.

Long COVID has been found to more severely affect older people, women and people from ethnic minorities. UNISON will make sure employers don't inadvertently discriminate on the grounds of age, gender or race in our dealings with them.

If you're at all unsure, contact us now.



Vaccines and testing

The separate issues of testing and vaccinations have caused some concern to members in all areas of work but obviously they raise more problems in the field of social care and education.

Vaccination - UNISON's position

UNISON is quite clear on the issue of vaccinations. We urge all those eligible for the vaccine to have it. All available evidence from the relevant medical authorities testifies to the safety of the vaccines on offer and opposition to them has generally come from dubious sources with a lack of medical evidence.

This does not mean, though, that we are not sympathetic to those who have raised issues about having the vaccine themselves. Whatever those reasons, we understand that you believe you are right. Therefore, we will do all we can to support you.

However, we will, on most occasions, be constrained by the legal position. Legally, you cannot be forced into having the vaccine nor

in telling your employer why you don't want to have the vaccine.

However, members must recognise that the right not to have the vaccine is not the same as a right to continue to work in all settings unvaccinated. These are untested legal waters.

Where we have recognition we have asked employers to treat staff who may be in such a position with understanding and ensure each case is viewed on its own merits.

Compulsory vaccination?

UNISON has made several public statements on forced vaccination, the latest just this week. Responding to a London School of Hygiene and Tropical Medicine study that suggests making Covid vaccinations a condition of work could hinder take-up, UNISON general secretary Christina McAnea said.

"This study makes plain any talk of compulsory vaccination could damage take-up severely.

“Care workers need clear, accurate information from their employers about when and how they to get their jobs.

“If achieving maximum coverage is the goal, employers and policymakers will get better results through encouragement, reassurance and removal of any practical barriers for staff. Forced injections simply aren’t the answer.”

In an earlier statement, the general secretary said:

“Everyone wants the pandemic over and vaccinations are the route back to normality. But turning the clock back to Victorian times by forcing care workers to be jabbed isn’t the way.

“All those who can have the vaccine should. That’s clear. But the key to getting the numbers up is for employers, unions and the government to work together.

“Instead of leaping to the law, ministers could start by putting the funds behind a targeted advertising campaign aimed at care staff.

“The slow take-up rate in care across England is a disastrous consequence of the fragmented way the sector is organised. It’s no accident that far higher numbers of NHS workers have been jabbed.

“Employers can do their bit too. They could make it easier for staff to have injections and allow appointments during working hours so low-paid staff don’t lose out.

“Nervous staff need extra time. They must be encouraged to talk to colleagues who’ve had their jab and be persuaded there’s nothing to fear. Clear information to counter the anti-vax nonsense on social media is essential too.

“Mandatory vaccines smack of a bygone age or of authoritarian regimes. The care sector is already in crisis. It needs to hold on to staff, not give people another reason to take better paid jobs elsewhere.”

Veganism and the vaccine

We have received one or two queries about workers who have an ethical vegan stance and refuse to take the vaccine because it will have been tested on animals, as all

medicines are by law. UNISON is not your moral guardian and we will defend all members’ rights on these issues. However, you should satisfy yourself that your proposed course of action is correct for you; many vegan groups do take a position that people should not deny themselves protection in such circumstances. This is especially important if you could lose your job through refusing to have the vaccine.

Reaction to the vaccine

If you have had a particularly strong reaction to the vaccine causing you to have time off sick, UNISON argues that this should not count towards any totting up procedure under sickness absence policies.

Where we have recognition, we have managed to win this without difficulty.

But if you are having trouble with your employer about this issue or any other concerning vaccinations, please contact Derbyshire UNISON at once.

You, testing and the law

Some employers have introduced lateral flow device testing for staff and some have provided training for self-testing. It is not possible to answer all questions about testing plans and their effect on UNISON members as most of the situations we have had to advise members upon carry their own unique elements.

As with vaccination, there is no law that can force you to have a test, nor can you be forced to download the track and trace app. However, we believe it could be easier for an employer to demonstrate a reasonable need for their staff to be tested than it would be for them to be vaccinated. It is possible an employer could make a reasonable case for dismissal in some circumstances.

Therefore, if you have an issue with taking a test, you should discuss it with Derbyshire UNISON. We will advise on the legal issues.

There is more useful information on testing at Care England via [careengland.org.uk/guidance/testing-and-oximetry-monitoring](https://www.careengland.org.uk/guidance/testing-and-oximetry-monitoring)

Factsheet on COVID-19 Life Assurance Scheme: England

The NHS Business Services Authority describes the Social Care Coronavirus Life Assurance Scheme 2020 as providing:

“A payment of £60,000... to the estate of eligible individuals who die from coronavirus contracted during their frontline essential work.”

Questions

Q1. Who can benefit?

‘Eligible individuals’ who suffered ‘a qualifying death’.

Q2. What is the benefit?

The Scheme pays out a non-taxable lump sum of £60,000.

Q3. Who are ‘eligible individuals’?

Those who:

- Provided a service as part of the NHS or in social care
- Were NHS or social care workers or contractors or registered healthcare professional volunteers
- Were exposed to ‘a high risk of contracting coronavirus... (as an unavoidable consequence) of the work which they are contracted to carry out’

Q4. What is a ‘qualifying death’?

The death of an ‘eligible individual’ whilst the Scheme is operational where the Secretary of State for Health & Social Care is satisfied that the deceased:

- Likely contracted COVID-19 in the course of their work
- First showed symptoms within 14 days of being exposed to COVID-19 in the course of work
- Died wholly or mainly because of COVID-19

Q5. Are there any exceptions?

Someone who is not ‘eligible’ can be treated as being eligible exceptionally if they were providing services directly to people with COVID-19 and doing so likely contributed to their death.

Q6. Does the deceased have to have been a full-time, permanent employee?

No, they could be:

- full-time or part-time
- permanent or temporary, including agency workers and locums
- retired staff who returned to NHS employment
- a student taking up a paid frontline role

Q7. Who can apply?

- The deceased person's legal personal representative or one of them acting on behalf of all of the legal personal representatives. N.B. A personal representative is a person who has assumed responsibility for the deceased's legal affairs by obtaining 'Probate' or 'letters of administration'. They do not have to be a lawyer
- The solicitor to the estate

Q8. How do you apply?

The official form for England is [here](#).

- Once sections 1-4 have been filled out by the deceased's representative, the form is then passed to the deceased's employer to complete the process

Q9. Is there a time limit for applying?

The Scheme covers 'eligible' people who have died before the Scheme came into the effect. In England, it will continue to apply for up to six months after a date set out in The Coronavirus Act 2020. This is currently March 2022, so the Scheme will apply up to September 2022. In Wales, the closing date has been set at 25 March 2022.

Q10. What does the deceased's employer have to confirm?

They have to tick a box to confirm that one of the following applies:

- (a) The person was caring for or treating someone who had or was suspected to have COVID-19 and so came into close contact with them;
- (b) The person was testing or diagnosing whether someone had COVID-19;
- (c) The person was providing any other type of service in the same work place where (a) or (b) above were provided;
- (d) The person was exposed to a high risk of contracting COVID-19 that they could not reasonably have avoided, because of the work they did or where they did it.

They also have to confirm that the death certificate confirms COVID-19 as a cause of death or if not, explain why COVID-19 is a contributory factor in the death.

Once the employer has completed this process they will then send all the paperwork off to the NHS Business Services Authority, who administer the Scheme, for the claim to be assessed.

Q11. Will a payment under the Scheme be set off against any other payments?

No, it should not affect any rights under any pension scheme, or court compensation from a personal injury claim. And, depending upon the terms of the policy, it shouldn't be deductible from any life assurance policy payment.

*UNISON is there to support you in the tragic circumstances where you have lost a family member, who is a UNISON member, from COVID-19 contracted as a result of their work. To access this support or if you have any queries in relation to this factsheet or the life assurance scheme please call UNISON's 24 hour helpline on **0808 252 2783**.*

This is our team of senior UNISON officers, convenors and staff in the front line. You can contact them directly or via the Derbyshire UNISON office.

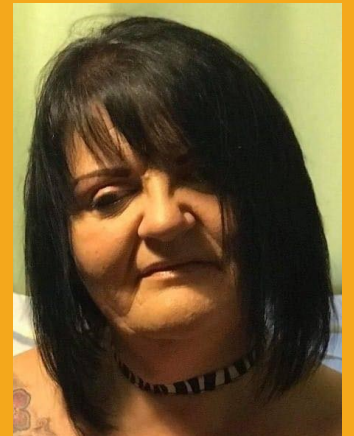
Derbyshire UNISON Office

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Although the actual branch office has been closed since March 2020 and will remain closed for the foreseeable future, the main telephone number has been re-routed to the branch secretary, **Jeanette Lloyd**, for the whole of that time. Indeed you may well be one of the hundreds of members she has spoken to over the last year!

If you don't know who to speak to from looking at this list of our team, contact the main number and Jeanette will be able to direct you or possibly answer your query herself. If you email, our support staff will immediately forward it to the relevant rep.



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All other councils

All non-council social care / education

All private companies

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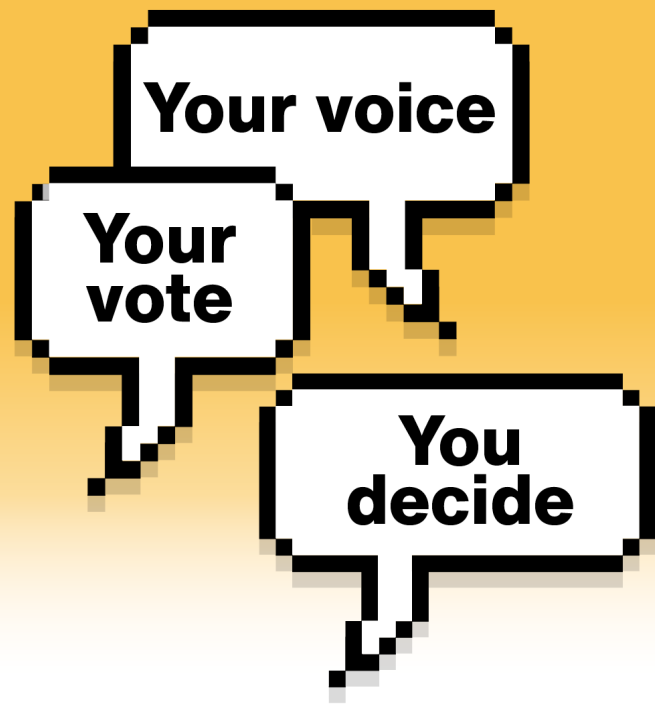
Academy schools

The correct representative will depend on which trust you work for (and, occasionally, which particular trust within the school). If you are not already in touch with a rep, ring or email the branch office [see P10] and we will advise you who to contact.

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National Executive Council Elections 2021

► Find out more at unison.org.uk/nec2021



What is the NEC?

The NEC is made up of representatives elected from all of UNISON's regions and service groups, as well as seats for four Black members, two young members and two disabled members. It has the power to act on behalf of the union and is responsible for implementing UNISON policy and delivering on the union's objectives and priorities.

When is the ballot?

The ballot opens on 4 May 2021 and runs until 27 May 2021. The results will be announced on 11 June 2021.

Voting Process

Members not on the UNISON central membership system on 4 February 2021 will not be eligible to vote in these elections. Only full members in the relevant region and service group are eligible to vote in this election.

Ballot papers

Ballot papers have been sent to members' home or other notified address. Members are provided with a pre-paid envelope for the

return of the ballot paper to the Independent Scrutineer. All voting will be by post. The despatch of ballot papers to individual members began on 4 May 2021.

Where members have previously requested materials in a special format e.g. in large print, they will automatically receive the ballot pack in that format. Any additional requests should be made to the ballot helpline.

Ballot Helpline

If individual members have not received a paper by 13 May 2021, they should contact the ballot helpline operated by UNISONdirect, on the following telephone number: 0800 0 857 857.

Lines are open from 8am to 8pm Monday to Friday. Members with hearing difficulties can use textphone 0800 0 967 968.

Members should endeavour to have their membership number to hand when telephoning.

The latest point at which members can request a ballot paper is 12 noon on 20 May 2021.