**HMPPS Guidance for managers undertaking a risk assessment for staff at additional risk due to COVID 19**

1. **Introduction**

HMPPS is committed to ensuring the Health and Safety of employees and others in the workplace. During the Covid-19 period, particular groups have been highlighted as being at a heightened risk when compared to the general workforce .These staff require a risk assessment in order to support them in the workplace, and where these staff are not currently in work, a comprehensive risk assessment must be completed before they return to work. In cases where a member of staff is already in work and an assessment has not yet been undertaken then the manager and employee must immediately initiate this process and complete as a priority by the end of the working day wherever possible.  Where there are immediate concerns/issues /control measures that cannot be resolved on the day then the member of staff should be placed on special leave and advised not return to duty until the risk assessment has been completed. This guide has been produced to support and advise managers in respect of how they need to engage with at risk staff and sets out the most appropriate and required methods to protect their health, safety and wellbeing.

1. **Background**

The groups identified by Public Health England and Wales (PHE) as being at ‘additional risk’ are those considered to be ‘extremely vulnerable’ (Annex C) due to clinical reasons, and those at ‘increased risk’ (Annex D) from Covid-19. Staff within either of these additional risk categories should be protected and will be removed from frontline duties if they so wish. Pregnant staff should not be working in prisoner facing roles at this time and may request to work remotely from their workplace during this period.

In forming this document, HMPPS have aligned with guidance published by the PHE, available at Gov.UK. The key worker role of HMPPS’ employees and partners has been recognised, so any decision should seek to meet the expectations to maintain operational activities, whilst supporting staff. We recognise that, like other key workers who provide a critical public service, staff may not have the option to work remotely.

In order to manage the risk faced by these groups, HMPPS requires a one to one risk assessment approach, involving an appropriate manager and the employee. Staff may be supported by a colleague or represented by a TU Representative. This is in order to ensure that the individual’s views and needs can be fully considered and must take place at the point where the member of staff makes the manager aware of their circumstances. This will enable options to be explored that mitigate risks, as far as possible, prior to a final decision on working arrangements being made. This risk assessment process should take into consideration the views of other parties as appropriate and where necessary the advice of local Health and Safety advisors. The risk assessment and control of all COVID -19 risk is a statutory requirement and Senior managers must ensure the risk assessment process is delivered.

To assist managers in the completion of this process a template risk assessment document is included (Annex A). It will enable;

* Key risk data to be recorded in a consistent format
* Consideration of available disclosed medical advice
* Views of the Employee and Manager
* Outcome of the discussions in relation to working arrangements including additional protective measures
* Agreed review periods

This review can be conducted over the phone and electronically if the member of staff is not in the workplace. If a review is conducted over the phone, a copy of anything agreed must be offered and E-mailed or posted to the employee following the review and the employee allowed to comment if need be.

1. **Roles and Responsibilities**

**Appropriate Manager:**

The line manager (or other appropriate manager) is responsible for supporting the member of staff and for providing assurance on the risk assessment process, including liaising with other appropriate roles set out below, as required in line with Health and Safety practice. It is important to recognise that this is a particularly worrying time and individuals in such situations will understandably have heightened concerns that they need to discuss.

The appropriate manager is also responsible for implementing the risk assessment process in accordance with the process flowchart (Annex C).

This will entail arranging an early meeting (applying social distancing) with staff in additional risk groups in order to discuss the risks associated with Covid-19. Important information is provided within this document (and on Gov.UK), which is designed to assist managers and staff with informing themselves of the current advice. Through the use of a confidential discussion, managers must record key information to enable a justifiable decision to be made in relation to the employee’s working arrangements during the Covid-19 period. The manager is also required to undertake a risk assessment. A best practice template (produced by the HMPPS Health and Safety team) is included at Annex A. Where a risk assessment has already been completed, managers do not necessarily have to use this template but should satisfy themselves that all of the risk factors in there are covered within their own risk assessment but must revisit their risk assessment as per the required . It is important to complete each section as fully as possible.

Where required, or where an agreement cannot be reached between the manager and the employee, it is important to seek assistance from professional services including Health and Safety Advisors, HRBPs and/or via a suitable Occupational Health Advisor (this service is being maintained throughout the COVID situation).

**Employee:** It is the employee’s responsibility to make the line or appropriate manager aware of their additional risk circumstances. All employees can seek the assistance of their trade union at any stage of the risk assessment process. They should then participate in the discussions with an appropriate manager in order to seek an agreed working arrangement. Where possible the employee needs to provide sufficient information to enable the manager to complete the risk assessment. The employee should then comply, as far as possible with the agreed outcome of the assessment.

**HRBP:** Will provide professional HR support as required via the escalation route included in Annex B.

**Health and Safety Team:** Will provide professional support as required via the escalation route included in Annex B.

**Occupational Health Service:** To provide independent reports following a referral by HMPPS management in line with Annex B. If there is a difference of view between the manager and the member of staff in respect of the medical risk, then an OH view must be sought.

1. **Safeguards Recommended for Additional Risk Groups**

It is widely publicised that social distancing plays a critical role in managing and controlling the Pandemic, with HMPPS actively promoting this for staff and prisoners. It is this practice of maintaining distance, supported with good environmental and personal hygiene that underpins the Nation’s approach to health protection.

Additional advice has been published relating to specific measures for consideration for those in additional risk groups. In summary;

**Extremely Vulnerable**

There is further information at Annex C on what is meant by extremely vulnerable. In accordance with PHE advice, HMPPS strongly advises this group to stay at home at all times and avoid any face-to-face contact if you’re clinically extremely vulnerable to protect yourself.

NHS is directly contacting extremely vulnerable people (with the conditions below) to provide further advice on shielding. Shielding is a measure to protect people who are clinically extremely vulnerable by minimising all interaction between those who are extremely vulnerable and others.   
  
Employees who are extremely vulnerable are advised to stringently follow the shielding and social distancing guidance. People in this group should:

1. Work from home if possible
2. If it’s not possible to work from home they should be given paid special leave.

Shielding means:

1. Do not leave your house.
2. Do not attend any gatherings. This includes gatherings of friends and families in private spaces, for example, family homes, weddings and religious services.

Strictly avoid contact with someone who is displaying symptoms of coronavirus (COVID-19). These symptoms include high temperature and/or new and continuous cough.

HMPPS is adhering to Government guidelines, with these advising that whilst shielding is for the individual’s personal protection, it remains their choice to decide whether to follow the measures.

For example, if the Employee has a terminal illness, or has been given a prognosis of less than 6 months to live, or has some other special circumstances, the employee may decide not to undertake shielding.

Employees are recommended to seek advice from their GP in the first instance, prior to discussing this issue with their manager. If the employee in this category does choose to continue to attend the workplace, they should receive a risk assessment to support that.

Staff wishing to follow PHE advice are required to ‘shield’ themselves.

**Increased Risk**

There is further information at Annex D on what is meant by increased risk.

Social distancing measures are steps you can take to reduce social interaction between people. The application of social distancing should be adhered to more stringently by those at increased risk.

They are to:

1. Avoid contact with someone who is displaying symptoms of coronavirus (COVID-19). These symptoms include high temperature and/or new and continuous cough
2. Avoid non-essential use of public transport when possible
3. Work from home, where possible. It is understood that the critical nature of HMPPS key workers may prevent this being achieved.
4. Avoid large and small gatherings in public spaces, noting that pubs, restaurants, leisure centres and similar venues are currently shut as infections spread easily in closed spaces where people gather together.
5. Avoid gatherings with friends and family. Keep in touch using remote technology such as phone, internet, and social media
6. Use telephone or online services to contact your GP or other essential services

For staff in the increased risk group, we would look to implement distancing in the workplace wherever possible in order to mitigate any risk. Priority must be given to facilitate this group in terms of flexible working arrangements, including working from home or other adjustments which limit contact with others. If it is not possible to make any adjustments to help maintain social distancing with others, paid special leave should be approved.

**Staff living with those who are extremely vulnerable**

There is further information at Annex C on what is meant by extremely vulnerable. Where it is not possible for the employee and an extremely vulnerable person to live in separate accommodation, the employee should stringently follow guidance on [social distancing](https://www.gov.uk/government/publications/covid-19-guidance-on-social-distancing-and-for-vulnerable-people/guidance-on-social-distancing-for-everyone-in-the-uk-and-protecting-older-people-and-vulnerable-adults), and stay at home as much as possible and reduce their contact outside the home.

These are difficult cases as the danger of any social interaction by the person caring for, or living with an extremely vulnerable person is very clear. Therefore, where an employee is in a role that requires them to attend the workplace and they are also living with and/or caring for someone who is classed as extremely vulnerable, on a case by case basis managers should explore whether there is any ability for the employee to work from home and if not, special leave with pay must apply.

1. **Other considerations:**

Managers are encouraged to look at whether work start and finish times can be staggered to reduce the numbers of staff in the office and help staff to avoid travel on public transport at peak times. It is also important to look at scheduling work around critical tasks first and foremost, to prioritise work and to also ensure that sufficient staff have been trained to provide cover on such work.

1. **Annex A**

**Template Risk Assessment**

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1. **Annex B**

**Process Flowchart**

Additional Risk Identified by Manager or Raised by Employee

Meeting Held between Manager and Employee

\*Phone meetings may be appropriate

Risk Assessment Template Completed to include Risk Factors, a summary of Working Arrangements and Additional Controls

Manager to seek Support from HRBP/H&S Team

If Clinical view required refer to OH

Implement Working Arrangements/ Shielding at Home

Set Review Point and Monitor

\*Minimum every 4 weeks

Risk Assessment Findings Not Agreed Risk Assessment Findings Agreed

Risk Assessment

Findings Agreed

Risk Assessment Findings Not Agreed

1. **Annex C**

**Who is ‘clinically extremely vulnerable’?**

Expert doctors in England have identified specific medical conditions that, based on what we know about the virus so far, place someone at greatest risk of severe illness from COVID-19.

Clinically extremely vulnerable people may include the following people. Disease severity, history or treatment levels will also affect who is in the group.

1. Solid organ transplant recipients.
2. People with specific cancers:
   * people with cancer who are undergoing active chemotherapy
   * people with lung cancer who are undergoing radical radiotherapy
   * people with cancers of the blood or bone marrow such as leukaemia, lymphoma or myeloma who are at any stage of treatment
   * people having immunotherapy or other continuing antibody treatments for cancer
   * people having other targeted cancer treatments which can affect the immune system, such as protein kinase inhibitors or PARP inhibitors
   * people who have had bone marrow or stem cell transplants in the last 6 months, or who are still taking immunosuppression drugs
3. People with severe respiratory conditions including all cystic fibrosis, severe asthma and severe chronic obstructive pulmonary (COPD).
4. People with rare diseases and inborn errors of metabolism that significantly increase the risk of infections (such as Severe combined immunodeficiency (SCID), homozygous sickle cell).
5. People on immunosuppression therapies sufficient to significantly increase risk of infection.
6. Women who are pregnant with significant heart disease, congenital or acquired.

People who fall in this group should have been contacted to tell them they are clinically extremely vulnerable.

1. **Annex D**

**Who is at ‘increased risk’?**

This group includes those who are:

* aged 70 or older (regardless of medical conditions)
* under 70 with an underlying health condition listed below (ie anyone instructed to get a flu jab as an adult each year on medical grounds):
  + chronic (long-term) respiratory diseases, such as [asthma](https://www.nhs.uk/conditions/asthma/), [chronic obstructive pulmonary disease (COPD)](https://www.nhs.uk/conditions/chronic-obstructive-pulmonary-disease-copd/), emphysema or [bronchitis](https://www.nhs.uk/conditions/bronchitis/)
  + chronic heart disease, such as [heart failure](https://www.nhs.uk/conditions/heart-failure/)
  + [chronic kidney disease](https://www.nhs.uk/conditions/kidney-disease/)
  + chronic liver disease, such as [hepatitis](https://www.nhs.uk/conditions/hepatitis/)
  + chronic neurological conditions, such as [Parkinson’s disease](https://www.nhs.uk/conditions/parkinsons-disease/), [motor neurone disease](https://www.nhs.uk/conditions/motor-neurone-disease/), [multiple sclerosis (MS)](https://www.nhs.uk/conditions/multiple-sclerosis/), a learning disability or cerebral palsy
  + [diabetes](https://www.nhs.uk/conditions/diabetes/)
  + problems with your spleen – for example, [sickle cell](https://www.nhs.uk/conditions/sickle-cell-disease/) disease or if you have had your spleen removed
  + a weakened immune system as the result of conditions such as [HIV and AIDS](https://www.nhs.uk/conditions/hiv-and-aids/), or medicines such as [steroid tablets](https://www.nhs.uk/conditions/steroids/) or [chemotherapy](https://www.nhs.uk/conditions/chemotherapy/)
  + being seriously overweight (a BMI of 40 or above)
  + those who are pregnant

For pregnant women from 28 weeks’ gestation (the third trimester), or with underlying health conditions such as heart or lung disease at any gestation, a more precautionary approach is advised and you should follow the advice on shielding. You should work from home if this is possible. If not possible you should be on paid special leave.

Employees over 28 weeks’ gestation who do not want to follow the shielding advice should severely limit contact with others by making adjustments.