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Sent by Email

5th November 2020

England Lockdown from 5th November 2020

I refer to the RICF Teams call on 4th November 2020 to discuss the Government announcement last weekend of a four-week lockdown in England from 5th November through to 2nd December 2020. As discussed, and requested, I am setting out the approach which was communicated on the Teams call.

Firstly, rail workers continue to be classified as 'key workers' and it is important that the railway continues to operate to enable essential workers, school children, college and university students as well as those working in other sectors that will continue to operate normally to be able to travel. It should be noted that guidance on the use of public transport is not being discouraged unlike during the last nationwide lockdown.

Emergency Timetables

It is not proposed at this time to introduce an emergency timetable across the UK for the proposed four-week lockdown in England.

Each TOC is currently reviewing the level of services and matching this to expected passenger demand levels and potentially higher absence levels. This will see some reductions/changes to the levels of services from the December timetable and reflects the current expectation that there will not be any significant uplift in passenger demand and revenues before Spring 2021.

The situation will be closely monitored over the coming weeks and months and if there are any changes to the above then this will be discussed within the respective business.

Approach

Both Wales and Scotland as well as some regions in England that have been placed in tier 3 have been operating broadly the equivalent to the new England lockdown measures that will be introduced from 5th November. This includes the advice that if you are unable to work from home then you should attend for work normally.

The experience gained from both the previous nationwide lockdown as well as local lockdowns together with a better knowledge and understanding from the scientific analysis of the virus enables us to plan and respond more adeptly. This approach is considered to have been successful without the need for any further material changes to methods of working with only some minor pragmatic adjustments.

This approach incorporates the range of actions already implemented by employers to adopt COVID-19 secure workplaces including the adoption of the RICF social distancing principles wherever possible together with additional mitigations should these be necessary to undertake specific tasks which have been subject to risk

assessments. In addition, other mitigations including the RICE additional measures for undertaking driver training and competence development and the wearing of face coverings when using public transport.

As a consequence and by following the Government advice that if you are unable to work from home then you should attend for work normally, there are no proposals to stand employees down, the approach being taken does not involve proposals to stop or reduce current activities on a generic basis such as catering and revenue protection.

Where the opportunity exists to be able to undertake a specific task, e.g. via technology to avoid face to face and/or avoid unnecessary travel etc. or in COVID secure environments then these will continue to be considered. In the case of medicals these will be deemed as essential and will be required to be attended in person unless it can be agreed that a phone consultation is able to be undertaken with the occupational health provider.

Clinically Extremely Vulnerable (CEV) Persons

The Government has also published updated guidance this week for Clinically Extremely Vulnerable (CEV) persons which is replacing the former 'shielding arrangements' that ceased at the end of July.

In recognising that our businesses operate a COVID-19 secure workplace and the updated CEV criteria it should not be automatically assumed that employees who were advised to shield previously will need to do so during this second England lockdown.

Where an employer is already aware an employee has been classified as CEV based on the information and evidence already provided to either their line manager or company OH team and their role/duties mean they are unable to work from home the employee will not be required to attend for work and will be regarded as sick for the purposes of sick pay purposes. They will be eligible to receive their company sick pay entitlement (i.e. not subject to reduction if entitlement becomes exhausted under contractual arrangements with any booked/rostered Annual Leave falling due, being taken). The employee will be expected to provide documentary evidence (letter from their GP or health authority) confirming they are CEV within a reasonable time scale.

For new CEV cases, the employee will need to provide information and evidence to their line manager and where necessary it may be necessary to refer them to the company OH team to determine whether they meet the CEV criteria. Where it is confirmed they fall within the criteria of a CEV person this will be treated the same as already known cases set out above. The employee will be required to provide documentary evidence at the earliest opportunity and no later than 4 weeks. Alternatively, if it is not confirmed they meet the criteria for a CEV person then they would be expected to attend for work normally.

Clinically Vulnerable Persons

In the updated Government guidance, there is also reference to persons who are over the age of 60 or deemed clinically vulnerable (over the age of 70). As with the previous shielding category, now CEV, individuals who are known to be Clinically Vulnerable should already have an Individual Health Risk assessment in place. For employees over the age of 60 employers will be writing to advise them of the government statement and for them to take particular care and attention to the already established control measures within the workplace and ask they address any additional concerns direct with their line manager.

Where employees are not able to attend for work due to showing symptoms and required to self-isolate in compliance with Government guidance sick pay will be applicable, in line with contractual arrangements. Qualification periods for new entrants (i.e. with less than six months service) consideration will be given to these being waived.

All sickness absence related to COVID-19 will continue to be excluded from company sickness absence monitoring procedures.

I trust that this reflects the discussion on the RICF call yesterday and that you find this information helpful.

Kind regards,

A handwritten signature in black ink, appearing to read 'Andy Meadows', written in a cursive style.

Andy Meadows
Chair of Rail Industry Coronavirus Forum (RICF)