

Thank you for your email dated Wednesday 21 October 2020. We are acutely aware of the challenging situation currently faced by both the University and as a nation.

We fully understand that this year looks and feels different for all of us and we understand that your members have concerns following the return to campus. We of course wish to bring certainty and reassurance to all of our staff during these unprecedented times and, with that in mind, we want to reassure you that the health, safety and wellbeing of our students, staff and the borough community is our absolute priority.

Like all universities across the sector we have been working hard to ensure that our estate is as Covid-secure as possible. We continue to follow government and Public Health England advice and guidance. The pandemic has meant that we are often working at pace but we can re-assure you that all actions taken are aligned to the national guidance and underpinned by robust and resilient contingencies to enable us to respond to public health issues swiftly.

As members of the Royal Borough of Kingston Resilience Forum, we are in regular contact with our public health colleagues, local authority and multi-agency partners to ensure a joined up and collective approach. The University has worked closely with Public Health England and Kingston Council to develop its outbreak management plan, which has been endorsed by the Local Director of Public Health. We have worked together to ensure consistent messaging throughout the pandemic so that our University community alongside our local community are fully aware of what they need to do to keep both themselves and others safe.

Our priority has, and will always be, the health, safety and wellbeing of our staff and students. We have many measures in place across our campuses to ensure the safety of our University community and to minimise the spread of infection, in line with government and public health advice. These control measures include enhanced cleaning, the installation of hand sanitising stations and perspex screens across the estate, clear signage to promote social distancing, coupled with regular communication with our staff and students.

To date we have appreciated both the positive and proactive nature of the discussions that have taken place between the University and colleagues from both UCU and Unison and remain hopeful that you will continue to work with us in a positive way and provide reassurance to our staff.

We will continue to communicate with staff and students through a variety of channels including all staff and all student emails, StaffSpace, My Kingston, the University website and the University app as we navigate these unprecedented and challenging times. Following receipt of your correspondence please find attached our responses to each of the points raised in turn.

The risk assessment falls short in that;

It is out of date (September 2020), is not updated sufficiently frequently and does not reflect the current local and national situation. It is unclear where changes, if any, have been made since previous versions and how such changes might relate to the national situation.

We are currently revising this document, which is of course a dynamic one. Version 1.12 is in preparation and will be circulated shortly. While the document is dated as September, the overwhelming majority of its content is still relevant and timely. The only significant changes made since the date of the published version have served to lower the overall risk: for instance, the availability of the NHS Test and Trace app and the siting of QR codes. The national and local situation is detailed in the opening section entitled Activity/Situation description.

It identifies many areas where control measures may be required but lacks detail about how and if these have been implemented/ achieved. It lacks clear instructions to staff about how to respond in the light of a failure of any of the control measures.

The risk assessment document summarises the control measures identified to mitigate the relevant hazards in order to control the overall risk, and states whether or not the measures required are in place. Risk assessments of this type are conventionally succinct, and identify whether or not emergency processes are in place rather than aiming to detail them fully within the document itself. In several instances, other documents which provide additional detail are available via hyperlinks (eg the Outbreak Management Plan).

Staff have no access to current risk assessment information - as of Friday 16th Oct 2020 the main route from Staffspace to the risk assessment and related documents leads to: H&S plan, dated 9th July 2020 v1.4

We will revise this link. The particular document in question largely covers campus re-opening, and as such it may be more appropriate for us to withdraw rather than update it.

H&S assessment, link is broken reported as 'cannot be found'

We are grateful for this notice, and have asked Communications to resolve this particular issue.

Covid-19 secure declaration, dated 14th July 2020.

This statement is still current.

UCU H&S representatives have not been invited onto campus to carry out inspections as part of the risk assessment process. There has been no meaningful consultation with UCU H&S representatives as the university H&S Committee has not been convened since before lockdown in March and is not due to meet at all until 18th November 2020. Committee meetings have not been conducted in accordance with paras 90 to 98 of the HSE Code of Practice and Guidance 'Consulting workers on health and safety'. The failure to consult is a

breach of Reg. 9(2)(a) of the Safety Representatives and Safety Committees Regulations 1977 (as amended) and s.2(6) of the Health and Safety at Work Act 1974.

At an early stage in the national lockdown, the decision to postpone the University Safety, Health and Security Committee was taken following consultation with the chair and reflected a highly dynamic situation. The main items that would have been raised at the Committee during that period were summarised and circulated to all members for comment, and there was no subsequent request for the meeting to take place made at the time. The 18 November meeting is scheduled at the normal point in the academic cycle.

There have been regular and frequent meetings between the University and UCU H&S representatives throughout the affected period, and constant dialogue. The University does not therefore accept that there has been no meaningful consultation throughout. The formal processes and procedures envisaged by the legislation will inevitably need to be flexible during unprecedented times.

While we are unaware of any previous request to do so, we are happy to comply with any written notice given by UCU H&S representatives in accordance with Regulation 5 of the Safety Representatives and Safety Committees Regulations 1977 that they wish to inspect the workplace or a particular part of the workplace.

Specific failings of the risk assessment include:

There is no evidence that it has been reviewed in light of increases in the number of positive Covid-19 diagnoses amongst staff and students nor of the increased R-rate locally. It provides no detail about the reporting of positive cases nor of any subsequent monitoring, tracing and control protocols to be followed in the event of a positive alert.

The University will continue to comply with all government guidance and restrictions that are introduced to manage increasing numbers of community acquired infections and amend the risk assessment to update any particular control measures where they need to change.

The purpose of a risk assessment is to identify the steps that need to be taken to mitigate a particular hazard rather than to provide full details of those control measures, such as the procedures for the reporting of positive cases. Links exist within the document itself where further details relating to specific control measures can be found.

It identifies many areas where measures are required but provides no information about implementation.

The purpose of the risk assessment is to identify existing hazards, quantify the levels of risk, and establish the control measures that are required, rather than to provide comprehensive detail about implementation.

It recommends that work that can be undertaken from home should continue to be undertaken at home, this is directly contradicted by the simultaneous insistence on face to face teaching in many areas and disciplines. It states that lectures will be online and only

small group sessions will occur on campus, this is directly contradicted by the scheduling of large group lectures to take place on campus.

The University concluded that blended learning, which does require an element of on-campus teaching as well as other on-site activities to support the student experience, is a reasonable and proportionate approach to take and is in accordance with government guidance. There is no expectation that staff should attend campus other than as required to carry out these on-site activities. According to the last Staff Wellbeing Pulse Survey, the majority of staff continue to work solely or mainly from home. The document covers the whole University function: the professional services group continue to work from home where possible.

Where teaching takes place on campus, the capacity of all teaching rooms around the University has been reduced in line with social distancing guidelines. While most take place in small groups, a few larger spaces are available and are used with significantly reduced numbers, for example, the capacity of two of our large lecture theatres has been reduced from the usual 304 to 105, and from 350 to 88, depending on the layout of the room and guidance on social distancing.

It includes very tentative language, such as 'likely', 'may' and refers to issues 'to be done' 'to be addressed' 'to be checked by a competent person' 'to be finalised' 'under consideration'. There are no completion dates nor indications of completion.

The risk assessment format used follows an industry standard pattern in line with regulatory and standard-setting bodies (eg The Institution of Occupational Safety and Health). Rather than being an overall control document detailing all measures taken, it identifies hazards and assesses risk in terms of likelihood and mitigation.

In reviewing and updating the risk assessment document, actions will be acknowledged as having been completed, and where appropriate new control measures to mitigate risk will be included. The risk assessment is a dynamic document and is supported by a variety of records.

It does not include any breakdown of risk by vulnerable groups and/ or populations particularly at risk, in particular with respect to the courses for which a minimum requirement of 30% face-to-face teaching is being implemented.

The last page of the risk assessment specifically aims to consider the additional hazards faced by those in groups that are particularly vulnerable, and we are carrying out further analysis on affected groups. Through the new ways of working induction process, particular attention is paid to specific health risks or vulnerabilities.

The branch demand that the following information and updates be provided immediately as a minimum. This list is not exhaustive and changes or additions may be necessary as the national and local situation develops.

Online teaching as per UCU and SAGE national advice (i.e. where possible) to reduce risk of infection to both staff and students.

We are following a blended learning approach in line with government guidelines. Our delivery is in line with government and public health advice, and we believe blended learning provides the best student experience in the circumstances, and that the risk of transmission during campus based teaching sessions can be reduced so far as it is reasonably practicable to do so.

A detailed account of all procedures and mechanisms for contact tracing on campus. The university has stated that it is using the NHS tracing app as its main contact tracing source along with other measures using KU resources. It is noted that staff and students are encouraged to download the app but it is not compulsory. Signing in via the app is not rigorous enough and should be monitored. Placement and frequency of NHS QR codes needs improving across campuses.

All staff and students attending campus are encouraged to follow national guidance and use the NHS Covid-19 app. It would not be reasonably practicable to exclude people who are unable or unwilling to do so. Other procedures are in place to help track individual movements. We are happy to provide and publish a document that sets this out in more detail.

If an individual does not have access to the app then contact details should be taken at all entry points as default. Information should be explicitly provided to staff and students who are unable to download the app on what they should do in terms of COVID-19 track and trace reporting.

The university states that other KU resources may be used for contact tracing. What are such other KU resources and how are they used?

We are able to use information from the following sources to assist in this matter. In general, they include

- information from SEATS and timetabling
- access control records and login information from University computers, and possibly WiFi log in if needed
- contacts in the faculties who will help us by investigating timetabling and speaking to lecturers

The sources above are used where needed and in combination the information from Public Health England and the NHS Test and Trace system.

We must see detailed protocols to be followed and evidence that all such contact tracing approaches are working effectively and in a timely manner.

The University processes have been provided to and discussed with PHE, the LCRC and RBK and relevant changes made as a result.

A clear route for the escalation of safety issues that will lead to immediate action must also be made obvious.

We are holding regular, typically weekly, JNCC meetings with a range of senior staff present. These have been used for raising a series of health and safety issues and we are happy for these arrangements to continue. Any concerns raised at these meetings can be escalated to the Oversight Group and onto Silver Command if required. In most instances, issues raised will be dealt with via the H&S team in consultation with other departments of the University as appropriate and reported back to the JNCC.

Regular (weekly) publication of numbers of positive cases and evidence of informing LCRC (London Coronavirus Response Cell) to illustrate that KU is meeting PHE requirements. This, to include reporting of turnaround times and summary of actions taken in contacting and tracing across KU campuses.

The University confirmed at the JNCC meeting on Friday 23 October that it will shortly be publishing on our website statistics of those who have contracted Covid-19.

An equal opportunities risk assessment, particularly for staff at higher risk of infection, and those with vulnerable persons within their household/ support bubble. Evidence of a working system of identification of vulnerable and at risk staff and of consideration and allowances made in support of such staff.

Comprehensive Equality Impact Assessments have been developed for each of the Campus Re-enablement workstreams and will shortly be available for publication.

An active protocol for preventative stress control, and management of stress related issues, particularly in relation to increased workloads. Monitoring of equity in workload distribution across staff involved in face to face teaching. A clear instruction to Line Managers in this respect should be issued.

UCU colleagues are aware of the three Staff Wellbeing Pulse surveys that we have run since June, with a fourth due to launch next month. The results of these surveys are published in full on Staff Space and the results discussed at faculty leadership groups so that issues can be picked up locally. We also share the headlines with union colleagues at the JNCC and we have collectively identified a concern about workload issues, which is the biggest concern of staff both working on campus, continuing to work from home or working in a hybrid way. There has been an initial discussion with UCU and UNISON representatives (Tuesday 20 October) in addition to discussions at JNCC to understand the issues that staff face and to collectively find solutions. There is clearly much support already in place for managers and staff to assist with workload and other issues that staff and managers have in working and managing remotely, and some helpful suggestions have been made about how we can improve this.

We intend shortly to relaunch the wellbeing support package that we have as a major communication to staff and students, and would like to thank both unions for their

constructive engagement on this. This will include reminding staff that if they have concerns about workload or stress, they should raise these with their line managers and can also speak to HR, their union rep (if applicable) or get confidential advice, support and counselling via the EAP service that is available for all staff to access. Referrals to OH and stress risk assessments can also be carried out if required.

At a local and operational level :

A clear protocol for staff to follow when students do not or refuse to adhere to KU guidelines e.g. mandatory face coverings, social distancing.

We have marshals in place and we are instructing our students to take the relevant precautions and behave responsibly. It has recently been agreed to retain the marshals in place until the end of term, as it is recognised that this level of support is required at present.

Improved and working one way systems in operation, current directional systems are inadequate in places and better alternatives are available e.g. Sopwith Building.

These arrangements are under constant review. In some of our older buildings we have had to adopt the best practice possible in the circumstances where there are limitations due to the design of buildings themselves.

Evidence of completion of induction for all staff and students, including HPLs, GTAs and other post graduate 'instructors', and that all have access to current and up to date safety and risk assessment information.

We have been reporting the numbers of staff who have completed the New Ways of Working induction process regularly at JNCC and will continue to do so. H&S risk assessments for buildings have been carried out, and individual risk assessments are carried out via the Induction process, which was developed in consultation with UCU and UNISON at the JNCC meetings.

An immediate review of the impact of switching off air conditioning in teaching rooms and/or access to switching off air conditioning to be disabled for staff and students (it has been brought to our attention that there have been instances where air conditioning in teaching rooms has been switched off - presumably by students who are spending long days in cold rooms).

Thank you for bringing this to our attention: we have asked KUSCO to address this.

Evidence of cleaning between teaching sessions – particularly of teaching stations/ lecterns where many staff may be teaching at the same lectern during the course of the day. Academic staff do not have access to PPE or materials in order to undertake this and should not be asked to do so. Such cleaning between teaching sessions should be undertaken by professional cleaning staff with clear instruction of when and where and with appropriate protection provided. The regularly updated information should then be clearly displayed on

a chart or other record (similar to the type of cleaning rota seen in bar/ restaurant facilities) and displayed where visible to all staff and students.

Academic staff can request virucidal wipes from the KUSCO FM helpdesk should they wish to. The University are confident that the cleaning regime introduced is appropriate and in-line with government guidance. The chemicals used to clean the premises are designed to work for 8 days: we are applying these at a minimum every 24 hours.

Evidence and documentation of Line Manager discussions/ consideration of circumstances in cases where staff have expressed reluctance/ apprehension about returning to campus.

We have shared details of the numbers of staff undertaking the induction process as highlighted above, including the numbers expressing concerns, and we are happy to continue to do so. We know that as a result of these discussions (which are local discussions), a number of staff have not returned to campus in agreement with their line managers. It would be useful if UCU could share with us details of cases where staff have raised legitimate concerns that cannot be mitigated and where they have still been required to attend on campus. It should also be noted that there is a significant cadre of staff who are currently working from home and who are very keen to return to campus. We are also looking to support them in their wishes, where possible.

In all cases, we have [provided guidance](#) to line managers that when having these discussions that they should adopt a sensitive and supportive approach in all circumstances, but especially where staff are from particular vulnerable groups.

Clear communications to students on expectation of behaviour on campus and advice on risk, monitoring, notifications etc.

These have been published on [My Kingston](#), have been sent in weekly student email bulletins since the start of term, and there is an abundance of material on campus, such as banners, posters and digital screens, to explain the behaviour required on campus.

Clear advice to staff to report any breaches of health and safety legislation including to trade union reps and/or the HSE via union.covidconcerns@hse.gov.uk.

Our [Covid-19 secure declaration](#) provides the contact point for students or staff to report any concerns to the University.

KU UCU are mindful of the employer's duty of care to staff and students to protect them from harm. We believe that current practices being reported by staff to KU UCU and subsequent responses from management are failing in this respect.

Similarly, KU UCU note the university's moral and civic duty to take measures to prevent transmission of Covid-19 within the university and local community. Again, we believe that the actions of the university and guidance from management fall short in this area.

The University has a duty to reduce the risk of transmission to the lowest level that is reasonably practicable whilst still operating as a University.

There is currently no evidence of significant levels of transmission between staff and students in a teaching setting.

So far all the clusters of infection we have seen stem from groups of students in a domestic setting (typically infections revolve around students in all but a handful of cases).

The University believes that the investment it has made in resources, building adaptations and control measures implemented provides clear evidence that we are fulfilling our duty to, as far as is reasonably practicable, ensure the health safety and welfare of staff and students.

We believe that the university has a duty to inform staff and students immediately when possible contact with an infected person has or may have taken place. Students in the same cohort may be in closer contact than just the class setting including eating, socialising, travelling and living together. Informing staff and students and providing details of potential contacts allows those individuals to assess their own risk of exposure and take necessary action.

The University has provided comprehensive advice as to how to avoid contact, and it is this advice that should be followed to prevent infection. Where an individual tests positive they are required to provide details of all close contacts to NHS Test & Trace. If they have been using the NHS Covid-19 app automatic alerts will be triggered.

We do not believe that it is necessary nor compliant with our obligations under GDPR to inform all staff and students each time that a member of our community tests positive. We believe our current procedures reflect PHE and LCRC guidance.

The NHS test and trace system is widely acknowledged to be performing very poorly, often taking days to notify of potential close contacts, if at all. Reliance on this system is an insufficient and unco-ordinated approach to infection control in the university setting. The app, even when used, cannot trace to the level of classroom and module where transmission is most likely to occur. The university should be urgently seeking a better and more systematic approach if it really wants to protect staff and students and avoid a major outbreak.

It is not reasonably practicable for the University to develop an alternative to the government test and trace system. However, there are already a number of sources of information that are used to analyse the risks of transmission that supplement the NHS Test & Trace system. We are keeping those procedures under constant review and have refined them since the start of term. This process will be ongoing and where improvements are identified they will be considered.

We urge the university to seek and follow official, scientific advice e.g. Sage and the advice of the UCU national.

We continue to keep abreast of all government advice to refine our processes.