



September 8th, 2020

Dear James,

I am writing on behalf of UCU at Anglia Ruskin University. As you know, we called for an Emergency meeting of the University's Health and Safety Committee, which was assembled on September 3rd. Prior to the meeting, we issued a set of questions and requests for further information. On the morning of September 3rd, we received a letter from you setting out the response of the University. All of this correspondence is presented in the attachments accompanying this letter. The following text has been prepared by the Executive Committee of the local branch of the union and was agreed unanimously when we met today, September 8th.

Thank you for taking time to consider our concerns and for attending the meeting on September 3rd. In presenting our rejoinder to both your letter and to respond to the revelations subsequent to that short meeting, I am reminded of the phrase used by the Vice Chancellor when we met last year to discuss UCU concerns about the performance of the former Director of HR, shortly before her departure, when he said that we should all be careful about how our words land. But, as I am sure you will appreciate, given the severity of threat to our community presented by the Covid-19 pandemic, spaces for the emollient turn of phrase are somewhat limited.

UCU is of the view that the University's starting point is wrong. Most of the documents prepared and relied upon by the University rest upon the premise that only staff who are not 'student facing' or do not provide essential support services should continue to work online. We are of the view that all those staff who can continue to work from home should do so. Colleagues have demonstrated clearly over the last five months that they are more than capable of working effectively from home. It is the University which has engineered a situation where staff are being required to return to campus when they could quite easily and effectively do so remotely. The health of staff, students, and their families should not be placed at risk for the sake of the University's ill-judged and commercially driven decision. Although you have said this was not an 'easy' decision, there does not seem to be much evidence that the University ever considered seriously any alternatives or the implications of its decision on the health of staff, students or the wider community.

The HR 'Flow chart' for return starts with the question 'does the employee need to be on campus?' This is a deliberate mistranslation of the real question which still should be, 'can the employee continue to work from home'? Has HR identified those who can continue to work from home? Where is the evidence that this exercise has been carried out? In relation to individual risk assessments, working from home is

described as an 'option' as an alternative to campus return. Again, this is completely wrong. Returning to campus should be the exception to the rule, not the rule from which working from home is an optional alternative.

The Risk Assessment document itself is still not complete. There remain many points that refer to 'links' being provided when complete, but not yet inserted, or points which are delegated to 'local decisions' without further information and without any indication of what risk assessment has been carried out 'locally', if at all.

The frailty of the approach adopted is illustrated further, when we come to consider the question of how risk is to be monitored and enforced. In previous meetings, it was suggested by management representatives, this may be given effect by encouraging a 'culture of compliance'. This is hopeless. We note the commitment to create, *Safe Behaviour Ambassadors* but there is no indication as to how many staff will be appointed, who they will be, what training they will have, where they will be deployed and when, as well as details of their enforcement powers.

There have been many instances reported in the press since lockdown restrictions began to ease which amply demonstrate that, when given the opportunity to associate more freely, people will ignore the rules, either deliberately or inadvertently. It is in the nature of students to want to meet and socialise with their friends and fellow students. It is unlikely that they will allow social distancing rules, especially where enforcement is weak, to prevent them from doing so. It is also in the nature of young people to believe they are 'invincible' and not to have the same appreciation of risk as more experienced members of the community. A recently published UCL study has suggested that, whilst young people are less likely to be vulnerable to COVID-19, they are the biggest 'transmitters' of the disease. This is a matter of particular concern to our members, who are much more likely to be vulnerable but are being expected to spend lengthy periods of time in close proximity to students. No amount of 'hoping' (the word of the University's Compliance Officer) that people will be sensible, have a degree of responsibility, and follow the rules because signage tells them to, will overcome these inherent human traits.

We note the decision not to mandate the wearing face coverings in open plan offices. Why not?

There are many further questions, not least how social distancing is to be guaranteed. But the point is that the approach being adopted to manage risk is not fit for purpose.

UCU is of the view that the claim Campus is COVID-19 Secure is nothing more than a mere assertion. There is no indication or confirmation of who has made this judgment or how that judgment can be justified objectively. We know from the experience of colleagues who have been onto campus that many of these measures have not been implemented. There does not appear to be any evidence upon which this assertion can be confirmed.

UCU continues to be inundated with concerns from members which indicate the University is far from being Covid secure. To give one example,

“I am becoming very concerned about how the risk assessments have been conducted in the basement of the Ruskin building. I was informed yesterday that we cannot have exhibitions in the basement exhibition space as the corridors are too narrow and the airflow is not sufficient, nevertheless staff are expected to work in the same rooms and use the same corridors during f2f teaching.

I am also concerned that the impression was given that 'additional ventilation' has been installed in the rooms in the basement. This is not correct. The 'additional ventilation' mentioned are extractor fans in the darkrooms installed approx 5 years ago. The extractor fan disposes of photographic chemical fumes in a closed photographic lab and should not be considered as ventilation for the room or the wider basement.

The photographic teaching rooms and the computer suites have very low ceilings, which will hinder the airflow even more. The windows are also small and do not fully open. “

The concerns of another member are also illustrative of the dangers present,

I am alarmed by my face-to-face timetable: every second Monday for 6 hours, with a one-hour break. The first two hours are in LAB 222, the last four hours are back-to-back in LAB 212. I have taught in those rooms before; the windows operate on an 'automated' system and cannot be opened manually. This means that I will be in an unventilated room for 6 hours. I am also assuming that this room will be in continuous use all day (I don't have access to rooming data) with no interim periods to allow for ventilation. That is, I (my students and my colleagues) will be stepping into a room full of floating aerosols that have nowhere to go in a room with no open windows.

UCU remains alarmed by the fact that the University has sought to validate the Risk Assessment by paying the legal firm, Eversheds Sutherland to signal approval. We are reliably informed that this firm are not Risk Assessment experts, nor are they experts in the transmission of communicable diseases, nor are they experts on the transmission of and vulnerability to COVID-19. Furthermore, it is not possible for the solicitors to verify that ARU has implemented sufficient control measures, when they have never visited campus. We know from the experiences of those who have visited campus recently that these measures have not been implemented. Asserting that something has happened is not the same thing as implementing it in practice. If that was not enough, we understand that the expertise of Eversheds Sutherland lies elsewhere, in defending large organizations against allegations of breaches of Health & Safety Law. This is hardly inspiring!

The answer you have provided about the COVID-19 age calculator is also unsatisfactory. Our concerns do not appear to be answered directly. Where an answer has been given, it is largely inaccurate. The COVID-19 age checker is itself based on some very uncertain scientific assumptions and limitations acknowledged by the authors of the paper upon which the model is based. It is designed for health care professionals to make clinical judgments, and is therefore an unsuitable tool to be used by line managers who have neither the qualifications nor experience to make such judgments. It is asserted that the 'age checker' is not the only tool to be used, but it is the only tool provided upon which line managers are expected to make decisions about the return of employees to campus. Experience of members has shown that it is the only model being relied upon, inappropriately, by line managers in practice. It is also asserted by ARU that factors such as the severity of certain conditions on vulnerability and the risks of transmission to family members are not excluded by the 'age checker', but these factors are not included anywhere within that document.

Individual risk assessments are still not adequate. They do not address the basic minimum to satisfy the Health and Safety Executive guidelines. This was pointed out by UCU in previous meetings but not addressed at all. Individual risk assessments do not assess the risk to individual members of staff (or groups of staff) in each specific work setting (teaching room, office, home etc), and do not consider any of the relevant factors, such as environment, task to be performed, level of threat or availability of resources to manage any identified threat.

UCU is also still concerned about the ability of line managers to carry out individual risk assessments in a competent and fair way. UCU has been made aware of a number of recent instances of line managers suggesting that members 'had to' disclose sensitive personal information in connection with risk assessments and COVID 'age checkers', in clear breach of HR's own guidance to managers and staff (and possibly in breach of human rights and data protection legislation). Such behaviour not only reinforces UCU's concerns about the ability of some managers to perform the assessment task appropriately, but also raises further concerns about whether some managers take the trouble to read and follow HR guidance at all.

Notwithstanding the appalling set of results from the recent staff survey, which highlighted very high levels of distrust in managers across many parts of the institution, it should be acknowledged also that line managers are being placed in the invidious position of having to conduct risk assessments (a skill that is quite possibly beyond realization due to lack of training), while also trying to grapple with the problem of allocating teaching responsibilities to colleagues. A conflict of interests is being imposed upon our line managers, one that can only further a dynamic corrosive of trust.

It has not gone unnoticed, despite various promises in early summer of imminent delivery, that many staff still do not have sight of timetables or our AWBMs. Teaching is supposed to start in less than two weeks! It will come as no surprise that

the failure to deliver on the redemption of these promissory notes is a cause of widespread anxiety, at a time when colleagues are under immense strain.

With regard to our request that the University reveal plans to manage anticipated rising sickness absence, all that has been revealed is that no such planning has taken place. UCU has repeatedly called upon the University to acknowledge the problem and to plan accordingly. The suggestion that sick staff will be able to carry on working from home, to deliver online teaching is unacceptable. When staff are signed off sick the University has no right to expect any work to be performed.

With regards to attempts to control communications to students about outbreaks, the answer provided simply confirms the position that the University is more concerned about controlling its reputation and financial interests than looking after the health of its staff, students and wider community. All information must be 'censored' through the University's public relations mechanisms. This goes to highlight the concerns UCU has expressed previously that the University has no proper plan in the case of a positive test or an outbreak of COVID-19 on campus.

UCU notes the University has attempted to suggest our union is somehow and, in some ways, jointly responsible for the decisions that have been reached regarding the plans for returning to campus and the new working arrangements which have been devised. Let us be absolutely clear, at no time have we given our agreement and has been made clear above there have been a number of instances where suggestions from our representatives have been ignored. We have repeatedly made clear that the University's Risk Assessment is something which cannot be approved by the local branch and officers. We have stated categorically that the Risk Assessment must be sent to our Head Quarters and to our Regional Official, Lydia Richards, in particular. With regard to working arrangements, we have repeatedly stated that the proper place for such discussions is the Joint Consultative and Negotiating Group. So, the University cannot seek to legitimize key decisions in the eyes of staff by making the claim that we have had ample opportunity to shape decisions. That is simply untrue.

Anglia Ruskin University must answer to staff, students and the wider community. As Jo Grady, our General Secretary, has pointed out and as many other authoritative sources confirm, the mass migration and assembly of students represents a major, foreseeable and therefore preventable threat to health. Mental health is already under siege. The return to campus fans the flames of the pandemic. At the Emergency Health and Safety meeting on September 3rd, when it was pointed out evidence from universities in the USA highlighted the folly of face to face delivery, you responded by asserting that drawing upon such comparative examples was "dangerous"! However, the official SAGE report, ***Principles for managing SARS-CoV-2 transmission associated with higher education***, released on 3 September 2020 (<https://www.gov.uk/government/publications/principles-for-managing-sars-cov-2-transmission-associated-with-higher-education-3-september-2020>) makes extensive use of US examples. The Report also states very clearly, "A clear principle from the hierarchy of risk control is that elimination (e.g. removing in-person activities) is the

most effective approach to control transmission". As far as UCU is concerned, the greatest and present danger to staff, students and the wider community is the misguided and irresponsible decision to subordinate safety and health to the demand of revenue generation. UCU still recalls the pronouncement of the Vice Chancellor at the start of the pandemic, when he stated that the University would seek to be the best employer possible. We welcome that commitment. And we wish to see it realized. At this final hour, we call upon the University leadership to face the facts and abandon commitments to face to face teaching.

Yours sincerely,

Dr John Hogan

Chair of Anglia Ruskin University and Vice Chair of Eastern and Home Counties
Region, University and College Union