# BLM COVID ASSIST
## HELPING PUBLIC SECTOR ORGANISATIONS

Public Sector organisations are some of the hardest hit by COVID-19. The precise nature and impact of COVID-19 on the public sector is as yet unclear. However, given the extensive reach of the sector and the number of people it employs, we envisage claims. As the sector looks forward to life after the latest lockdown, we want to work with public sector and local authority organisations as you map out your roadmap for a successful recovery.

**BLM COVID Assist** provides a virtual team to work side-by-side with public sector organisations and their insurers who find themselves impacted by the global coronavirus outbreak. Government COVID-19 guidance has evolved over time and has changed frequently with the advice varying from region to region. Our multi-discipline, cross-jurisdictional COVID Assist team provides practical advice on the legal challenges arising as a consequence of the pandemic and lockdowns, as well as suggesting future strategies to minimise further impact and adopt revised operating models.

Our dedicated team of specialist employment, commercial and property lawyers act for a large number of public sector organisations and so we are sensitive to the issues the sector is currently facing as a result of the pandemic. We will also work alongside your insurer should you find your organisation the subject of a health and safety breach, an injury claim or allegations against directors.

Now more than ever we are here to support you through the final stages of lockdown to emerge from the pandemic onto the 'new normal' for your future organisation.

**BLM COVID Assist** provides you with prompt access to:

- A team of experts with specific experience in supporting clients with COVID-related concerns.

- Identification of the best strategies to deal with COVID-related insurance claims in the most cost-effective way possible.

- Support for those navigating a wide range of HR issues arising directly or indirectly from COVID.

- Automatic screening of claims across multiple jurisdictions and enriched with additional intelligence, to identify fraud risks and behavioural trends.

Whilst the precise nature and impact of COVID-19 on the public sector is as yet unclear, it is predicted that claims will arise and organisations will require advice across a number of areas, including:

- Front line employee exposure to COVID and stress

- Injury to employees redeployed due to COVID-19

- Reduced ability to comply with statutory duties such as highway maintenance and social work

- Difficulties faced by employees working in local authority care homes

- Repercussions from decisions made at the height of the pandemic, such as to issue grants to businesses.

# EMPLOYMENT

Our specialist employment lawyers are currently working with employers in local and national government as well as other public sector organisations, to help them navigate the challenges caused by COVID-19, such as:

- Ensuring the workplace is 'COVID-secure', meeting the Government's latest health and safety guidance.

- Handling anxieties amongst staff surrounding a return to the workplace.

- Dealing with any reluctance/ refusal to be vaccinated and/or tested.

- Staff restructuring exercises to adapt to new operational conditions including the consideration of redundancy or changes to employment Terms and Conditions.

# BREACH OF DUTY/ NEGLIGENCE

The steps that will be deemed reasonable to have been taken will in part depend on the government guidance in place at the time. BLM have kept a detailed record of this advice to support the defence of claims and we will use this resource where appropriate to challenge allegations in relation to the standard of care provided both in terms of a claim and in a regulatory context.

# CAUSATION

It is anticipated that causation with be a difficult issue for any claimant asserting that the act or omission of a Public Sector body has caused an infection, and we will take robust action to ensure that such claims are challenged where appropriate.

# REGULATORY MATTERS

We have unrivalled experience, providing reactive and strategic advice to Public Sector clients in regulatory matters, with a dedicated team specialising in matters such as Coronial Inquests, Public Inquiries and Tribunals.

# FRAUD AND EXAGGERATION

The Public Sector is already highly attuned to the potential for fraud. However, we consider there is a risk of fraud or exaggeration in COVID-19 related claims. The BLM COVID Assist team will ensure that robust fraud controls are in place for identification, investigation and defence of fraudulent claims.

BLM COVID Assist - Helping health and care professionals and their businesses

We also expect to be assisting the public sector with a range of sector-specific COVID-19 concerns, such as:

## EDUCATION

- Claims by teachers arising out of potential exposure to COVID.

- Stress claims by teachers and school staff.

- Failure to educate under Human Rights Legislation.

- Provision for pupils with an Alternative Learning Needs.

## EMERGENCY SERVICES

- Front line employee exposure to COVID and stress

- Injury to employees 'covering' for absent colleagues - the nature of such work is that it cannot be avoided, even when the pandemic was at its height.

## HIGHER EDUCATION

- Disputes with employees, including over face-to-face teaching.

- Appeals by students not offered a university place or dissatisfied with exam performance.

- Claims for breach of contract from students unhappy with their 'student experience'.

- Claims by employees who cannot work from home/ remotely, such as in practical teaching or research.

- Claims by students in close proximity due to the layout of student accommodation.

**For the latest BLM insights across a range of topics on COVID-19 visit our dedicated Coronavirus Hub at www.blmlaw.com/insights/coronavirus.**

## CONTACT


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