

Data am achosion COVID-19

Mae'n hanfodol casglu data priodol er mwyn sicrhau ein bod yn tracio lledaeniad y Coronafeirws ac yn ymchwilio unrhyw fannau problemus. Yn anffodus, mae Llywodraeth Cymru wedi dangos na allent wneud hyn yn effeithiol a'u bod, yn hytrach, yn dibynnu ar samplau eithriadol o fach i ddod i gasgliadau eang.

Mae NASUWT wedi cyflwyno ceisiadau rhyddid gwybodaeth i sampl o awdurdodau lleol ac, o'r rheiny sydd wedi ymateb, mae'n amlwg bod staff sy'n gweithio mewn ysgolion yn dal y Coronafeirws ar gyfradd llawer cyflymach na phoblogaeth y wlad yn gyffredinol.

Felly, mae'n bwysig bod ysgrifenyddion lleol yn gofyn am y data hwn gan eu hawdurdodau lleol er mwyn cael darlun o'r cyfraddau cyfredol yn eu hardaloedd hwy. Isod rydym yn awgrymu fformat ar gyfer gwneud hynny.

Data ar gyfer yr wythnos yn dechrau ar/.....
Nifer yr aelodau o staff sy'n hunanynysu mewn ysgolion cynradd ac uwchradd	Ysgolion cynradd..... Ysgolion uwchradd.....
Nifer y disgyblion sy'n hunanynysu mewn ysgolion cynradd ac uwchradd	Ysgolion cynradd..... Ysgolion uwchradd.....
Nifer yr achosion a gadarnhawyd ymysg staff mewn ysgolion cynradd ac uwchradd	Ysgolion cynradd..... Ysgolion uwchradd.....
Nifer yr achosion a gadarnhawyd ymysg disgyblion mewn ysgolion cynradd ac uwchradd	Ysgolion cynradd..... Ysgolion uwchradd.....
Cyfanswm yr aelodau o staff mewn ysgolion cynradd ac uwchradd	Ysgolion cynradd..... Ysgolion uwchradd.....
Cyfanswm y disgyblion mewn ysgolion cynradd ac uwchradd	Ysgolion cynradd..... Ysgolion uwchradd.....
Nifer yr achosion o COVID-19 dros gyfnod o saith diwrnod fesul 100,000 o bobl ar gyfer yr awdurdod cyfan	

Dyma gyfrifiad y gyfradd cyffredinrwydd ar gyfer staff:

Y gyfradd cyffredinrwydd fesul 100,000 o bobl = (nifer yr achosion positif ymysg staff) / (cyfanswm yr aelodau o staff cyflogedig) ×100,000.

Gallwn ddefnyddio'r un broses i gyfrifo'r gyfradd cyffredinrwydd ar gyfer disgyblion, gan ddefnyddio nifer yr achosion positif ymysg disgyblion a chyfanswm y disgyblion cofrestredig.

Mae'r Awdurdod Gweithredol lechyd a Diogelwch wedi cadarnhau nad yw'r gofynion diogelu data'n atal cyflogwyr rhag darparu gwybodaeth – sydd wedi ei gwneud yn briodol ddienw – i gynrychiolwyr diogelwch eu cyflogeion eu hunain. Mae'r llythyr sy'n cadarnhau hyn i'w weld dros y dudalen.

Byddai'n arbennig o ddefnyddiol i gyfrifo hyn yn wythnosol er mwyn canfod unrhyw batrymau. Hefyd, byddai'n ddefnyddiol gofyn am ddata ar gyfer mis Tachwedd.

Yn ogystal, byddai'n ddefnyddiol pe bai unrhyw ddata a gesglir gan awdurdodau lleol yn cael ei anfon at yr Undeb Cenedlaethol fel bod modd datblygu darlun cenedlaethol. Gellir anfon hwn ar nasuwt@mail.nasuwt.org.uk.

Mae NASUWT yn ymwybodol nad yw pob un o'r awdurdodau lleol yn cydgasglu'r wybodaeth hon. Mae'n anodd gweld sut y gallai'r cyflogwr gyflawni'r dyletswyddau statudol sydd ganddo o dan Ddeddf lechyd a Diogelwch yn y Gwaith ac ati 1974 heb fonitro'r data hwn. Dylid eu cynghori felly y gallai methu â goruchwyllo'r sefyllfa'n ddigonol arwain at erlyniad gan yr Awdurdod Gweithredol lechyd a Diogelwch.

Os bydd awdurdod lleol yn gwrthod darparu'r data y mae'n ei ddal, mae hyn yn debygol unwaith eto o fod yn torri'r gofynion statudol a dylid rhoi gwybod am hyn i NASUWT ar unwaith.



K

Dr Patrick Roach

General Secretary

NASUWT

By email

Your ref: S201020/Albon S/PR/EJ

10th December 2020

Chief Executive

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Dear Dr Roach,

Safety Representatives and Safety Committees (SRSC) Regulations 1977 (as amended)

Thank you for your letter of 2 December, raising concerns that local public health teams are blocking requests for COVID-19 data made by NASUWT representatives, citing General Data Protection Regulation (GDPR) as justification. You have suggested that in not providing the requested COVID data, Local Authorities (LAs) may be failing to comply with statutory requirements under the Safety Representatives and Safety Committees (SRSC) Regulations 1977 (as amended) relating to consultation with the workforce and the provision of health and safety information.

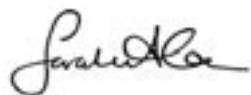
The role and functions of safety representatives are set out in the SRCS Regulations including investigation of workplace accidents and to carry out inspections. When consulting safety representatives, employers must provide them with the information necessary to enable them to fulfil their functions. However, the function of safety representatives is specific to their own employer (e.g. the school or Local Education Authority) and confers no extended right to information from other employers or held by bodies such as Local Authority Public Health Departments. Data held by these organisations in relation to COVID-19 is obtained for reasons of public health and there is no requirement for such information to be released to Safety Representatives under the SRCS Regulations.

As there is no requirement placed on these wider teams under SRCS regulations HSE will not be issuing any guidance beyond that which is already published around the application of the SRSC Regulations, the Health and Safety (Consultation with Employees) Regulations 1996 (as amended) and the Approved Codes of Practice that can be found at <https://www.hse.gov.uk/involvement/hsrepresentatives.htm> and <https://www.hse.gov.uk/pubns/indg232.pdf>

HSE is not able to advise on the application of GDPR, however my understanding is that data protection requirements do not prevent an employer from providing suitably anonymised information to their own employee safety representatives, beyond the exceptions set out in Regulation 7 of the SRCS Regulations. If your safety representatives have concerns that, having made specific requests to their employer for data that relates to their workplace, their employer is not meeting their legal obligations they can of course raise a concern with HSE via our Concerns and Advice Team.

While I am unable to assist you further with this matter, if you wish to pursue the wider release of COVID19 information, you may wish to contact Public Health England, Department of Health and Social Care or the Information Commissioner.

Yours sincerely,



Sarah Albon

Chief Executive

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**siaradwch
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