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Advice on Participation in u3a Activities and Covid-19 tests

INTRODUCTION

Many u3as are beginning to start some face to face activity within the guidelines in their nation. Some members of u3as remain concerned about the pandemic while some venues used by u3as have now introduced additional requirements for usage. The Trust has taken advice on what u3as may do.

The starting point for all advice to u3as is that at all times you must follow the advice given in your nation. In addition you must ensure that a risk assessment is undertaken before commencing any u3a group activity and you should share this with your committee. Additionally, all members should be encouraged to undertake their personal risk assessments to inform their decision of whether to participate. Note the personal risk assessment is for your own benefit and does not need to be shared with anyone else.

There are some queries regarding additional measures that go beyond the relevant government advice. These are laid out below. Each u3a must make its own decision whether it wishes to require any additional measures or use a facility that requires additional measures over and above the relevant government advice. If a u3a decides to impose additional measures the committee should note the measures in a committee meeting, giving a full explanation for them, and detailing how they relate to the risk assessment that has resulted in imposing them.

ADVICE FAQ

Can a venue impose a requirement that all participants using the venue have a clear Covid test before using the facilities?

Yes the venue can undertake a health and safety risk assessment and introduce measures that they feel will reduce the risk of transmission of Covid and include this as a requirement.

Can a u3a lawfully run the event without contravening our constitutions or any equality legislation in a venue that imposes such restrictions?"

Yes it is possible to use that venue. The reason is that the policy of requiring participants to provide a clear Covid test within 48 hours of attending the event is unlikely to constitute indirect discrimination or disability discrimination. The owner/operator is entitled to put in place reasonably practicable controls and measures to minimise the risk of transmission of coronavirus, even if these



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are more onerous than the requirements specified by HM Government or the Health and Safety Executive, so long as they amount to proportionate means of achieving a legitimate aim, the aim in this case being to protect against Covid-19.

The policy is a general one, rather than targeted, and most, if not all, delegates should be capable of taking a test. Whilst the policy is clearly a robust control measure, it is unlikely to be seen as disproportionate given the significant risks posed by coronavirus or discriminatory and therefore unlawful. **The position would be different if the owner/operator of the venue only permitted participants who had been vaccinated.** This would not comply with equality of access.

Would we have to require the participants to provide the venue with their details of a Covid free test directly?

The answer is yes given that u3as are not authorised to process or store personal sensitive data. The trustee / u3a committee member who is arranging the event or use of the space should speak to the venue owner/operator to understand the procedures in place to be able to advise participants what they have to do.

If a u3a required covid clear testing proof prior to getting on a coach, or attending an interest group in a home or in hall, (in other words the request was from one of our charities rather than the venue or the coach provider) would the u3a charity be entitled to impose this restrictions under the same H&S and equality legislation?

Yes a u3a could do this.

If they are entitled would they be allowed to show evidence of a clear test to the group leader (eg like showing a passport at customs control) on the basis it would only be shown and not collected or stored on any data base?

Yes a u3a could do this.

Can a u3a impose a requirement that all participants attending an interest group MUST have either a clear Covid test OR proof of both vaccinations before participating?

The u3a must in any event follow all government guidance on covid such as social distancing.

And they must follow the normal risk assessments when considering the health and safety of an event.

However if they decide, in addition, to introduce a rule that required each u3a member to show on entry to an activity that they had either proof of vaccination or a clear covid test on the basis they wished to minimise the possibility of transmission infection in this age group mainly 70 plus then this is advised to be acceptable under equality legislation as long as **the rule applies to all members.**

Can it also apply to outdoor activity?



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A u3a must still go through the same process, follow the relevant government guidance and undertake a risk assessment.

If under the outdoor activity risk assessment they still feel this is important to minimise the risk transmission and have noted that this is a risk in the operation of that interest group, then they may adopt the same approach. This would require a rule that required each u3a member to show on entry to an activity that they had either proof of vaccination or a clear covid test on the basis they wished to minimise the possibility of transmission infection in this age group mainly 70 plus This is advised to be acceptable under equality legislation as long as the rule applies to all members.