

## **ADVICE AND GUIDANCE FOR MEMBERS REQUIRED TO TAKE TIME OFF TO LOOK AFTER THOSE WHO ARE REQUIRED TO SELF-ISOLATE**

Despite the easing and withdrawal of various restrictions in relation to the COVID-19 pandemic, it must be remembered that the virus has not disappeared and major outbreaks in schools are still occurring during the academic year.

As such, the NASUWT is aware that there may be a significant number of members with caring/childcare responsibilities who may be required to take time off in order to look after someone who is required to self-isolate following a positive COVID-19 test.

In light of this, the Union has produced this advice and guidance to ensure that members who are required to take time off to look after those who are required to self-isolate following a positive COVID-19 test are aware of their rights and entitlements and supported during this time.

The NASUWT maintains that teachers who find themselves in a situation where they need to request time off to look after someone who has been required to self-isolate should not be disadvantaged for following Welsh Government guidance.

Members should be prepared to demonstrate to their employer that they have explored all available options to address the childcare situation, including whether there is alternative childcare provision available for any of the time, such as a partner who can share the care.

If shared childcare is a possibility or there is alternative provision available for some of the time, then seek to negotiate with your employer some form of flexible working, such as a combination of working from home and in school.

Further information on flexible working and working from home can be found below.

### ***Contact tracing***

The guidance on contact tracing remains that staff and pupils/students who are symptomatic must not attend school until they have a negative PCR test and anyone with a positive test must also self-isolate. This remains a legal duty.

It is therefore the case that school or college leaders are entitled to refuse to admit a pupil or student who, in their view, appears to have symptoms of COVID-19 pending the pupil or student taking a COVID-19 test.

Members should therefore declare to their employers where a household contact becomes symptomatic and/or has a positive COVID-19 test.

### ***Working from home***

Throughout the pandemic, schools and colleges across the UK have had a clear expectation to provide pupils with access to remote education. This is specifically if a pupil or group of pupils is required to self-isolate or shield in response to public health advice in the case of a local lockdown.

In addition, teachers have been expected to plan, prepare and teach remotely as and when required, specifically during the lockdown imposed from January 2021. The Welsh Government directed that schools should apply two Planning Days at the start of the Spring Term 2022 to help teachers prepare for this.

As such, in situations where a teacher is required to take time off to look after someone who has been required to self-isolate, and shared care is not a possibility, the expectation should be that they can work from home, and a request should be made to this effect.

If your employer permits you to work from home, then you should receive your full contractual pay, and the time spent working from home should/must not be counted against your sick pay entitlement.

### ***Flexible working***

Depending on the situation, it may be the case that you can request flexible working on a temporary basis, where you are able to combine working in school and working from home.

As with working from home, unless you have varied your working hours, you should be entitled to your normal contractual pay, and any time spent working flexibly should not be counted against your sick pay entitlement.

If your school/college refuses to let you work from home or denies you flexible working, then you may need to consider other options which are available to you, including:

- requesting special leave or compassionate leave as per any employer policy;
- requesting parental leave; and
- time off for a dependant.

### ***Other provisions***

Members should contact the NASUWT for advice before agreeing to any arrangements that involve or potentially involve unpaid leave.

### ***Special or compassionate leave***

Teachers who are required to isolate a child at home, when no one else can provide this childcare, may be able to access some form of special or compassionate leave.

This may depend on the nature of your contract, so you should look to see if such a policy exists (often referred to as a leave of absence or special leave of absence policy), and if you are eligible to access this in order to provide some level of financial assistance.

### ***Parental leave***

Teachers with a year's service have a statutory entitlement to apply for parental leave. This provides each parent with **unpaid leave** of up to four weeks per year (up to a maximum of 18 weeks until each child is 18) for each child to look after their welfare.

This can normally only be taken as whole weeks, unless your child is disabled (when shorter blocks are permissible).

A 'week' is based on the length of time you would work over seven days (e.g. if you normally work two days a week, then one 'week' of parental leave equals two days).

It should be noted that you are expected to give your employer 21 days' notice, including the start and end dates, of your intention to take parental leave.

Obviously, given the nature of the situation and the need to take time off to care for someone who has been asked to self-isolate following a positive COVID-19 test, this may not be possible, so you should look to see if this can be waived.

As stated previously, you should check your contract of employment carefully, as your employer may well have a Parental Leave policy which is better than the statutory entitlements.

For example, some employers offer some paid time off for parental leave, including shorter notice periods and eligibility criteria.

Indeed, many schools and colleges have operated enhanced schemes to accommodate such situations during the COVID-19 pandemic.

### ***Time off for a dependant***

If some form of leave is not an option (for example, the dependant is an adult, or you have already expended your entitlement to parental leave), you are entitled to reasonable time off to deal with an emergency.

Time off for a dependant (sometimes referred to as time off for emergencies) can be taken without notice by a parent or carer, such as in situations where someone has been asked to self-isolate following a positive COVID-19 test.

'Reasonable' is not defined, but it could be argued that in this circumstance 'reasonable' is long enough for you to cover the period of time required to look after someone who has been asked to self-isolate following a positive COVID-19 test.

Time off for a dependant is usually unpaid, although you should check your contract of employment carefully, or see if your employer has a specific policy in regards to time off for a dependant.

In these cases, the employer should be made aware that if they have allowed a continuation of working from home, you can still be deployed to work. However, if you have been granted leave, then your employer cannot ask you to undertake any work.

### ***Unpaid leave and work***

Where members are required to take unpaid leave for whatever reason, no work whatsoever should be completed.

### ***Keep a record***

If you need to make a request, you should ensure that you do so in writing, including electronically, and that you ask your employer to respond in writing in order to keep a record of what was discussed and agreed.

It should be noted that the actions of the employer may give rise to potential claims for sex discrimination, particularly considering that the majority of carers are female.

### ***Further financial support***

If you are suddenly left with less income or without income, you may be eligible to apply for a Test and Trace Support Payment, if you are a parent or guardian who needs to take time off work to care for a child or young person.

If a young person aged under 25 has been identified as a close contact and they have an Education, Health and Care Plan, their parents or guardians may be eligible if they need to stay at home to look after them.

Further details, including how to apply, are available [here](#).

### ***Further advice and guidance***

For further advice and guidance, you should contact the NASUWT at: [rc-wales-cymru@mail.nasuwt.org.uk](mailto:rc-wales-cymru@mail.nasuwt.org.uk).