

## **Advice for supply teachers who are disabled on staying safe during full opening of schools**

Supply teachers have a vital role to play in raising and maintaining high educational standards in schools. Campaigning to secure professional entitlements for supply teachers is a key priority of the NASUWT, together with securing decent pay and working conditions for all supply teachers.

The NASUWT recognises that supply teachers have faced an extremely difficult time during the COVID-19 lockdown. Whilst some supply teachers were able to access the SNCT Supply Teachers Job Retention Scheme or continued to be paid by the local authority they were working for, many were left without any income.

The NASUWT is committed to ensuring that members, including supply teachers, have the information they need to help them stay safe during the COVID-19 pandemic.

The purpose of this checklist is to assist supply teachers with a disability to stay safe during the phased reopening of schools and ensure you are aware of your responsibilities in terms of keeping yourself and others safe.

The NASUWT has further advice and guidance on the phased reopening of schools from February 2021 which can be found at:

<https://www.nasuwt.org.uk/advice/health-safety/coronavirus-guidance/full-reopening-of-schools/full-reopening-of-schools-scotland.html>.

The latest advice and updates from the Scottish Government can be found [here](#).

The guidance confirms that supply teachers can move between schools, although it should be kept to a minimum until 'further notice' (paragraph 94).

The same advice and guidance recognises the importance of supply teachers in maintaining educational continuity and the need to utilise supply teachers fully in workforce planning (paragraph 240).

### **THE HEALTH AND SAFETY AT WORK ACT 1974 (HASAW)**

The Act places a responsibility on all employers to ensure, as far as is reasonably practicable, the health and safety of all employees and non-employees in their workplace. This includes identifying and assessing risks to health and safety, and steps to reduce or eliminate these risks, so that all those working in a school are safe, including supply teachers with a disability.

The employer is required to consider whether they have taken 'reasonable steps', so far as reasonably practicable, if necessary by amending their health and safety policies, procedures and practices, to ensure that employees and non-employees (i.e. supply teachers) with disabilities are not placed at a substantial disadvantage.

Under the Management of Health and Safety at Work Regulations 1999, employers need to assess the risks to the health and safety of employees and others who may be affected by their activities, including supply teachers. This may require employers taking advice from other professionals on specific risks (e.g. medical professionals) for supply teachers with a disability.

Assessments may be needed at different levels. At the **generic level**, they should examine what reasonable steps can be taken to minimise health and safety risk generally, while avoiding

disability discrimination. An **individual risk assessment** will relate specifically to the member of staff, including a supply teacher with a disability.

However, it should be recognised that having a disability does not necessarily mean that someone has an increased risk of contracting the COVID-19 virus or having a serious illness. Indeed, it will depend very much on the nature of the disability as to whether or not a COVID-19 specific individual risk assessment is required. A COVID-19 specific individual risk assessment would therefore only be necessary if the disability puts the individual at increased risk.

Despite the NASUWT continuing to campaign for the Scottish Government calculator to be amended to better recognise the risks faced by BAME groups, disabled supply teachers may still find this a useful tool to assist in a risk assessment. This can be found at: <https://www.gov.scot/publications/coronavirus-covid-19-guidance-on-individual-risk-assessment-for-the-workplace/>.

Where there are specific health and safety risks, including to supply teachers with a disability, these should be treated on a case-by-case basis.

Under the Health and Safety at Work Act, there is a joint responsibility between the provider (i.e. the supply agency) and the end user with regards to the health and safety of agency workers, such as supply teachers with a disability.

Details of any adjustments made for your disability access needs (if appropriate) should be agreed in advance of your first day of work.

## **YOUR DUTIES AS A SUPPLY TEACHER**

In order to stay safe during the reopening of schools you have a duty to take reasonable care for your own health and safety and that of other people who may be affected by your actions at work, particularly during the COVID-19 pandemic.

You must co-operate with your employer, including providing them with any information which may necessitate the provision of a risk assessment before you undertake an assignment with a school.

For example, if there is a concern over your situation which makes it difficult for you to undertake an assignment in a school, or which should be disclosed to a school prior to an assignment, then you should disclose this as soon as possible.

Once disclosed to the employer, they have a statutory obligation to consider any measures necessary to enable you to undertake each assignment safely. If you are subsequently denied access to work after disclosing a disability, this may be unlawful and members are strongly encouraged to contact the NASUWT immediately for advice.

An **individual risk assessment** will relate specifically to the member of staff, including a supply teacher with a disability.

Indeed, the updated Guidance from the Scottish Government makes it clear that local authorities and schools should ensure that individual risk assessments are up to date before returning to the workplace, including, where appropriate, for those supply teachers who are disabled.

The NASUWT has produced quick reference guides for primary and senior phases which can be found at:

<https://www.nasuwt.org.uk/uploads/assets/uploaded/6138c96a-d67b-4cc3-8338cf117d6caee2.pdf>.

<https://www.nasuwt.org.uk/uploads/assets/uploaded/c9a7072a-e485-4225-9db0a7e9bba598e9.pdf>.

## THE EQUALITY ACT 2010

The provisions under the Equality Act 2010 and corresponding Public Sector Equality Duties (PSED) apply to supply teachers in the same way as any other employee. The duties under this legislation apply to England, Scotland and Wales.

Under the PSED, school management and governing bodies are required to have 'due regard', when making decisions and developing policies, to the need to:

- eliminate discrimination, harassment, victimisation and other conduct that is prohibited under the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- foster good relations across all protected characteristics - between people who share a protected characteristic and people who do not share it.

As a supply teacher you are protected from discrimination, victimisation and harassment under these provisions. All school risk assessments should be equality impact assessed to ensure that there are no discriminatory provisions or practices for supply teachers with protected characteristics, such as a disability.

It is advised that you get clear written evidence of any offer of supply work before informing the employer of your disability. If, following your disclosure, the offer of work is suddenly removed you should immediately contact the NASUWT at: [rc-scotland@mail.nasuwt.org.uk](mailto:rc-scotland@mail.nasuwt.org.uk).

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