

## **ADVICE FOR SUBSTITUTE TEACHERS WHO ARE DISABLED OR STAYING SAFE DURING THE COVID-19 PANDEMIC AND THE REOPENING OF SCHOOLS**

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

The NASUWT recognises that substitute teachers have faced an extremely difficult time during the COVID-19 lockdown. Throughout the pandemic, the NASUWT ensured that all substitute teachers on long-term supply were not treated differently from full-time staff and continued to be paid for the period of time that they were engaged to work. In addition, the NASUWT successfully lobbied for a COVID-19 hardship fund for substitute teachers who have found themselves out of work.

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

The NASUWT expects that there will be a high demand for substitute teachers during 2020-21. The demand will come from the Department of Education (DE) Engage Programme, as well as demand from individual schools to cover for teachers who are self-isolating or medically required to work from home.

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

It should be noted that this checklist should be considered in line with the comprehensive advice, health and safety checklists and other associated guidance produced by the Union on the reopening of schools, which can be found at: <https://www.nasuwt.org.uk/advice/health-safety/coronavirus-guidance/full-reopening-of-schools/full-reopening-of-schools-northern-ireland.html>.

The DE guidance confirms that substitute teachers can be used by schools to meet the additional staffing requirements during the pandemic.

Indeed, the Northern Ireland Substitute Teacher Register (NISTR) confirms that schools still require the services of substitute teachers during the COVID-19 pandemic and they encourage them to update their details and note their availability.

Where substitute teachers are required to undertake work, they should ensure that they are fully informed about any health and safety issues with each assignment, provided with access to information on the safety arrangements (i.e. risk assessments) and that these are provided as soon as possible after a substitute teacher is booked for an assignment.

### **The Health and Safety at Work (Northern Ireland) Order 1978**

The Health and Safety at Work Order 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 substitute teachers with a disability. This applies to COVID-19 in the same way as it would to any other hazard.

Employers need to assess the risks to the health and safety of employees and others who may be affected by their activities, including substitute teachers. This may require employers taking advice from other professionals (e.g. medical professionals) on specific risks for substitute teachers with a disability are not placed at a substantial disadvantage.

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 substitute 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.

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

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

The Union believes it is therefore wholly appropriate to liaise with a contact person to ensure that they can talk you through and familiarise you with the arrangements they have in place in the school for substitute teachers.

### **The role of the ‘competent person’**

A ‘competent person’ should be someone in the school or college who has sufficient training and experience or knowledge to assist in the process properly.

The level of competence required will depend on the complexity of the situation, but there is an expectation that the ‘competent person’ is able to offer the specific advice and guidance required.

This can include the employer or someone within the school or college. If this is the case, you should enquire as to their experience and expertise so you can be satisfied that any and all concerns you have regarding your situation can be addressed accordingly.

### **Your duties as a substitute teacher**

In order to stay safe during the opening of schools from March, you have a duty to take reasonable care of 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 by 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. This may include an impairment or disability that impacts on your ability to wear a face covering.

Once disclosed to the employer, it has a statutory obligation to consider any measures necessary to enable you to work 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 substitute teacher with a disability.

### **Disability Discrimination Act 1995 (DDA)**

The provisions under the DDA and subsequent secondary legislation passed either at Westminster or by the Northern Ireland Assembly apply to substitute teachers in the same way as any other employee.

The DDA bans disability discrimination by employers against disabled job seekers and employees. It imposes a duty on employers and service providers to make reasonable adjustments for disabled people to help them remove barriers in gaining and remaining in employment and in accessing and using goods and services.

All school risk assessments should be equality impact assessed to ensure that there are no discriminatory provisions or practices for substitute teachers with a disability.