

Health and Safety for Supply Teachers During the COVID-19 Pandemic

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 is aware that there are a significant number of supply teachers who will be concerned about working in schools and colleges from September 2021, given the easing and withdraw of various restrictions in relation to the COVID-19 pandemic.

The NASUWT is committed to ensuring that all individual members, including supply teachers, have the information they need in terms of health and safety and the responsibilities of local authorities, employers and employment businesses (i.e. supply agencies).

In light of this, the Union has revised its advice and guidance to assist supply teachers to stay safe from September 2021 and to ensure you are aware of your responsibilities in terms of keeping yourself and others safe.

It should be noted that this advice and guidance should be considered in conjunction with the comprehensive advice, health and safety checklists and other associated guidance produced by the Union: www.nasuwt.org.uk/Covid19AdviceEngland.

In addition, the general regulations pertaining to risk assessment remain in place and schools and employers remain obliged to risk assess and take all reasonably practicable steps to ensure the health, safety and welfare of all staff and pupils. This can include retaining coronavirus restrictions. As throughout the pandemic, risk assessments should be shared with members, and any concerns should be raised with school management in the first instance.

Where schools utilise supply teachers, there is an expectation that the supply teacher is provided with access to information on the safety arrangements (i.e. risk assessments) and that these are provided as soon as possible after a supply teacher is booked for an assignment.

Before taking up supply work with an agency/school, in order to stay safe, you should ask for:

The overall risk assessment for the school.

The procedures and protective measures for staff to follow to reduce the risk of transmission of the virus.

The arrangements in place for supply teachers to report safely to the workplace.

Any reasonable adjustments you may require if you have a disability or are a pregnant or breastfeeding mother.

Details of any designated contact should you have any questions, COVID-specific or otherwise, or in the event of a problem or emergency, where and to whom you should report each day.

As a supply teacher, on first reporting for work at a school (or beforehand if possible), in order to stay safe, you should ask for:

- Details of the procedures and arrangements for any visitors (e.g. supply teachers) to ensure there is adequate time to be made aware of, and understand, the systems in place, including in respect of COVID-19.
- Details of any designated contact should you have any questions, COVID-specific or otherwise, or in the event of a problem or emergency.
- Details of who and where you should report to each day, including details of the signing-in process.
- Any guidance for staff in respect of COVID-19 safe working practices.
- Details of how to raise any concerns about health and safety, including those specific to COVID-19.
- Details of how to call for assistance, including first aid.
- A tour of the school site, identifying where you will be teaching.
- Details of the nearest first-aid room or appropriate area, including where to send those with suspected symptoms of COVID-19.
- Details of the nearest fire exit and any revised evacuation plans, including routes and procedures (these should identify any additional mitigations required in the context of COVID-19).
- Details of what to do in the event of a suspected case of COVID-19, including contingency plans for managing outbreaks.
- Details of the contact person for obtaining the details of the relevant NHS Test and Trace notification from the school, should you need to apply for the Test and Trace Support Payment.
- As appropriate, details of the steps and procedures in place for asymptomatic testing of all staff, including temporary staff, such as supply teachers.
- As appropriate, details of the steps and procedures in place for the testing of pupils, including any implications for teaching staff.
- Details of the staffroom and toilets.
- A copy of the timetable, including breaks and lunch periods, as well as expectations on staff during such times, including, as appropriate, the supervision of pupils.
- Details of how to access relevant information on schemes of work for the subjects you will be expected to teach.
- Details of access to computers (including laptops or fixed computers), with log-in details and what to do at the end of the school day.
- Details of any resources you may reasonably be expected to provide (such as pens) to minimise contact, and where these can be safely and securely stored.
- Details of the schemes of work and programmes of study, including the provision and access to relevant teaching materials.
- Details regarding access to, and availability of, hand sanitiser to enable you to wash your hands frequently throughout the school day.
- Details of the provisions in place to ensure classrooms and work areas are kept well ventilated, including through the use of carbon dioxide sensors which are currently being distributed to schools by the Department for Education (DfE).

- A list of the pupils in the class(es) you will be teaching, including details of any medical conditions, behavioural issues or special educational needs or disabilities (SEND), and the details of how these should be managed.
- Details of any pupils known to be potentially violent, and how this will be managed, including revised risk assessments in place, including any specific training which is required, along with how this can be appropriately accessed.
- Details of the registration process and expectations for the appropriate movement of pupils around the school site between lessons, at breaks and at lunchtimes, and at the end of the school day.
- Specific details of the school behaviour management procedure, including the support that is available to assist in managing behaviour effectively.
- Details of any events, meetings or specific activities taking place during an assignment.
- Details of the arrangements for school transport, as appropriate.

Who is responsible for ensuring my health and safety as a supply teacher?

Although supply teachers are not generally employed by the placement school (referred to as the 'end user' or 'client' in legislation), the school must ensure the safety of its temporary workers, such as supply teachers, as it does that of its own employees.

The Health and Safety at Work Act 1974 (HASAW)

The Health and Safety at Work 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. This applies to COVID-19 in the same way as it would to any other hazard.

Joint responsibility

Under the Health and Safety at Work Act, a supply teacher being employed by an agency does not remove the school's duties under the Act. Indeed, there is a joint responsibility between the provider (i.e. the supply agency) and the end user (i.e. the school) with regards to the health and safety of agency workers, such as supply teachers. Supply staff must therefore be treated exactly as permanently employed teachers with regards to health and safety during the COVID-19 pandemic.

This applies equally if you are supplied via an umbrella company, as they are legally your employer. The umbrella company would therefore have the responsibility for your health and safety and taking steps to address this, as you are their employee.

As a supply teacher, you should expect your agency and/or umbrella company to take reasonable steps to identify and satisfy themselves concerning health and safety issues in respect of the schools in which you may be expected to undertake assignments, including the appropriate steps to mitigate risks associated with the COVID-19 pandemic.

This should be provided to you by the agency in enough time to fully familiarise yourself with the situation with that employer at the earliest possible opportunity after the booking is made.

There is therefore a need to ensure there is close co-operation between schools and supply agencies and/or umbrella companies, particularly if you must follow the school's arrangement for managing and minimising risk, based on the system of controls in place.

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

The agency should also ensure you are provided with the details of how to raise any health and safety concerns in the workplace.

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.

The Conduct of Employment Agencies and Employment Businesses Regulations 2003

Regulation 18 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 also places an expectation on agencies to obtain and provide information about a school, including any risks or health and safety issues which have been picked up following a thorough risk assessment, including those related to the COVID-19 pandemic.

Furthermore, if an assignment being undertaken specifies no notice period, then the Conduct Regulations contain provisions which permit you to leave the school at any time, should you feel unsafe, and still be paid for the work you have undertaken.

The Employment Rights Act 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order 2021 (SI 2021/618)

The Employment Rights Act 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order 2021 (SI 2021/618) came into force on 31 May 2021 and provides additional legal protections for agency workers, such as supply teachers, if they are disciplined or discriminated against for taking reasonable actions to protect themselves or others from serious and imminent danger at work.

Agency workers, such as supply teachers, now have the same protections as employees, specifically in respect to situations where a supply teacher has reasonable grounds to believe there is a serious and imminent danger to themselves, or others, including the right to leave the workplace.

The NASUWT would strongly advise any supply teacher to contact the Union for further advice and guidance before seeking to exercise such rights.

Your duties as a supply teacher

Whilst your agency and the school have responsibilities in regards to your health and safety, you also 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 agency and the end user where you are working, including 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 would include any conditions that increase your vulnerability to COVID-19 (e.g. you are pregnant or you are from a black and minority ethnic (BME) background). This may also include personal situations which impact on your ability to undertake an assignment (e.g. you are a single parent or you have issues relating to childcare).

Once disclosed to the agency, they have a statutory obligation to consider whether it will be safe for you to undertake an assignment.

However, this should not automatically impact on your ability to undertake an assignment, provided there is evidence that this has been factored into any risk assessment and you have been fully advised before you undertake the assignment.

The NASUWT would want to hear from supply teachers if an assignment is cancelled on the basis of providing such information.

If information is provided which does not impact on your ability to undertake an assignment but the assignment is cancelled nevertheless, you should contact the NASUWT for further advice and guidance at: advice@mail.nasuwt.org.uk.

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