

COVID-19 and Schools Update

30 March 2020

Introduction

1. NASUWT, The Teachers' Union, in addition to the support we are providing to our members across the UK, are committed to ensuring that parliamentarians remain informed of developing challenges in schools and colleges as the country responds to the COVID-19 crisis. The Union will therefore send regular updates to Members of Parliament, the first of which can be found below.

Social Distancing and Staffing in Schools

2. Despite the Government's advice on social distancing we are receiving more and more reports from schools where there are fewer than 10 pupils on site and yet the whole staff is required to report for work. We are speaking to each of the schools but head teachers are refusing to change their arrangements and put in rotas of staff.
3. The NASUWT also continues to receive reports of cases where teachers with underlying health conditions as defined by Government are being forced to come into school. We have cases of teachers being told that their condition is 'mild' and does not qualify when quite clearly this is wrong and other saying its business as usual and there is no reason that they should not be in work. A number have been threatened with pay deductions and dismissal.

4. Further communication to schools is needed, reiterating clearly the Government's guidance on staff in schools and workers with underlying health conditions.

Redundancies and Consultations

5. Some schools are pressing ahead with plans to make teachers redundant despite the fact that they are unable to consult appropriately with staff or unions. In some, but not all cases, these are academies who seem to feel that because they cannot have a deficit budget that they have to press ahead regardless of the current circumstances. The NASUWT believe this should not be a consideration at the current time.
6. Schools cannot be in a position to know what their staffing needs will be when we emerge from the current crisis and it is unacceptable that they are prepared to dismiss staff through redundancy at a time when education in schools has ceased and jobs are not being advertised.
7. A number of independent schools are continuing with plans to withdraw from the Teachers' Pension Scheme (TPS) despite the fact that not all staff are in a position to engage in this process or indeed seek the independent financial advice they are entitled to take.
8. To the NASUWT it appears that these schools are quite callously taking advantage of the national crisis and seeking to press through these life changing decisions for their staff, adding to the anxiety and stress they are already feeling about their future given the unprecedented situation the country is facing.
9. The NASUWT believes the Government should issue as a matter of urgency a strong and definitive statement to employers on all of these issues urging them to halt the redundancies and withdrawal from the TPS. The Government has consistently urged businesses to stand by their staff and it's time that those who employ teachers were given the same message.

Maintaining Safeguarding and Health & Safety Standards

10. There are certain requirements that the Government says cannot be relaxed in any circumstances including *safeguarding and health & safety standards*. The NASUWT welcomes these statements as an important and necessary safeguard for the public, especially vulnerable children, However, formalising these statements through a statement to Parliament or through regulation would give greater confidence and reassurance to the workforce in schools and the people they serve.

Indemnification

11. The Coronavirus Bill provides for indemnity for clinical negligence liabilities arising from NHS activities carried out for the purposes of dealing with, or because of, the coronavirus outbreak, where there is no existing indemnity arrangement in place. This will ensure that those providing healthcare service activity across the UK are legally protected for the work they are required to undertake as part of the COVID-19 response.
12. School staff are being asked, as a result of COVID-19 emergency measures, to provide childcare, training or other ancillary services and facilities as listed in Clause 36, Schedule 16 of the Bill.
13. To secure confidence of education professional and schools, it will be necessary to replicate the indemnity provisions for NHS staff, not least given the essential contribution that teachers and support staff will be making to releasing healthcare and other public sector workers to maintain public health during this crisis.

Supply Teachers

14. The NASUWT is also concerned about the impact of school closures, self-isolation procedures and other associated arrangements on the potential loss of earnings of supply teachers who provide such a valuable service to schools. Many supply teachers need to obtain a set amount of supply

work per month to be able to cover their mortgage and other essential expenditure.

15. We are concerned that the application of the Job Retention Scheme announced by the Chancellor to agency workers, such as supply teachers. Supply teachers may not count as employees, as they are hired ad-hoc and often work through agencies. But they are not self-employed, either.
16. In addition, for any agency worker to access the scheme they would have to be furloughed (kept on payroll but asked not to work). In effect this means being made redundant but staying on payroll. It is difficult to see how any supply teacher could argue that they had been made redundant. Finally, the agency themselves would have to apply for the scheme and they are under no obligation to do so.
17. These matters needs urgent clarification and the applicability of any scheme would need to be carefully considered. Supply teachers could prove crucial in the coming weeks and months in the effort to keep schools open for the children of key workers, as staff teachers take time off with the virus.

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