

SUPPORTING MEMBERS WITH CHILDCARE RESPONSIBILITIES

Introduction

An increasing number of pupils and staff in schools are having to self-isolate as a result of suspected cases or outbreaks of COVID-19 in schools.

This is causing childcare issues for teachers who are required to be in work but whose own children have been sent home from school.

Some teachers have found themselves placed under significant pressure by their employers when they have raised the problems they are facing, and in some cases have been threatened with deduction of salary or told that their only option is to take unpaid leave.

This advice note sets out the issues members should consider when faced unexpectedly with having to make childcare arrangements as a result of their children being sent home from school.

Members are advised to seek advice from the NASUWT at the earliest possible stage when they find themselves in this position.

1. Be prepared to demonstrate to your employer that you 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.
2. 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.
3. If 1 and 2 are not options for you, then discuss with your employer the possibility of working from home and the types of work-related activity you can undertake, including working remotely, for example, by:
 - delivering lessons remotely to groups of pupils in school;
 - providing work and support for pupils who are self-isolating;
 - preparing resources to support remote learning.

Think of all the work-related activities you may be able to do working from home, including participating in school meetings remotely, and be prepared to offer those to the employer to support your request to work from home.

4. Where the employer is unwilling to consider these options, then you may need to take further advice from the NASUWT at that stage before any other options are considered, such as:
 - requesting special, compassionate or carer's leave (as per any employer policy);
 - requesting parental leave (although this is unpaid).

If these options are considered, and they should not be until the options of flexible and home working have been exhausted, it will be important to make the employer aware that if they had facilitated working from home, the teacher could still be deployed to work. However, if the option offered is one involving some form of authorised leave, then the teacher cannot be asked to be available for work-related activities.

If some form of authorised leave is not an option or where, for example, the teacher has already expended their parental leave entitlement, then the entitlement to reasonable time off to deal with an emergency could be explored. 'Reasonable' is, however, not defined, but it could be argued that reasonable in this circumstance is a longer term than usual.

If all of the above have been explored and the problem remains, then the actions of the employer will need to be assessed by the NASUWT in the context of whether there is a case to be made for discrimination.

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