



Planning guide for supply members

NEU checklist



Coronavirus crisis
Workplace checklist



This National Education Union (NEU) checklist for supply members gives advice on work via supply agencies or directly with schools from 1 June onwards.

It gives you advice on:

- how to respond if an agency asks you to declare yourself available for work from 1 June;
- how to respond if you are offered work starting on or after 1 June but are concerned about returning to work generally or at a particular workplace;
- how to seek advice and support if you are threatened with any penalty as a result of expressing concerns about returning to work.

If you are a supply member already working on a long-term placement which has not been terminated, you should read our general advice for NEU members in relation to wider opening.

The advice is specifically for members in England but its principles will apply equally in Wales whenever wider reopening takes place.

Wider opening of schools

You can read the latest information on the NEU's position on wider opening of schools and colleges here.

The Government's advice continues to be that employees who can work from home should continue to do so and that schools should open more widely only on a limited basis. The NEU's view is that even if some schools do open more widely, the opportunities available for supply staff will be very limited, in particular if the DfE decides that similar restrictions on agency staff should apply in schools as in the care sector.

The NEU is pressing the Government to guarantee that supply members will continue to have access to furlough arrangements and to establish a specific furlough scheme for the education sector reflecting our circumstances.

It is unlikely that an agency will be unable to find an alternative worker if you are reluctant to take a particular engagement yourself due to health

or other concerns. The NEU is writing to the agency body REC and umbrella company body FCSA stating our view that this should be treated in exactly the same way as any other instance when work is declined. No action should be taken which penalises the worker and in particular there should be no threat to end furloughing.

Responding to questions about availability for work

If you are asked by an agency to say whether or not you are available for work:

- Reply that you may be available for work and that you will want to be informed of available assignments;
- Say that you will need to discuss the safety of each individual assignment, given the legal obligations with regard to health and safety both on the agency and on the employer at the particular workplace;
- Use our advice on vulnerability at work and let your agency know about anything that may make it difficult or impossible for you to work in school – your own health, that of family members, or other matters such as childcare difficulties;
- Do not say that you are unavailable for work unless you are in a category where the NEU is advising that you should not go into school.

You may also want to ask whether the agency is asking all the workers on its books the same question and whether it believes that it will be able to offer work to you after 1 June.

Responding to offers of work

The employer is under a legal duty to ensure the health and safety of employees and others present in the workplace (including temporary staff for whom it is not the employer). This means that the workplace must be safe in general terms and for you specifically.

Your agency also has a general duty of care towards you when placing you in workplaces in relation to your safety. Before it offers you work, the law says that your agency must consider whether it will be safe for you to work at the proposed workplace.

You should therefore ask the agency the following questions.

- ❑ Is it satisfied that it is safe to offer you work at all in the current circumstances?
- ❑ Has the agency considered your own circumstances (your health, that of your family members or other relevant circumstances)?
- ❑ Is the agency satisfied that the proposed workplace is safe?
- ❑ What steps has it taken to ensure that it is?
- ❑ Has it asked for and examined the risk assessment undertaken by the employer at that school?
- ❑ Has it satisfied itself that the risk assessment is adequate on the following key matters in particular:
 - social distancing – will this be maintained appropriately in class groups and at other times eg start & finish, circulation around the schools;
 - cleaning provisions – are these adequate?
 - PPE provision – will this be provided as necessary?
- ❑ Is the agency satisfied that the workplace is safe for you personally?
- ❑ Has it informed the employer of your personal circumstances?
- ❑ Has it ensured that the employer has specifically assessed the risks to you and decided it is safe for you to work at the school?
- ❑ Will you be allowed (during paid time) to fully familiarise yourself with working arrangements before commencing work?

Use our advice on vulnerability at work and let your agency know about anything that may make it difficult or impossible for you to work at that workplace – including your own health or that of family members, or other matters such as childcare difficulties or issues with travelling there.

If you work via an umbrella company arrangement, it is legally your employer and you are legally its employee. This means that the umbrella company has responsibility as your employer for conducting a risk assessment and taking steps to protect your health and safety as an employee if you return to work.

If you have any concerns after going into any workplace, find out the name of the NEU rep and speak to them in the first instance. If there is no NEU rep, contact your NEU district officers.

Seeking support if you are threatened with being penalised

The Government is advising all employers to engage with any legitimate concerns about returning to work. This applies just as much in moral terms to agencies – and certainly applies in legal terms to umbrella companies as legal employers.

You should seek support from your NEU district officers if you are threatened with any penalty for saying that you are not available to work on health or other reasonable grounds or refusing to work in any workplace which you reasonably believe to be unsafe.

