

13 March 2020

SNCT 20/74

SNCT Emergency Provision

CORONAVIRUS (COVID – 19): MAINTAINING CONTINUITY OF EDUCATION

The World Health Organisation (WHO) has declared a public health emergency of international concern on Coronavirus (COVID – 19). COVID -19 has now been declared a notifiable infectious disease. The Scottish Government has produced generic advice to assist schools and other educational establishments in providing information to pupils, students, staff and parents or carers regarding COVID-19. This includes advice to pupils, students and staff returning from school trips in specified countries/areas. Please refer to the Health Protection Scotland Website. . <https://www.hps.scot.nhs.uk/web-resources-container/covid-19-guidance-for-non-healthcare-settings/>

The SNCT has agreed a number of key principles for pandemic situations which aim to assist in maintaining educational continuity during this time. These effect temporary variations from the conditions of service contained within the SNCT Handbook which would be brought into immediate effect as directed by the local authority.

Key Principles

(1) The Duties of Teachers and Associated Professionals

The SNCT recognises that teachers and associated professionals will not be required to undertake duties not defined in contracts of employment unless under the amendments permitted in this circular.

In emergency situations, teachers and associated professionals may volunteer to take on board other roles to provide short term assistance. Such service should only occur until arrangements for appropriate staff are in place.

(2) Communication

a) The incidence of absence due to coronavirus will be monitored on a school by school basis by Scottish Government. Councils will share this information within LNCTs and with other trade unions, as appropriate.

b) Councils should as soon as possible make arrangements to discuss within LNCTs and with other trade unions situations which will lead to decisions to trigger contractual relaxations set out in this circular and decisions to close schools.

(3) Class Arrangements

Depending on local circumstances, normal class arrangements and timetables may be subject to temporary alteration. This may mean combining certain classes or stages.

Where such measures require temporary relaxations of class size maxima, no class arrangement should exceed the statutory requirements set out in The Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 (as amended by Education (Lower Primary Class Sizes) (Scotland) Regulations 2010/326) and no class arrangement including composite classes should exceed 33 pupils (P4 and upwards) or 20 in practical classes where practical lessons take place. *In extremis*, a teacher may volunteer to cover over these numbers (excepting the lower primary class sizes) for a short period of time.

There will be no relaxation of class sizes for special schools and units as set out in the SNCT Handbook, Part 2, Appendix 2.9.

(4) Working Hours

The normal contractual hours of teachers may be subject to temporary alteration. In such situations, the first approach should be to require teaching staff to be class committed up to the contractual maximum of 22.5 hours. If there is a need to require teachers to be class committed over the contractual 22.5 hours, where practicable, a payback arrangement may be provided by the Council to reduce class contact following the return to normal arrangements.

Where normal working time arrangements are suspended due to staff shortages, the right of a teacher to undertake duties at a time and place of their choosing will be conditional on them not being required in school to assist directly in maintaining continuity of education.

(5) External Supply Cover

The SNCT expects Councils to take every opportunity, within agreed absence cover arrangements and absence cover budgets, to maximise the use of supply teachers to cover for absent teachers.

(6) Relocation

Relocation may occur in the following circumstances:

a) In the event of the closure of a school, staff may, where practicable, be reassigned to another school until the school re-opens. Consideration will be given to issues of travel and location taking account of individual circumstances.

b) Where the whole school is not closed, teachers may nevertheless be asked to agree temporary relocation to another school with more pressing staffing circumstances to achieve educational continuity. The SNCT urges Councils to address this type of relocation on the voluntary principle. If no volunteers are forthcoming, LNCTs should determine how best to arrange temporary relocation.

Excess travel costs will be met and where a teacher takes up the duties of a promoted member of staff, acting up arrangements will apply, SNCT Handbook, Part 2, paragraphs 1.61 and 1.62.

(7) Self-Isolation

Employees who are undergoing self-isolation as instructed by their GP or as advised by Health Protection Scotland should advise their school and Council immediately. They should be entitled to full pay during this absence as COVID-19 is a notifiable infectious disease. The provisions of SNCT Handbook Section 6.34 will apply.

(8) Vulnerable Staff

Where there are confirmed cases of coronavirus in a workplace, Councils should follow the advice on <https://www.hps.scot.nhs.uk/web-resources-container/covid-19-guidance-for-non-healthcare-settings/> and seek medical advice on the management of risk. Thereafter the Council should, in the first instance, consider transferring vulnerable staff to another work location or, if that is not practicable, assigning them duties for home working.

(9) Pregnant Staff

Councils are required, under The Management of Health and Safety at Work Regulations 1999, to conduct risk assessments for pregnant employees. Where there are confirmed cases of coronavirus in a workplace, Councils should seek medical advice on the management of risk. Thereafter relocation to another work location should be considered in the first instance.

(10) Care Arrangements

It is likely that there will be a significant reduction of workforce due to care demands of young people, vulnerable persons and the elderly. In such circumstances Councils are required to be sympathetic to the pressures on staff. Councils will already have arrangements for granting leave with pay but could consider reviewing and enhancing those to reflect the exceptional circumstances.

Under Section 57A of the Employment Rights 1996 employees have the right to a reasonable amount of unpaid time off work to care for or make arrangements for dependants. A dependant is defined in the Act.

The Maternity and Parental Leave etc Regulations 1999 allows a parent with responsibility for a child to take up to 4 weeks unpaid leave in one week blocks in any one year. The SNCT Handbook, Part 2, paragraphs 7.7.1 to 7.7.7 provides the requirements for Parental Leave.

(11) Communication with Staff

Where temporary contractual relaxations are put in place in any school, all staff should be advised in writing of the changes and the likely duration. In the first instance, no relaxation should extend beyond 10 working days, although it is recognised that a further relaxation may be required. LNCT Joint Secretaries shall be kept informed of schools entering and leaving periods of temporary relaxation in advance of such changes.

(12) Absence Management

An employee who is prevented from attending work because of contact with an infectious disease will advise their Headteacher or HR department immediately and will be entitled to receive normal pay. The period of absence on this account will not be reckoned against the employee's entitlements to sickness allowance.

(13) Medical Certification

At present the period for self-certification is 7 days. Should the UK Government consider any temporary relaxation of this during any outbreak of coronavirus, the SNCT handbook would be amended accordingly (Part 2 paragraphs 6.27 to 6.30) for the duration of the change.

The SNCT Joint Chairs will continue to monitor the situation regularly.

Yours sincerely

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Louise Wilson (Teachers' Panel)
Stephanie Walsh (Scottish Government)

Joint Secretaries