



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 and colleges from 1 September onwards.

It gives you advice on:

- how to respond if an agency asks you to declare yourself available for work from 1 September;
- 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 for members in England and Wales.

September opening of schools and colleges

You can read the latest information on the NEU's position on September opening [here](#).

The Government's advice is that everyone can safely return to work to all workplaces, provided proper protective measures are in place. This includes schools and colleges. The DfE and PHE (Public Health England) also assert that schools are not high-risk places in terms of the transmission and infection rates of coronavirus.

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 has written 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 where work is declined. No action should be taken which penalises the worker and in particular there should be no threat to end furloughing for those who are furloughed.

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 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 for the agency and for 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 – or if you require protective or supportive measures
- do not say that you are unavailable for work especially while you continue to be furloughed.

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 accordance with DfE guidance?
 - Cleaning provisions – are these adequate?
 - PPE provision – will this be provided as necessary?
 - Is there an adequate track and trace process in place?
 - Are plans in relation to either a suspected in-school case, a school outbreak or local outbreak adequate and robust?
- ❑ 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 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 – or require protective or supportive measures.

If you work via an umbrella company arrangement, that umbrella company is your employer and you are legally its employee. This means that it 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.

