

COVER DURING THE COVID-19 PANDEMIC

The NASUWT is aware that there are a significant number of members who will be concerned about the situation in their workplace in respect of cover in relation to the COVID-19 pandemic.

Whilst recognising the significant impact that the COVID-19 pandemic has had on schools and the school workforce, the Union maintains that the pandemic is now entirely foreseeable, including the expectations placed upon schools in managing the situation when teachers are absent due to COVID-related reasons.

In light of this, the Union has produced advice and guidance to ensure that members are aware of their rights and entitlements and supported during this time.

Teachers in England and Wales

Rarely cover is an integral part of freeing teachers and headteachers from tasks which do not require their professional skills and expertise, and enabling them to focus on their core function of teaching and leading and managing teaching and learning.

This is reflected in the School Teachers' Pay and Conditions Document (STPCD) for teachers in England, which makes it clear that:

'Teachers should be required to provide cover only rarely, and only in circumstances that are not foreseeable (this does not apply to teachers who are employed wholly or mainly for the purpose of providing such cover).'

For those teachers working in Wales, the School Teachers' Pay and Conditions Document (Wales) (STPCDW) states that:

'Teachers should be required to provide cover in accordance with paragraph 49.7 only rarely, and only in circumstances that are not foreseeable (this does not apply to teachers who are employed wholly or mainly for the purpose of providing such cover).'

This applies to all teachers, including headteachers, teachers on the leadership spine and part-time teachers, irrespective of whether they are employed by a local authority maintained school or by the governing body of a foundation, voluntary-aided or foundation special school.

The same provisions will apply if you are a teacher in England who has transferred into an academy under the terms and conditions of the STPCD. It may also be the case that it applies if you work in an academy.

Schools should therefore have a robust system in place to ensure that teachers cover for absent colleagues rarely, and even then, only in circumstances that are not 'foreseeable'.

Recording and monitoring cover

An effective cover policy should also ensure that any obligation on teachers to rarely cover is recorded so that this is effectively monitored to guarantee that the burden of rarely cover is distributed evenly amongst all teaching staff.

Planning, preparation and assessment (PPA) time and cover

A cover policy should commit to protections around PPA time and when a teacher may or may not be expected to cover in rare or unforeseen circumstances.

PPA time must be a minimum of 10% of your timetabled teaching time and the time should be clearly marked on your timetable. The use of this time is under the direction of the individual teacher and it is guaranteed. It cannot be used for any other activity, including cover.

Rarely cover and timetable variations

Variations to your timetable should only ever be made where there are sound educational reasons for doing so.

Variations should therefore only ever be rare occurrences, and schools should not seek to re-timetable or re-designate you within the academic year during gained time in order to avoid breaching the provisions on rarely cover.

If changes are proposed to your timetable or to the timetable of a group of teachers and no sound educational reasons are given for the change, you should seek further advice and guidance from the Union.

Other than for teachers who are employed wholly or mainly to cover (including supply teachers), teachers should not routinely be expected to cover for absent colleagues, nor should they be expected to teach pupils who they have not been assigned to teach, i.e. pupils who are not registered for timetabled lessons with them, collapsed classes or multi-class assemblies. Splitting classes or combining classes is not an appropriate response where this results in a teacher being asked to cover for absence, given that cover is not an effective use of a teacher's time.

Despite the Department for Education (DfE) email bulletin issued to schools in England on 2 January 2022 which states that: *'Where workforce issues arise, you may wish to use existing teaching, temporary and support staff more flexibly where required to ensure your setting remains open, whilst ensuring that you continue to have appropriate support in place for pupils with SEND. As pupils do not need to be kept in consistent groups, you may wish to consider combining classes'*, the NASUWT's position is clear that this statement, in respect of absence cover, is **advisory only and is not mandatory**.

NASUWT Representatives should seek assurances from employers that the statutory and contractual provisions in respect of rarely cover will continue to apply.

Employers must also demonstrate that they have updated their risk assessments in consultation with staff and trade unions, including their legal obligations to take all reasonably practicable steps to safeguard the health, safety and welfare of staff and pupils. Risk assessments must also make clear how the school intends to address the issue of staff absences where they arise whilst also maintaining COVID-safety at all times.

When dealing with compromised staffing levels due to absence, schools should retain the option to send pupils home where the safety of provision cannot be maintained.

Given the above, teachers employed under the provisions of the STPCD (in England) and the STPCDW (in Wales) should not be expected to cover for COVID-related absences.

Should you require further advice or support, please [contact the NASUWT](#).

Teachers in Scotland

For teachers working in Scotland, under the provisions of the Scottish Negotiating Committee for Teachers (SNCT), absence cover is provided under the following conditions:

- immediately in the cases of advanced-notice absences of more than three days; and
- after three days in the case of unplanned absences.

These provisions establish the minimum provision and are without detriment to local agreements or arrangements in situations where matters relating to cover have been devolved to Local Negotiating Committees for Teachers (LNCTs) to reach an agreement.

Where local agreements are in place, these should have been subject to local consultation and agreement with the NASUWT.

Should you require further advice or support in relation to the agreement reached in your local authority, please [contact your Local Association Secretary](#) or the [Scotland Office](#).

Teachers in Northern Ireland

Teachers in schools in Northern Ireland can reasonably be requested to cover for an absent colleague in some circumstances, but only if such cover does not exceed the maximum teaching hours in any week (i.e. 25 hours in primary and special schools and 23.5 hours in a secondary school). It is a contractual right not to provide cover for a known absence of more than two days from the first day.

NASUWT members are not required to:

- provide cover or supervision for any absence where it was known in advance that it would exceed two days, except for primary 1, primary 2 and nursery colleagues. This includes providing cover or supervision for someone with COVID-19 or who is self-isolating, either by covering a full class, part of a class or supervising a large group in an assembly hall;
- provide cover or supervise after day 2 when it was not known that the absence would exceed two days – teachers can cover on the first and second day only, other than for primary 1, primary 2 or nursery colleagues;
- provide cover or supervise if it is not provided for in the time budget (**note: you cannot be asked to cover if there is no time budget**); or
- provide cover if there are fewer than 222 pupils in the school.

Please note that the weekly limits apply to teachers who are employed through the Northern Ireland Substitute Teacher Register (NISTR) for more than one week.

Cover includes temporary compositing of classes. Compositing classes mixes bubbles and should be avoided during the pandemic; however, a teacher is not required to take in pupils from a colleague when the absence is a known absence of more than two days. When compositing occurs on a temporary basis, it should only be for a short time and the Department of Education (DE) guidance on class sizes must be adhered to.

If NASUWT members are being pressurised to undertake work beyond their contracts, members should hold a school-based meeting and communicate to the school management that members will not be working outside the terms of their contract.

Should you require further advice or support, please [contact the Northern Ireland Office](#).

January 2022