

EIS Briefing for Members in Independent schools / third sector establishments

Sick pay and salary.

To date, the majority of concerns raised to EIS HQ by members in independent schools or third sector establishments have related to matters of sick pay / pay when a school or establishment has closed.

Entitlement to sick pay depends primarily on the terms and conditions outlined in your contract of employment. It is the expectation of the EIS that members employed in these sectors should, in the case of absence whilst provision is still open, be paid statutory sick pay as a minimum, but it is important that you refer to your contract of employment or school/staff handbook.

Some independent schools/third sector establishments, however, align their terms and conditions to the SNCT Handbook which applies to teachers in local authority schools in Scotland. If this is the case, then the EIS expectation is that all sickness provision outlined in the handbook, alongside any circulars specifically related to COVID-19, should be followed by the employer. The SNCT circulars that have been agreed in relation to COVID-19 can all be found on the EIS website.

The EIS expects that employers in independent schools/third sector establishments, who have no requirement for members to continue to work (whether from home or otherwise) may suggest that members be “furloughed”. This would mean that members would remain employed but would not be required to carry out any work during the furlough period. Some employers may seek to reduce pay to 80% (up to a maximum of £2,500 per month) to reflect the contribution they expect to receive towards wages.

The EIS shall engage with any employer considering furlough to press for a top-up of pay to 100% and remind them that unless pay is at 100% members cannot be furloughed without their consent.

Please let us know if you are concerned about being furloughed.

All measures to support business announced by the UK government can be found here:

<https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/covid-19-support-for-businesses>

Changes to Working Conditions

In workplaces where the EIS is a recognised trade union, members have a right to be collectively represented by their union. It is the EIS expectation that in such workplaces, the local EIS rep or relevant full-time official, should be involved in consultation around strategic planning related to COVID-19. In workplaces where the EIS is not recognised by the employer, the union still represents the collective voice of its members and it is appropriate that they are consulted via the union on any changes to working conditions.

Working from Home / Remotely

The EIS has recently published guidance around homeworking that can be found here:

<https://www.eis.org.uk/Coronavirus/WFHGuidelines>

Although some of the guidance is specifically focused on those who are employed by local authorities, much of what is contained within the document is applicable to members in independent schools and third sector establishments. Information on maintaining your wellbeing and also professional boundaries may be particularly relevant.

If your employer has directed you to work from home, it is a reasonable expectation for members to have received specific guidance as to expectations placed upon them. Where your employer has not issued guidance, then members are advised to seek this and contact the EIS for support with any issues that may arise.

Working in a Secure Setting

A number of members within independent schools and third sector establishments are employed in establishments focused on delivering education to young people in secure and / or residential settings. The EIS is aware that in many of these provisions, members are being directed to carry out duties outwith their normal terms and conditions. Where this is the case, members should expect meaningful engagement with management on all matters relating to the variation in duties. Again, members are advised to make contact with the EIS if any issues arise regarding this.

Where members are being deployed within residential settings, as opposed to normal educational provisions, or indeed where education provision is continuing in some form, the following document sets out the relevant recommendations from Scottish Government:

<https://www.gov.scot/publications/coronavirus-covid-19-social-distancing-in-education-and-childcare-settings/pages/covid-19/>

The EIS has also published guidance that, although focused on ASN in Local Authority 'Hub' schools, may be of use to members working within specialist provision in the private sector. A link to this guidance can be found below:

<https://www.eis.org.uk/Coronavirus/ASNAdvice>

General issues

The EIS is regularly updating the COVID-19 FAQs section of its website. All members are advised to consult this section regarding any queries, as many of the issues covered apply to members in both the state and private sector.

The COVID-19 FAQs section of the EIS website can be found here:

<https://www.eis.org.uk/Health-And-Safety/COVID19>