

Guidance to branches on potential 'furlough' in respect of home-schooling responsibilities during school closures

Following changes to government guidance regarding the CJRS and 'furlough' scheme UCU has received enquiries concerning the possibility of UCU members in FE and HE requesting 'furlough' as a result of home-schooling responsibilities due to school closures.

When the Coronavirus Job Retention Scheme (CJRS) or 'furlough scheme' was introduced early in the Covid-19 pandemic it was designed as a business continuity measure and a way of employers avoiding redundancies pending a return to more normal business operations following the first period of lockdown. Recent changes to the scheme broaden its purpose to allow for its use in response to the demands of home-schooling as a result of school closures under the current lockdown restrictions. The relevant guidance is here <https://www.gov.uk/guidance/check-which-employees-you-can-put-on-furlough-to-use-the-coronavirus-job-retention-scheme>

An element of the original CJRS that still applies is official expectations regarding employer applications for CJRS funding in respect of employees whose employment is publicly funded. On this the government guidance says 'if you receive public funding:

If you have staff costs that are publicly funded (even if you're not in the public sector), you should use that money to continue paying your staff, and not furlough your staff.

Organisations can use the scheme if they are not fully funded by public grants and they should contact their sponsor department or respective administration for further guidance.'

The government has expanded on this advice for educational bodies, including HE and FE at: <https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care>

If employers are only partially funded by public money (such as HE and many FE employers) they can use the scheme, but their 'administration' should give them guidance. There is no indication in government guidance of who the 'administration' would be the case of educational institutions and that is therefore left to employers to decide.

We believe that where staff are unable to work, or to work their full hours, as a result of the need to undertake home-schooling, employers should either furlough such staff under the government's CJRS (and make up salary to 100%) or, if that is not available, offer fully paid special leave.

If an employer is unable to claim back staff costs under the CJRS because a member of staff's post is deemed to be publicly funded and therefore outside of the scheme, then offering paid special leave does not impose any greater cost on the employer than full 'furlough', as the employer has already received public funding in respect of that employee (in fact more than under 'furlough' as the CJRS only covers 80% of an employee's pay). This is the approach being adopted by central government departments where no staff are being furloughed, but there are staff on paid special leave.

Concerns have been expressed by UCU members about the potential consequences of accepting furlough or reducing working hours during the pandemic, in terms of increased risk of redundancy in future, and there are steps that branches and members can take to ensure that any furlough/special leave now is agreed specifically and solely with reference to the latest government guidance covering childcare/home-schooling responsibilities, *not* as a redundancy avoidance measure.

Branches considering the possibility of furlough/special leave for staff should secure agreement with their employer that any temporary change to hours agreed due to childcare/home-schooling responsibilities linked to school closures is clearly specified as such and linked explicitly to the period of school closure and no other reasons.

Branches should seek an agreement that any member of staff who is offered furlough or special leave during this period does not suffer any detriment in terms of their pay, job security and career development.

Members should consider the amount of time they need for their home-schooling responsibilities. This will be affected by a number of factors, including the age of the child(ren) concerned, the extent to which they can manage home-schooling independently, whether they have SEN or are disabled, and the extent to which there is additional support available in the home, eg. from another adult.

Where staff do not require full leave, they should consider requesting flexible furlough/special leave which allows them to work part of the week.

All applications/requests for special leave or furlough should explicitly state that the request is due solely to increased childcare/home-schooling responsibilities as a result of school closure and make clear that the special leave/furlough will be for the duration of school closure only.

[Updated 28 January 2021]