



# Effective management of school workforce attendance

## Audience

Local authorities (education, finance and HR personnel), regional consortia, headteachers and governing bodies of maintained schools in Wales, diocesan authorities, commercial supply agencies and school staff will find this document useful.

## Overview

The effective management of workforce attendance is fundamental to ensuring positive learner outcomes, as well as monitoring and improving the health and well-being of the education workforce. This document provides a comprehensive overview of the roles and responsibilities, with regard to attendance management, of all those involved in the education of children and young people in Wales.

This document replaces the *Effective management of school workforce attendance* issued in December 2017 (guidance document no: 217/2017). Links to relevant references and resources can be found in Annex D.

## Action required

Local authorities, regional consortia, school staff responsible for arranging absence cover, governing bodies and supply agencies should read this document to ensure they understand their role and responsibilities in the effective management of school workforce attendance.

## Further information

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## Additional copies

This document can be accessed from the Welsh Government's website at [gov.wales/topics/educationandskills/publications/guidance/effective-management-of-school-workforce-attendance/?lang=en](http://gov.wales/topics/educationandskills/publications/guidance/effective-management-of-school-workforce-attendance/?lang=en)

## Related documents

*Effective management of school workforce attendance* (2015) and *Effective management of school workforce attendance* (2017)

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## Introduction

**Under the Local Management of Schools arrangements as outlined in the Staffing of Maintained Schools (Wales) Regulations 2014<sup>1</sup> schools are responsible for making decisions about how they organise, recruit, deploy and manage their workforce. These decisions reflect the school's individual circumstances, resources and priorities as identified in their School Development Plan (SDP)<sup>2</sup>.**

Effective management of staff absence is fundamental to ensuring positive learner outcomes. A report by Estyn, *The Impact of Teacher Absence*<sup>3</sup>, found that in primary and secondary schools, learners make less progress in developing their skills, knowledge and understanding when the usual class teacher is absent, and learners' behaviour is often worse, particularly in secondary school. The report also found that teacher absence impacts on pupils across the ability range. It is therefore crucial that everyone plays an active role in improving absence management arrangements and ensuring the most appropriate cover arrangements are in place.

In February 2017, the Supply Model Taskforce<sup>4</sup> published an independent report and recommendations on how best to support the delivery of effective supply arrangements in Wales. The report highlighted the complexities and inconsistencies across Wales in how supply teachers are currently deployed to meet local need. The Taskforce made a number of practicable and pragmatic recommendations for improving the current system for deploying temporary staff while supporting supply teachers, schools and learners. The Welsh Government, with the support of a Supply Working Group is taking forward the recommendations in the report including support for developing professional learning opportunities for supply teachers and arrangements for supporting absence arrangements and building capacity through regional school cluster arrangements.

The Well-being of Future Generations (Wales) Act<sup>5</sup> requires public bodies in Wales to think about the long term impact of their decisions, to work better with people, communities and each other to improve the social, economic, environmental and cultural well-being of Wales, whilst preventing problems and taking a more joined-up approach. Integral to meeting this requirement is having due regard to sustainable development – the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. To give current and future generations a good quality of life, schools need to think about the long term impact on learners when managing staff attendance and absence. Schools also need to ensure that their policies and procedures reflect this along with the Welsh Government's Code of Practice on the Ethical Employment in Supply Chains<sup>6</sup> and related guidance<sup>7</sup>.

This guidance has been produced to assist headteachers, governing bodies and local authorities, in establishing effective arrangements for managing classroom-based staff

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<sup>1</sup> [The Staffing of Maintained Schools \(Wales\) Regulations 2014 \(as amended\)](#)

<sup>2</sup> [Education \(School Development Plans\) \(Wales\) Regulations 2014](#)

<sup>3</sup> [The Impact of Teacher Absence \(2013\) Estyn](#)

<sup>4</sup> [Ministerial Supply Model Taskforce Report](#) – February 2017 [Cabinet Secretary for Education Written Statement](#) – February 2017

<sup>5</sup> [The Well-being of Future Generations \(Wales\) Act 2015](#)

<sup>6</sup> [Code of Practice: Ethical Employment in supply chains](#)

<sup>7</sup> [A Toolkit Guide - Code of Practice - Ethical Employment in Supply Chains](#)

absence. This is to ensure that priority is given to support the school workforce to improve their health and well-being, maintaining the continuity of teaching and learning across the whole school workforce and discharging their statutory obligations as employers and commissioners of services.

Supply agencies should also be familiar with this document to enhance the placement of supply teachers and learning support workers in schools. To improve learner outcomes in Wales, it is fundamental that the supply workforce are well informed, supported and afforded the same opportunities as their colleagues in full time employment.

The entire school workforce has an important role in ensuring that learners achieve their learning potential. An important focus for strategic and daily planning is how schools manage staff attendance and absence, particularly for classroom-based staff, as they are a key driver in delivering and enabling the learning required in schools.

## Section 1: Understanding workforce absence

1.1 This section looks at planned and unplanned absences, how to prepare and how to support arrangements to reduce staff absence.

### Absence from the classroom

1.2 The absence of teachers and support staff from the classroom cannot always be prevented, as the majority of absence is unavoidable. In some circumstances, the absence is necessary to support professional learning opportunities and school to school support programmes, which will, in-due course, have a positive impact on teaching standards.

1.3 There are planned circumstances where the nature of absence is known in advance, such as for professional learning or maternity leave and there are unplanned absences due to illness or other unexpected circumstances. In both cases, absence if not managed appropriately, will have an impact upon learners and their progress and on other staff within the school. It is therefore important for schools to have policies and systems in place that help to minimise any negative impact of absence.

1.4 It is important to maintain continuity of teaching and learning, whilst also ensuring staff have equal access to planned professional development opportunities while providing support to assist individuals with, or recovering from, health conditions to return to work.

1.5 The adoption by governing bodies, and the implementation by school leaders, of policies on:

- effective cover arrangements
- leave of absence
- management of attendance
- managing workload and workplace stress

are crucial to properly managing classroom absence in a way that provides appropriate support to staff, but also ensures minimal impact of staff absence on pupil progress and wellbeing.

1.6 Schools should have a leave of absence policy, which sets out the circumstances, criteria and procedures that will apply when individuals wish to take paid or unpaid leave of absence. For example, absence for hospital appointments and medical treatment should always be classed as paid absence. The policy should identify what steps need to be put in place to ensure, as far as possible, that the impact on learning is minimised whilst the member of staff is away from the school.

1.7 In addition, governing bodies and school leaders should have measures in place to monitor both planned and unplanned absence, utilising data to plan and take action to proactively manage absence and/or reduce it where possible.

1.8 Since 1 September 2015, all schools are required to adhere to the minimum standards set out in the Education (School Development Plans) (Wales) Regulations 2014. Schools are required to use a range of data including school workforce absence information<sup>8</sup> to inform their SDP and, if required, to set targets for the school.

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<sup>8</sup> <https://gov.wales/school-development-plans>

1.9 This should include benchmarking data so that comparisons can be made against both the best performing schools and similar types of schools operating in the local authority or consortium to inform their improvement plans. It is particularly important to learn from other schools that have successfully managed to:

- support effectively staff that are living with long term health conditions
- implement supportive measures to help reduce absence by looking at whole school ways of reducing unnecessary workload in line with the guide for teachers & headteachers on reducing workload.<sup>9</sup>
- manage short term absences effectively and supportively.

1.10 The SDP must also contain details of the school's provision for addressing the professional learning needs of all staff, including leadership development, in relation to achieving the school improvement priorities. These provisions also include staff temporarily placed at the school either to cover short term absence for periods of less than a term (up to 12 weeks) or on longer fixed term contracts and placements (from 12 weeks and longer).

1.11 Schools should have provision in place for supporting the professional learning of supply staff depending on the arrangements in place for employing and deploying such staff. The tenure of the supply placement should be in the best interests of the school and its learners and reasonable consideration should be given to the professional learning needs of all supply cover including those on short term placements, wherever possible, to ensure that they have equal access to a range of professional learning opportunities.

## **Reducing and preparing for absences**

### **Planned and unplanned absence**

1.12 **Planned absence** can take place for a number of reasons, as the absence is known in advance there are opportunities to ensure that the impact on learning is minimised. The SDP should identify the ways in which the impact on learners will be measured when teachers are required to be absent from the classroom.

1.13 Schools should carefully consider the impact of planned absence on learners and satisfy themselves that the absence is either unavoidable, or that the benefits outweigh any negative impact.

1.14 During a period of planned absence, especially when several members of staff may be absent, a school may choose to introduce new experiences to complement curriculum requirements. For example, suspending the usual school timetable for a day or more and making use of guests or organisations who can supplement classroom learning for special projects or activities (e.g. theatre in education, artist's or writer's workshops, sporting activities, musical events, even mock examinations for examination classes, etc.). Supervision by a relevant staff member with appropriate qualifications in order to meet the statutory requirements must be maintained.

1.15 Where schools in a local area want to hold an event that would affect a number of teachers working in the same phase or subject area the headteacher should consider whether there are sufficient resources to provide adequate cover.

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<sup>9</sup> <https://www.estyn.gov.wales/sites/default/files/documents/Reducing%20workload%20-%20English%20poster.pdf>



1.16 An effective management of absence policy should also deal with managing **unplanned absences** effectively. Although schools will have a notification system, it can be difficult for them to fill the void and ensure continuity of teaching and learning for pupils when teachers are unexpectedly absent from the classroom.

### **Preparing for planned and unplanned absences**

1.17 Where the absence is a short term **planned absence** it is expected that the specified work; i.e. teaching, to be delivered will have been planned in advance by the regular teacher. In developing such plans, the teacher needs to be aware of who will be providing the cover so that the plan being developed is appropriate for the individual taking the class. Where this is a member of staff who already works in the school, there may be an opportunity for the teacher to have a short discussion with the member of staff to discuss the lesson plans provided.

1.18 When the absence is **unplanned**, where possible, the relevant lesson plans should be provided as soon as practicable to the supply teacher who will be in the classroom.

1.19 Whatever the absence, when setting work, the teacher should ensure that the work set for the class is purposeful and will enable pupils to make progress and be of appropriate challenge. Relevant information relating to the lesson and pupils in attendance should also be provided. The regular teacher should ensure that all books, worksheets, etc. are in an accessible place for the supply teacher providing the cover. If worksheets are to be used, a comprehensive answer sheet should also be provided to assist the person providing the cover. See model policy and list of materials at Annex B - supporting supply teachers in a school environment from induction to departure.

1.20 Following the lesson, the supply teacher providing the cover should provide the regular teacher with a short note setting out the outcomes of the lessons and any other relevant information relating to the lesson or pupils in attendance.

1.21 In some cases the school may be able to call on its own floating or supernumerary teacher or have staff members whose role includes providing classroom cover, for example cover supervisors or HLTAs, to cover the teacher absence. However, consideration needs to be given to ensuring that such staff have the necessary qualifications and level of subject knowledge.

1.22 The existence and application of a management of attendance policy will make it clear to all staff how planned and unplanned absence will be managed. The policy should:

- set out how staff will notify the school of their absence, and how the school will record and manage this data;
- identify how short term absence will be monitored and managed;
- identify how long term absence will be monitored and managed;
- state how return to work interviews will be managed and recorded;
- explain what support and guidance is available to employees on sickness absence <sup>10</sup>
- outline how employees will be supported to achieve positive levels of attendance;

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<sup>10</sup> Such as the [Education Support Partnership](#), for example.

1.23 Schools should be mindful of the areas that they can proactively consider in an attempt to reduce planned and unplanned sickness absence in the classroom. To support Individuals back into work these include:

- following the attendance management procedures and managing the absence sensitively and supportively;
- using return to work interviews to address the cause of sickness absence;
- supporting employee wellbeing, stress management and rehabilitation programmes;
- supporting the use, where appropriate, of Occupational Health and Access to Work Schemes.

1.24 To consider absence levels as a whole by:

- reviewing historical patterns of absence and examining the causes of absence;
- checking absence rates and benchmarking with similar schools;
- raising awareness of absence in the school and the associated impact on learners.

## **Effective cover for planned and unplanned absence**

1.25 This section demonstrates a number of ways in which a school can cover for a teacher's absence. However, schools need to ensure that their policies and procedures address absence management procedures for their **entire** workforce, including the headteacher.

1.26 The most appropriate option to effectively cover any absence will depend on the particular circumstances and requirements of the school, combined with the professional judgement of the headteacher or governing body. As far as is reasonably possible, cover arrangements should focus on ensuring that all lessons are taught effectively providing learners with the continuity of learning for them to progress. All absences should be covered by a qualified teacher as appropriate.

1.27 The Education Workforce Council (Main Functions) (Wales) Regulations 2015, as amended<sup>11</sup> (the Functions Regulations) sets out the requirement for practitioners to be registered in the correct category or categories of registration for the work they are employed to undertake. It is therefore a statutory requirement that all qualified teachers— i.e. those that hold Qualified Teacher Status – who undertake the specified work of a qualified teacher, employed by a maintained school or placed by a commercial supply agency are registered, in the category of 'school teacher' with the Education Workforce Council. Similarly, all school learning support workers who support the provision of the specified work of a qualified teacher must be registered with the Education Workforce Council in the category of 'school learning support worker'.

1.28 The Functions Regulations define what specified work<sup>12</sup> – teaching is and who can undertake the specified work of a school teacher, delivering lessons to pupils falls into this work. No person may carry out the specified work of a qualified school teacher unless they are deemed qualified and registered to do so. Schedule 3 of the Functions Regulations, however, sets out the categories of persons who can undertake teaching work in specific circumstances and the conditions attached.<sup>13</sup>

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<sup>11</sup> [The Education Workforce Council \(Main Functions\) \(Wales\) Regulations 2015](#)

<sup>12</sup> [The Education Workforce Council \(Main Functions\) \(Wales\) Regulations 2015 - Regulation 17](#)

1.29 If a school employs a qualified supply teacher directly, they are then considered the employer. It is therefore, the school's responsibility to carry out all employer functions including relevant employment checks and for ensuring payment for work is made. It is advisable that schools keep a list of supply teachers who could be called upon at short notice. Relevant details (e.g. CV, DBS, EWC registration) should be on file and the school should ask for an update of this information at each appointment. It is particularly important that EWC registration is checked at each appointment, as the Register is 'real-time' and the registration status of an individual can change at any time. Building a relationship with these teachers over a period of time would benefit the school, pupils and the supply teachers.

1.30 Schools may source supply staff through a commercial supply agency that employs staff directly. If schools opt to source cover in this way they should have regard to the information set out in the Section 2 on Commercial Supply Agencies. Schools should also have regard to the local arrangements in place within their local authority area when procuring supply cover.

1.31 If a school employs supply staff directly, the school is considered the employer. It is therefore, the schools responsibility to ensure that **all** employer functions are undertaken including the relevant employment and qualification checks.

1.32 Regardless of who the employer may be, it is fundamental that the school provides all supply staff with an induction to the school. An example of a model policy, which covers the information that this should contain as a minimum, is provided at Annex B.

**1.33 When deciding how to cover absence effectively, schools should ensure that they understand their employment responsibilities for all individuals who work in the school; advice on this matter is available from the local authority HR service.**

### **Cover for headteacher absence**

1.34 A 2017 report by Estyn<sup>14</sup> indicated that only around half of the schools that were surveyed as part of its thematic review have a policy in place for managing the absence of the headteacher.

1.35 In most absences, the deputy headteacher will assume the role of the headteacher or a senior member of staff, to ensure effective leadership continuity within the school. More often than not this is an effective practice however there will be instances where a longer term plan will need to be put into place.

1.36 In most cases schools, governing bodies and local authorities will need to work together to arrange cover for longer absences of the headteacher. Invariably the deputy headteacher, with the support of the governing body, will continue to undertake the

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<sup>13</sup> This does not apply to Overseas Trained Teachers – persons who have successfully completed a programme of professional training for teachers in any country outside the United Kingdom, which is recognised as such by the competent authority in that country – who can be employed as an unqualified teacher for a period of up to two years in Wales before being required to hold QTS. There are other circumstances under which a school are able to employ an unqualified teacher and these are specified in the [Education Workforce Council \(Main Functions\) \(Wales\) Regulations 2015](#).

<sup>14</sup> [Effective management of school workforce attendance in primary schools \(January 2017\)](#)

headteacher role during the period of absence. Further consideration will need to be given by the governing body to other implications of this temporary appointment, such as the additional cover for the teaching responsibilities of the deputy head – for example - to ensure continuity of learning in the classroom is not compromised during this period of cover.

1.37 In cases where the deputy headteacher may not – for a number of reasons – be in a position to lead the school for a sustained period, the local authority should assist the school in ensuring effective leadership arrangements are secured and provide the school with a range of cover options.

1.38 Throughout the period of headteacher absence, the local authority should maintain close contact with the chair of governors and the interim headteacher to provide ongoing support for the duration of the period of cover, whilst continuing to provide support to the absent headteacher during the period of absence. This will include considering what reasonable adjustments can be made, or support systems can be put into place for the headteacher on their return to the school.

## Teachers

1.39 Only in exceptional circumstances, that could not have been foreseen, should teachers already employed by the school be directed to cover for an absent colleague. Teachers should be required to provide cover in accordance with paragraph 53.7 of the School Teachers Pay and Conditions (Wales) Document<sup>15</sup> - that is, **only rarely**, and only in circumstances that are not foreseeable.

1.40 The Welsh Government considers that any requirement to cover will be shared equitably amongst all teaching staff, including the headteacher.

1.41 The contractual provision applies to all teachers paid across the statutory teachers pay ranges at the school, whether they are employed on permanent or fixed term contracts and whether they are full or part time. This does not however apply to teachers who are employed wholly or mainly for providing such cover.

## Supply teachers

1.42 Supply teachers should be expected to teach rather than simply supervise. They should plan and prepare lesson activities and should be involved in assessing pupils' progress and attainment, though scope for this may be relative to the length and nature of deployment.

1.43 Supply teachers in secondary schools will usually have a subject specialism; however, they may be required to cover any subject. Similarly in primary schools, a supply teacher may be required to work anywhere between reception class and the end of Key Stage 2, regardless of age specialism or subject specialism.

1.44 In these cases, the school should provide support for the supply teacher, for example, by encouraging the relevant subject teachers within the school to provide mentoring and support both in subject knowledge and behaviour management. The nature

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<sup>15</sup> [School Teachers' Pay and Conditions \(Wales\) Document](#)

of this mentoring would depend on the tenure of the supply teacher's deployment and the time made available for the purpose.

1.45 The current appraisal regulations for teachers apply if a supply teacher works at a school for a term or more. Therefore, supply teachers employed on fixed term contracts of a term or longer will be subject to the Teacher Appraisal Regulations (Wales) 2011<sup>16</sup>. The headteacher will need to ensure appropriate performance management is undertaken, giving assurance that cover is of a high quality and ensuring the supply teacher has access to the schools performance management arrangements and suitable professional development opportunities.

1.46 Newly qualified teachers (NQTs) employed by schools for cover on medium to longer term contracts are therefore able to benefit from performance management and appraisal arrangements in much the same way as permanent staff members.

1.47 Additionally, in this way NQTs will also have the opportunity to complete substantial parts of their induction period in the same school. All NQTs must complete an induction period of three school terms or 380 school sessions. The state that all periods of employment of one school session or more must count towards a NQTs induction period. One school session is defined as one full morning or one full afternoon of employment as a qualified teacher in a school

### **School learning support worker**

1.48 A school learning support worker is a person who is not employed as a qualified teacher but who assists or supports the work of qualified teachers or nominated teachers in the school. The Education Workforce Council (Main Functions) (Wales) Regulations 2015 set out the registration requirements for all support workers to be registered with the regulatory body and the conditions that need to be met should they be deemed qualified to undertake certain aspects of specified work.

1.49 Schools should ensure that a school learning support worker is only deployed to cover the duties and responsibilities within their contract of employment and job description; they must not be used routinely to cover for qualified teacher absence unless they are employed specifically to undertake classroom cover as a school cover supervisor or HLTA undertaking non-teaching activities. Time spent away from a school learning support worker's timetabled responsibilities could cause disruption and undermine the important role they play.

1.50 Although not a statutory requirement, it is good practice for a school to undertake a performance management process with non-teaching members of the school workforce in line with the school policy.

### **Floating/supernumerary teacher**

1.51 Where a suitably qualified<sup>17</sup> floating or supernumerary teacher is employed, continuity for pupils can be provided. The school will specify the terms of their deployment

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<sup>16</sup> [Teacher Appraisal Regulations \(Wales\) 2011](#)

<sup>17</sup> The requirement for such persons to be registered in the category of teacher with the Education Workforce Council, as per the Education Workforce Council (Main Functions) (Wales) Regulations 2015, would need to be met

and allocate the appropriate element of Planning, Preparation and Assessment (PPA) time based on their working hours. Schools should ensure that floating/supernumerary teachers are given the same induction as all other qualified teachers employed at the school receive. They will also be subject to the Teacher Appraisal Regulations (Wales) 2011 and therefore, the headteacher will ensure appropriate performance management is undertaken, giving assurance that cover is of a high quality. If their duties are specifically designed to cover the absence of colleagues, the 'rarely cover' provision will not be applicable.

1.52 Each cover situation may need different requirements depending on the circumstances. The headteacher will consider the following when deciding whether the use of floating/supernumerary teacher is appropriate or not:

- the extent to which continuity of learning can be maintained
- the length of time a particular group of pupils would need cover for
- the particular needs of the class concerned.

1.53 Where the floating/supernumerary teacher is being used to undertake cover due to planned absence, there should be an opportunity for discussion with the regular teacher. The regular teacher should ensure that the work being set is appropriate and a discussion should take place surrounding the work that the pupils will be expected to complete, pupil engagement and any specific management/behavioural issues. If the floating/supernumerary teacher is not a subject specialist for that topic, the necessary information to deal with possible questions from the pupils should also be provided. All work undertaken by a floating/supernumerary teacher must be purposeful and of appropriate challenge to the class.

1.54 Some schools have found it beneficial to establish a 'bank' of learning resources that are designed for particular age groups or study topics. These are selected to provide the best continuity for learners and can be used by floating/supernumerary teacher or supply teachers.

### **Collaborative arrangements**

1.55 The Report of the Ministerial Supply Model Taskforce published in February 2017 recommended the development of regional collaborative arrangements to operate across clusters of schools. This would allow for more planned and effective supply teacher cover arrangements to be adopted.

1.56 This could present an opportunity to schools within a cluster to consider a collaborative approach to organising cover, where staff resources could be shared across the cluster.

1.57 This option would work well in areas where schools have chosen to share the costs of employing an appropriate member of the school workforce on a shared (cluster) basis as a resource for all to utilise.

1.58 Typically, they would be employed by one lead school. A service level agreement or a protocol will need to be in place to ensure a fair distribution of the available time with other schools is achieved. When a qualified teacher is employed solely to cover the absence of other colleagues and is actively undertaking the full range of specified work the 'rarely cover' rule will apply. Appropriate provision should be made for the professional learning and performance management of the individual as part of the overall provision set out in the SDP.

1.59 It would be prudent for headteachers across a cluster of schools to investigate whether the costs spent by the schools on cover arrangements might be better invested in a shared resource. There are benefits to continuity and quality to have floating or supernumerary teachers who are employed either by one school, or across a cluster, to provide cover for absent teachers. The school based supply cluster pilot in 2017-2020<sup>18</sup> highlights these positives.

## Monitoring absence

1.60 Whilst each absence has its own contributory factors, general patterns can emerge across the entire workforce, including the headteacher. The absences can be influenced not just by levels of illness but also by factors such as management style, culture, traditions and the behaviour of colleagues and/or pupils.

1.61 Ensuring the health, safety and welfare of the school workforce, so far as is reasonably possible, is integral to effective absence management. Appropriate arrangements to support members of the workforce who are absent through extended illness, to return to work is also essential, for example some schools have introduced wellbeing committees to consider issues related to absence.

1.62 In any system that is put in place to reduce workforce absence, the key starting point is the measurement and analysis of absence patterns within the school. The collection and analysis of this data allows governors and headteachers to:

- confirm whether they do, or do not, have a problem with absence levels
- identify the type of absence; for example is there a pattern of sickness in the absence? Is the absence short or long term?
- explore whether there are underlying causes; for example are there clusters of higher-level absences within certain departments/teams or related to specific classes, which could be related to specific times of the year, which are particularly stressful.
- identify to what extent the school's approach to professional learning is a contributory factor.
- compare their data with other schools in the cluster, local authority or comparable schools.

1.63 In taking this first step, schools can begin to identify why the workforce is absent and what proactive support they can provide to ensure that absence is kept to a minimum.

1.64 Schools should also consider the development of targets based on the data they have collected along with data from comparable schools. Evidence suggests that schools that set targets improve their levels of attendance compared to those schools that do not set targets. Schools should consider introducing targets related to reducing workload and bureaucracy<sup>19</sup>.

1.65 Schools need to ensure that the planned absences are justified and, if necessary, prioritise those staff that can be out of school on that day. Schools should consider developing a termly planned absence programme, which should be updated and evaluated

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<sup>18</sup> <https://gov.wales/evaluation-school-based-supply-clusters>

<sup>19</sup> Consideration should be given to the guide for teachers and headteachers on reducing workload.

on a monthly basis during senior management meetings. Schools may wish to consider the role of a shared school calendar.

1.66 During the evaluation process, schools should also consider where and when any unplanned absences have taken place. This will help in identifying any patterns, which are unduly affecting any particular classes. Undertaking such planning and evaluation will allow the school to consider what steps can be put in place to address any issues.

1.67 Schools may wish to note for reference that from 2016, the Welsh Government has published teacher sickness absence data collected at local authority level<sup>20</sup>.

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<sup>20</sup> [Pupil Level Annual School Census \(PLASC\)](#)



## **Section 2: Obligations and duties – roles and responsibilities in effectively managing absence and ensuring appropriate cover arrangements are provided**

2.1 The Well-being of Future Generations (Wales) Act 2015 came into force in April 2016. The Act requires public bodies, including the Welsh Government, to think more about the long term, to work better with people, communities and each other, look to prevent problems and take a more joined-up approach – helping to create a Wales that we all want to live in, now and in the future. Underpinning the Act are the Well-being Goals and Principles, which provide a single set of values, which guide how we all work.

2.2 It is important that all stakeholders are aware of their responsibilities for both managing absence effectively and staff wellbeing, and ensuring appropriate classroom cover is in place without negatively impacting on the outcomes for learners. Outlined in this section are the main roles and responsibilities of key stakeholders directly providing, or supporting, the provision of learning in schools.

2.3 Consideration should be given to the Code of Practice: Ethical Employment in Supply Chains. This code commits public, private and third sector organisations to a set of actions that tackle illegal and unfair employment practices. All organisations that receive funding from Welsh Government, either directly or via grants or contracts, are expected to sign up to the code. Other organisations such as commercial supply agencies operating in Wales are encouraged to sign up.

### **Welsh Government**

2.4 The Welsh Government is responsible for setting the strategic direction for schools, local authorities and consortia to support the effective management of the school workforce. Strategic direction is set through the publication of regulations, guidance documents, model policies and online resources.

2.5 The Welsh Government is responsible for undertaking assessments of the strategies and guidance that it introduces along with the development and implementation of new policies.

2.6 The Welsh Government will actively seek to ensure that there is a balance between engaging practitioners in developing future policy and minimising absences from the classroom. All associated guidance for policy developments will state clearly that it expects schools, local authorities and consortia to seek to minimise the need for covered lessons. Where absences do occur, the Welsh Government will expect appropriate arrangements to be put into place that will be of benefit to the learners.

2.7 The Welsh Government expects that a range of delivery options is considered when providing learning opportunities to the school workforce and will encourage schools, local authorities and consortia to follow this practice.

2.8 The Welsh Government will publish absence data on a local authority level on an annual basis. This data will be used to form part of the monitoring, reviewing and challenge process of people management with consortia and local authorities.

## Governing bodies

2.9 The Staffing of Maintained Schools (Wales) Regulations 2014 set out the statutory responsibility for governing bodies regarding the workforce in schools. The LA is the employer of staff in community, voluntary controlled, community special and maintained nursery schools. The governing body is usually the employer of the staff in foundation, voluntary aided and foundation special schools - other than for staff who are employed to work at more than one school, in which case the LA is likely to be the employer<sup>21</sup>.

2.10 Governing bodies together with school leaders are responsible for ensuring that staff are deployed appropriately, taking into account the needs of the school, its learners and staff. Absence of classroom practitioners, should be appropriately managed to reduce as far as is possible any detrimental impact on learners. There is a responsibility on leadership and governing bodies to ensure that the most appropriate cover arrangements are in place to allow high quality teaching and learning to continue during periods of absence.

2.11 With regards to managing absence and providing effective cover arrangements, based on good practice, the governing body should:

- as a minimum adopt the following policies:<sup>22</sup>
  - An appropriate cover policy, which sets out what strategies, will be implemented to provide high quality classroom teaching and learning in the case of both planned and unplanned absences. The policy should focus on ensuring that learners' progress is maintained and resources are effectively used
  - An appropriate management of attendance policy which aims to offer appropriate levels of support to employees while encouraging staff to maximise their attendance at work. It is recognised that a certain level of absence is inevitable.
  - An appropriate leave of absence policy which provides guidance on special leave entitlements (both paid and unpaid) to cover unplanned absence that is not sickness related, e.g. bereavement leave, caring for dependents.
  - An appropriate policy for managing workload and work place stress.
- be responsible for ensuring that these policies are applied rigorously through regular monitoring and evaluating.
- be responsible for monitoring any financial costs of the adopted cover policy.
- agree with the headteacher which methods of cover will be utilised in the school and/or the criteria for their selection.
- have regard to the Code of Practice: Ethical Employment in Supply Chains and related toolkit guide.
- ensure that within the absence policy, the school give specific consideration to managing the absence of the headteacher, should an absence occur. The school should work with the local authority to ensure that effective leadership cover arrangements are in place.
- They must give support to the temporary headteacher. The local authority should stay in close contact with the chair of governors and the temporary headteacher for the duration of the absence.

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<sup>21</sup> <https://gov.wales/sites/default/files/publications/2018-03/10-staffing.pdf>

<sup>22</sup> In accordance with [National Model for Regional Working: Revitalising People Management in Schools \(2015\)](#) local authorities are responsible for developing employment policies for adoption by schools in collaboration with regional consortia's other constituent local authorities and ensure that schools are offered appropriate training in the operation of these policies.

- ensure that the headteacher adheres to safer recruitment practices when engaging agency and other supply workers within the school. This includes provision of appropriate references, confirmation of EWC registration and up to date DBS checks in line with the local authority's and Welsh Government's guidance on safeguarding in recruitment<sup>23</sup>
- consider how absence from the classroom might impact on the formulation and implementation of the SDP, particularly with regard to the provision of developing staff and the impact on learners.
- ensure that at full governing body meetings, the headteacher's report to governors includes an item on staff attendance so that implications for learners and expenditure on cover can be fully considered. These updates should be informed by accurate data gathered at local level. Benchmarking data should also be used so that the school can compare itself against both the best performing schools and similar schools within the local authority.
- ensure the headteacher is effectively managing the attendance of the entire school workforce in line with the adopted management of attendance policy, taking appropriate action where required to address individual employee attendance concerns.
- Seek HR advice and support from their local authority as appropriate.
- ensure that the headteacher accesses HR advice and support on managing absence through service level agreements.
- ensure the headteacher is effectively implementing healthy working practices and discharging any statutory responsibilities in relation to achieving a satisfactory work life balance for all staff.<sup>24</sup>
- ensure that the well-being and welfare of the headteacher is regarded as set out in section 5A of the Education Wales Act 2009. This puts a responsibility on the governing body to have regard to the desirability of the headteacher being able to achieve a satisfactory balance between the time spent discharging the professional duties of a headteacher and the time spent pursuing personal interests outside work.
- ensure that the school adheres to the School Teachers' Pay and Conditions (Wales) Document in relation to directed time for teaching staff, and to government working limits set out in the Working Time Regulations<sup>25</sup>, seeking the advice of the local authority or HR where plans to exceed these may be required.

2.12 Governing bodies may wish to consider designating the responsibility to lead on absence management issues to one of their members or a sub-committee and set out clear terms of reference for this purpose. Welsh Government support on roles and responsibilities for school governors can be accessed here:

<https://gov.wales/roles-and-responsibilities-for-school-governors>

## Headteacher

2.13 Within the context of the school's **management of absence**, the headteacher:

- should apply the school's management of absence policy along with other cover or absence related policies in an equitable, fair and confidential manner seeking external support where necessary.

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<sup>23</sup> <https://gov.wales/keeping-learners-safe>

<sup>24</sup> [The School Teachers' Pay and Conditions \(Wales\) Document](#)

<sup>25</sup> [Working Time Regulations 1998](#)

- should have regard to all aspects of their local authority's absence management procedures where applicable.
- will provide a standardised briefing on staff attendance (including the associated financial cost) to the governing body as part of the headteacher's report to governors.
- should ensure that all staff are aware of the school's management of attendance policy and that they comply with its provisions, including any revisions.
- should participate in local authority, consortia or Welsh Government training on management of attendance in schools where provided and appropriate. (If necessary, this responsibility can be delegated to an appropriate member of the school's senior management team).
- should consider setting reasonable workforce attendance targets using their own school's data, as well as using the data of comparable schools to benchmark and set reasonable targets.
- should work with the school's HR provider to analyse sickness data to make informed decisions, paying particular attention to recurring trends, analysing types of absence and monitoring levels of stress.
- should have regard to, and promote, employee workplace initiatives that the local authority offers, e.g. corporate health standard, wellbeing weeks, employee assistance programmes.
- must have regard to the requirements set out in the School Teachers' Pay and Conditions (Wales) Document and Working Time Regulations. In particular, the need for teachers to be able to achieve a satisfactory balance between the time required to discharge their professional duties and the time required to pursue their personal interests outside work.
- have regard to the Code of Practice: Ethical Employment in Supply Chains, related guidance and toolkit.

2.14 Within the context of the school's **cover arrangements**<sup>26</sup>, the headteacher:

- should create a culture of working where, employees feel able to discuss with the headteacher, or other senior manager, any appropriate matter impacting on their personal health and wellbeing at home, or at school that may be affecting their welfare and/or their ability to discharge their duties effectively.
- as far as is practicable, should ensure that the governing body's arrangements to cover absence are effectively implemented, thereby maintaining continuity of learning and providing high quality provision.
- should understand the requirements of the Education Workforce Council (Main Functions) (Wales) Regulations 2015 on who can provide cover for absent classroom teachers.
- alongside the governing body, use their professional judgement to determine how best to source cover arrangements.
- should ensure that those providing cover either from within the school or from external sources receive the necessary support, development and information to assist them to discharge their role effectively. It is important that both the school and the staff member communicate their expectations.
- where cover is procured from commercial supply agencies, monitor costs and undertake a full cost analysis of the provision of supply cover. The quality and consistency of cover should also be monitored.

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<sup>26</sup> In accordance with the most up to date School Teachers' Pay and Conditions (Wales) Document, available at: <https://gov.wales/teachers-pay-and-conditions>

- should ensure that where cover is provided by a non-qualified teacher for example cover supervisor or HLTA, no active teaching is taking place, as per the statutory requirements set out in the Education Workforce Council Regulations as above.

## Duties when utilising commercial supply agencies

2.15 Headteachers and governing bodies have a range of options open to them in sourcing supply cover, they can appoint direct, use the services of local authority supply lists where they exist or use the services of commercial supply agencies.

2.16 If using commercial supply agencies for cover arrangements within maintained schools, the headteacher/governing body should be aware of the National Procurement Service (NPS) Framework Agreement<sup>27</sup> for the provision of supply teachers commissioned on behalf of local authorities. Using commercial supply agencies on the framework will provide schools with assurance that minimum quality standards and statutory safeguarding obligations are met, there is transparency in terms of the fees payable by schools whilst ensuring the protection of supply teachers by all agencies admitted to the framework. Local authorities may recommend that schools use the services of the framework provider however; there is no legal requirement for them to do so.

2.17 Where an App based matching service is used to employ a supply teacher, the headteacher should be aware that it is highly likely the school will become the employer. Therefore, **all** employer functions fall to the school and it is their responsibility to ensure that they are all carried out correctly.

2.18 The Staffing of Maintained Schools Regulations (Wales) 2014 (as amended) specify that schools are responsible for making decisions about how they organise, deploy and manage their workforce. In doing so, schools:

- should ensure appropriate and robust safeguarding checks are completed by having sight of and taking note of documents on the supply worker's first day in school, including provision of appropriate references and up to date DBS checks<sup>28</sup>.
- should be aware that any teacher or learning support staff placed from commercial supply agencies – including those supply agencies offering an App based matching service - must be registered with the Education Workforce Council under the Education Workforce Council (Main Functions) (Wales) Regulations 2015 in the appropriate registration category.
- should ensure that qualified supply teachers engaged to provide cover, are delivering appropriate and meaningful teaching and learning, not simply supervising the pupils.
- should ensure supply teachers are provided with relevant information about the school and the class to be taught where possible, in advance of their deployment. This will include ensuring there is a relevant member of staff to act as a liaison point for the supply teacher whilst they are in the school.

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<sup>27</sup> <https://hwb.gov.wales/professional-development/supply-teachers/#the-national-procurement-services-supply-teachers-framework-for-wales>

<sup>28</sup> Section 2.25 of *Keeping Learners Safe* – Welsh Government Guidance document 158/2015 details the responsibilities of headteachers in this regard. Additionally, Chapter 5 of the guidance document details further the responsibilities in respect of recruitment and DBS checks.

- should ensure that supply staff have read and understood the schools Safeguarding Policy and Procedure and have been informed of the designated person should concerns arise.
- should, where a supply teacher is employed on a long term basis i.e. a term or more, share the school's priorities and undertake performance management in line with the School's Performance Management Policy and Procedures. Individual objectives should be discussed and, where possible agreed, and the support necessary to achieve the objectives must be identified and provided.
- should provide feedback to the commercial supply agency as well as directly to the supply teacher of their performance. A written record of the performance of supply staff should be kept. Where particularly poor performance or concerns have arisen the headteacher should inform the agency and appropriate action taken in line with the guidance document, procedures for reporting misconduct and incompetence in the education workforce (2015)<sup>29</sup>
- should, as far as is practically possible, include staff temporarily placed at the school in the provision for professional learning as set out in the SDP.
- should report to the governing body on the expenditure associated with cover arrangements (including reduced pay levels where applicable or reimbursement via insurance arrangements) in order to consider continuity, learner outcomes and value for money.

## **The school workforce**

2.19 In addition to the roles of governing bodies and headteachers, each member of the school workforce, including those members placed temporarily within a school, has a responsibility for their own health and wellbeing and for the overall efficient running of the school.

2.20 As a matter of best practice, each member of the school workforce has a responsibility to:

- comply with the school's Management of Attendance policy, including the appropriate reporting arrangements, maintaining contact with school management during periods of absence and attendance at occupational health where required.
- ensure that any requests for professional learning opportunities reflect the priorities set out within the SDP.
- consider the potential impact any planned absence will have on learners and make sure arrangements are in place to ensure learners achieve their learning potential.
- wherever possible discharge any responsibilities in relation to ensuring continuity of learning during absence.
- if appropriate, discuss with the headteacher or other senior managers any concern which impacts on their personal health and wellbeing at home, or at school, that may affect their ability to discharge their duties effectively.
- participate fully in return to work interviews.

## **The local authority**

2.21 The local authority is the overarching employer in law for most school-based employees, however under the Local Management of Schools the responsibility for making decisions about how the workforce is organised, deployed and managed is placed onto

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<sup>29</sup> <https://gov.wales/procedures-reporting-misconduct-and-incompetence-education-workforce>

governing bodies, whilst matters regarding the people management function are delegated to schools. Local authorities may provide HR support and advisory services as requested via service level agreements.

2.22 Local authorities should as a matter of best practice, hold regular meetings with NPS Framework providers they use to discuss the requirements set out in the Safeguarding and Registration Requirements section along with any specific objectives set out in the contract or agreement. This is best practice that should be followed and reviewed regularly when utilising commercial supply agencies.

2.23 The local authority is responsible for negotiating and providing appropriate employment related policies and procedures for school based staff. Local authorities can provide information, guidance and advice on managing attendance<sup>30</sup> to schools if required.

2.24 Under the Local Management of Schools arrangements, maintained schools with delegated budgets can commission their own HR support. Depending on whether agreements are in place with the local authority's HR, finance and procurement services when requested local authorities should be able to:

- provide relevant information and advice to headteachers on sickness absence issues, including access to available health services such as those provided by occupational health.
- provide advice and support for governors and headteachers in managing workforce welfare and attendance and provide advice and support to governors specifically in instances where the headteacher is absent.
- provide advice to headteachers on rehabilitation, risk assessments and reasonable adjustments in relation to staff attendance.
- provide robust HR support to headteachers and governors during any challenging circumstances they may face.

In all circumstances, local authorities should:

- collate and disseminate individual and benchmarked absence data (including the financial impact), on an annual basis, to support schools and Welsh Government in monitoring workforce absence.
- evaluate the arrangements for managing supply cover budgets, e.g. the local authority's mutual fund or the purchase of private absence insurance, to ensure value for money for the school, and schools across the local authority.
- have regard to the Code of Practice: Ethical Employment in Supply Chains, related toolkit guide.
- ensure a collaborative approach between procurement and education colleagues in negotiating and monitoring the individual user agreements between the local authority and the preferred supplier under the terms of the Framework Agreement.
- review the contract framework arrangements with other local authorities to ensure value for money and explore opportunities to achieve savings and improved service to schools.
- ensure that governors and headteachers are aware of their obligations with regards to staff well-being in particular, as set out in the School Teachers' Pay and Conditions (Wales) Document, the Working Time Directive legislation and health and safety employer obligations.

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<sup>30</sup> For further information on the roles and responsibilities of local authorities provision of HR support please see [National model for regional working: Revitalising People Management \(2015\)](#)

- endeavour to ensure that any training/learning activities minimise impact on teacher attendance in schools.

2.25 Some local authorities continue to keep a supply list, or register of teachers available to provide cover to schools. Where this is the case they should, as a matter of best practice manage these lists appropriately.

## **Regional Education Consortia (CSC, EAS, ERW and GwE)**

2.26 As part of the National Model for Regional Working<sup>31</sup>, the SDP will be key to the engagement of Challenge Advisers who provide challenge and support to schools, and be a means whereby regional consortia (the local authorities that comprise a consortia/region) have a clear single reference point for schools' planned improvement activities.

2.27 As part of this process regional consortia are expected to utilise data on a range of issues, including the school's workforce absence information, to inform school improvement initiatives.

2.28 The consortia will also play a role in ensuring that practitioners' professional learning, including developing effective leadership at all levels in schools, forms a key element of meeting school improvement priorities and in supporting the delivery of national priorities.

2.29 As part of the model, and combined with the regulations on SDP's, consortia will work to:

- commission and quality assure the delivery of governor support services and jointly develop - in consultation with local authorities, governors and headteachers - a performance data template for headteachers to report to governors on staff sickness absence and other absences (including covered lesson arrangements and the cost of supply).
- consider the impact on schools, and ultimately the learners, when facilitating training events where teachers are withdrawn from the classroom. Regional consortia are expected to promote a cultural change away from investment in limited, low impact 'one-off' courses for individuals, towards more effective and collaborative forms of professional learning.
- consider the impact of strategies for school improvement on the amount of supply cover used by schools and the consequent risk this poses to the quality of teaching and learning. This could include assessing the impact on schools where it is offering training events at key times in the school year, e.g. financial year - end where demand for agency staff is high and the ability of headteachers to provide learners with high quality provision may be less available.
- consider providing training events specifically for supply teachers during school holidays, weekend or twilight sessions as not to impact on their potential earning days in term time in order to support the wider workforce.
- ensure that school challenge advisers regularly discuss schools' staff absence data and identify if there are any effects on school performance as a consequence.

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<sup>31</sup> <https://gov.wales/national-model-regional-working>



## Commercial supply agencies

2.30 Where schools opt to utilise the services of commercial supply agencies, it is good practice for those agencies to engage closely with the schools they contract with. Assurance should be given to headteachers that the responsibilities listed in this section are being maintained by the commercial supply agency, including those commercial supply agencies that provide supply cover through on-line and App based matching services.

2.31 Commercial supply agencies provide schools with temporary staff to undertake a specific and time-limited role. Although they provide a school with the relevant individual, these agencies, as an employer, have a responsibility to:

- ensure that relevant checks - including current DBS checks - have been undertaken and that references are appropriate.
- ensure that all teachers and school learning support workers are registered in the appropriate category with the EWC. The Register of Education Practitioners is 'real-time' and a practitioner's registration status can change at any time. Regular checking of supply workers statuses should be undertaken.
- ensure that any teacher they offer to a school holds QTS<sup>32</sup>.
- ensure that the individual being supplied to the school has the necessary skills, knowledge and experience to carry out the role effectively.
- regularly review the professional learning needs of the individual. Ensure they are provided with any necessary development opportunities to continue to meet the requirements of the role and are able to engage in regular professional learning. Records should be kept of professional learning activities. It is considered to be good practice for an agency to pay a member of staff to attend school inset days or other opportunities for professional learning.
- provide high quality professional learning, at no or low cost to supply teachers. Consideration should be given to when professional learning is provided to ensure that there is minimal impact on earning potential for supply teachers.
- ensure that supply teachers are provided with important and relevant information about the school and that they are supported from induction through to departure. Annex B refers.
- make expectations and placement requirements clear to supply teachers.
- have regard to the Code of Practice: Ethical Employment in Supply Chains, related guidance and toolkit.
- meet with local authorities/schools on a regular basis to discuss the contract and provide measurable data such as individual school usage, spend, reason for cover and satisfaction rates.

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<sup>32</sup> There are exemptions under Schedule 3 of the Education Workforce Council (Main Functions) (Wales) Regulations 2015, which allow other persons to be employed to undertake teaching work in certain circumstances.

## **Section 3: Quality assurance, continuity of learning and managing performance**

**3.1** Whichever temporary cover option a school chooses, it is important that certain measures are in place to assist both them and the individual providing that temporary cover and that these measures safeguard the learner.

### **Quality assurance**

**3.2** When seeking to use staff provided by commercial supply agencies, schools should outline the requirement that any replacement staff have the required qualifications, skills and knowledge to fulfil the role they are undertaking.

**3.3** Where the length of absence can be anticipated, such as maternity leave or secondment, a fixed term contract will normally be the most appropriate option to cover the absent member of staff.

**3.4** There are benefits to continuity and quality assurance with the use of a fixed term contract. Fixed term appointments are made following an interview process, which enables the school to undertake its own recruitment process in order to appoint the most suitable candidate. These opportunities tend to attract applicants as they offer more stable employment, and are paid in line with School Teachers' Pay and Conditions (Wales) Document (STPCD). Fixed term appointments also require the member of staff employed to give a longer period of notice. This provides some protection against the risk of the supply teacher leaving suddenly but more importantly increases the ability for the school to ensure continuity of learning for pupils, as well continuity of cover arrangements.

**3.5** In order to ensure that quality assurance can be evidenced throughout the school, it is recommended that schools develop guidance for staff. This guidance should identify how materials are developed and sourced for use when the classroom teacher is absent. As referenced earlier, some schools have found it beneficial to establish a bank of learning resources that are designed for particular age groups and study topics. These are selected to provide the best continuity for learners.

**3.6** It is good practice for a school to have a nominated senior staff member to give constructive feedback on the quality of the cover and individual's work to the individual providing cover. Where supply staff are recruited through a commercial supply agency, feedback should also be provided to the agency. Provision of feedback will assist the individual with reflection of their practice and in identifying future professional learning requirements.

**3.7** It is important to offer temporary staff the opportunity to provide feedback on their experience of working within the school. This can aid the development of strong relationships between the school and supply staff, as well as improving the continuity of teaching for learners.

**3.8** Where a floating/supernumerary teacher is employed to provide cover for absence or a teacher employed on a fixed term basis for one school term or more, the performance management process will need to be undertaken by the school. This is set out in the School Teacher Appraisal (Wales) Regulations 2011 and set out in the School Performance Management Policy.

3.9 In the case of a shared teacher across a cluster of schools, the responsibility for undertaking the performance management process will lie with the lead school that employs the teacher.

3.10 Where a teacher is employed to provide cover for a period of less than one school term the statutory requirement to undertake a performance management process does not apply. It is considered good practice however, for performance management to be undertaken if agreed.

3.11 Under the terms of the NPS Framework Agreement, all framework providers are committed to providing an element of performance management. Schools should ensure that they fully utilise the mechanisms in place to provide feedback on all supply staff and apply the same principles if temporary staff are sourced outside of the framework agreement.

## Registration

3.12 As the independent regulatory body for the education profession in Wales, the Education Workforce Council (EWC) maintains a Register of Education Practitioners which includes qualified (holders of Qualified Teacher Status (QTS)) teachers and learning support workers who are able to work in maintained schools in Wales.

3.13 The EWC has published employer guidance, which can be downloaded from their website ([www.ewc.wales](http://www.ewc.wales)). In the guidance, the legal requirement placed on schools, local authorities and commercial supply agencies is highlighted to ensure that workers, who are employed, are registered with the EWC in the correct registration category for the work they undertake.

3.14 The EWC Register records whether a teacher or learning support worker is subject to any restrictions, is barred from practising (e.g. DBS Children's Barred List) or is subject to a EWC disciplinary order. Schools and commercial supply agencies have access to the EWC Register to check that teachers and school learning support workers are registered as part of their pre-employment checks.

**3.15 It is the responsibility of both schools and commercial supply agencies to undertake the necessary checks and assumptions should not be made that the other has done so.**

3.16 It is good practice for all employers to carry out annual checks on everyone that regularly undertakes work within a school, to ensure that there have been no changes in their status.

3.17 If an employer knowingly continues to employ a qualified teacher who is unregistered, in a post involving the 'specified work' of a teacher or an unregistered learning support worker, the Welsh Government has powers to issue a direction to an employer to comply with its statutory duty.

## Safeguarding

3.18 Everyone in education should share a common goal of keeping learners safe. **Safeguarding and promoting the welfare of children is everyone's responsibility. All organisations that come into contact with children need to make sure that the way they work keeps them safe.**

3.19 The 2015 Welsh Government guidance 'Keeping learners safe - The role of local authorities and governing bodies and proprietors of independent schools under the Education Act 2002<sup>33</sup>', and the easy read version<sup>34</sup>, provide advice on employers' duties with regard to safeguarding. This includes guidance within a supply context.

3.20 The guidance requires employers to ensure that they operate safe recruitment procedures and ensure that appropriate checks are carried out on all new staff and volunteers who will be working with children. The same range of checks that are required for staff employed by schools are also required for supply staff, including those employed through commercial supply agencies. Schools must ensure that their arrangements with supply agencies impose an obligation on the agency to carry out the same checks as schools do for their staff. For each individual supply staff member, **schools must confirm with the agency that the appropriate checks have been carried out and are satisfactory.**

3.21 Keeping learners safe details the responsibilities of headteachers of all schools. Headteachers should ensure that all staff, including supply teachers:

- are aware of child protection policies and procedures adopted by the governing body or proprietor are fully implemented and followed by all staff
- can access sufficient resources and time to enable them to discharge their responsibilities, including taking part in strategy discussions and other inter-agency meetings, and contributing to the assessment of children
- understand the procedures for safeguarding children, and feel able to, raise concerns about poor or unsafe practice and that such concerns are addressed sensitively and effectively in a timely manner in accordance with agreed Welsh Government Procedures for Whistleblowing in Schools and Model Policy<sup>35</sup>
- as part of their induction, are given a written statement about the school's policy and procedures, and the name and contact details of the DSP for child protection when they start work in a new establishment.

3.22 Commercial supply agencies have a duty to ensure that all their employees entering a school have sight of safeguarding policies and procedures and that they are made aware of the named person within the school who is responsible for safeguarding, in case a safeguarding issue arises whilst they are at the school. This should be done prior to entering the school if possible. Annex B provides advice on supporting supply teachers from induction to departure within the school environment.

3.23 The Welsh Government's statutory guidance 'Safeguarding children in education: handling allegations of abuse against teachers and other staff<sup>36</sup>' provides guidance on handling allegations of abuse against teachers and other staff. It relates to all adults working with children and young people, including those who work with children on a supply basis.

3.24 On-line training that support the statutory guidance is available through Hwb. The three modules that look at:

- understand safeguarding and responsibilities.

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<sup>33</sup> <https://gov.wales/keeping-learners-safe>

<sup>34</sup> <https://gov.wales/sites/default/files/publications/2018-11/keeping-learners-safe-easy-read-version.pdf>

<sup>35</sup> <https://gov.wales/sites/default/files/publications/2018-03/procedures-for-whistleblowing-in-schools-and-model-policy.pdf>

<sup>36</sup> [Safeguarding children in education: handling allegations of abuse against teachers and other staff guidance](#)

- roles and responsibilities when it comes to keeping learners safe.
- case studies - these will help put knowledge about keeping learners safe into practice.

3.25 Annex C provides advice on reporting responsibilities for unacceptable professional conduct and serious professional incompetence.

## Professional development

3.26 Supply staff should evidence the same commitment to professional learning as the Welsh Government sets out for all practitioners. In their published report<sup>37</sup>, the Ministerial Supply Model Taskforce highlighted that opportunities to access professional learning are often gained through employment, and where teachers choose to work flexibly as supply teachers, these opportunities are often limited. This is particularly the case for those supply teachers undertaking short term supply cover. Schools should consider including supply teachers in opportunities for professional learning, where appropriate.

3.27 To support better access to professional learning for supply staff the Welsh Government has developed a range of support and high quality resources, which are accessible to all practitioners via **Hwb**<sup>38</sup>.

3.28 Schools may be able to provide information about relevant development opportunities arranged for their permanent staff that temporary staff could participate in. This can be particularly beneficial where the school uses the same staff on a regular basis.

## Effective management of cover arrangements

3.29 As staff costs form the majority of a school's budget, the cost of non-attendance is one of the biggest risks to a school's ability to manage its budget effectively. There are a number of actions that schools should take to assess the cost effectiveness of the cover arrangements they have in place. All absences require careful monitoring and analysis to ensure that the choice of cover demonstrates value for money, is appropriate to the circumstances and most importantly delivers the best outcome for learners.

### Review skill mix

3.30 Schools should review the skill mix of their workforce and consider the financial and educational implications of employing a floating/supernumerary teacher, either independently or as part of a cluster of schools, to meet cover requirements.

- **Monitor expenditure**

3.31 Schools should collect and analyse data on planned and unplanned absence levels and the subsequent cover costs that are incurred. Schools should monitor and report to Governors on the use and cost of supply cover. It would be beneficial for schools to request benchmark data from local authorities on the expenditure of supply staff locally and between 'family' schools.

3.32 Data on workforce and absence rates will enable the school to gauge the level of cover required. Schools will need to consider their absence profile to explore ways of

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<sup>37</sup> <https://gov.wales/supply-model-taskforce-report>

<sup>38</sup> <http://hwb.wales.gov.uk/>

reducing sickness absence and identify the most suitable means to cover the different types of staff absence.

3.33 Schools will need to regularly review their arrangements for mutual funds/absence insurance to ensure that the arrangements continue to offer value for money. Schools may want to consider purchasing insurance collaboratively if this is not already done on a local authority level. These approaches can help schools manage the cost associated risks of high rates of absence.

- **Review arrangements with commercial supply agencies**

3.34 Local authorities are responsible for negotiating individual agreements with Framework Providers. This can also be done with any other commercial supply agency local authorities advise their schools to use.

3.35 For effective financial management, local authorities should meet regularly with commercial supply agencies to monitor their expenditure and review arrangements to negotiate agency fees, dependant on use. The Framework Agreement offers schools clarity in the daily fees charged by agencies. Local authorities should ensure that they negotiate this fee effectively with the supplier whilst meeting the requirement for Framework agencies to pay a daily rate of at least the minimum on the statutory school teachers' pay scale, ensuring fair and appropriate pay for the supply teacher.

3.36 Schools should liaise with their local authority to ensure that they understand the costs and arrangements for their local agreement with the Framework agencies operating in their area and/or any commercial supply agency they are advising schools to use. Although schools and local authorities can negotiate fees with commercial supply agencies as outlined above, they must also be mindful of the framework specification pay rate and the School Teacher's Pay and Conditions (Wales) Document. These should be considered when reaching an agreement on the terms of contract and the impact on the supply teacher.

3.37 Local authorities and schools should have mechanisms in place to regularly monitor the quality and cost of contracts with commercial supply agencies. Due regard should be given to the Code of Practice: Ethical Employment in supply chains and its related toolkit guide, which will help to differentiate between fair and unfair practices.

3.38 The Code of Practice has been established by the Welsh Government to support the development of more ethical supply chains to deliver contracts for the Welsh public sector and Third Sector organisations in receipt of public funds. The Code is designed to ensure that workers in public sector supply chains are employed ethically and it complies with both the letter and the spirit of UK, EU and international law. In the spirit of the Code of Practice for Ethical Employment, schools may also wish to determine whether their selected commercial agency uses umbrella companies as part of their business model.

3.39 Schools should be aware of the 'Swedish Derogation'<sup>39</sup> rule and discuss it with their chosen supply agency and the supply worker in order to gain a full understanding of the worker's entitlements. The rule is contained within the Agency Workers Regulations 2010<sup>40</sup> and affects longer term placements that reach over 12 weeks. The regulations stipulate that agency workers on these longer term placements in schools become entitled to comparative

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<sup>39</sup> Swedish derogation is covered in the *Agency Worker Regulations 2010* – the one explicit exemption from comparison is the entitlement to occupational sick pay, which is not included.

<sup>40</sup> [Agency Workers Regulations 2010](#)

basic pay and conditions of contracted employees. Annex E provides additional information. Employment under this model is not permitted within the Framework, and it will be fully repealed from practice under The Agency Workers (Amendment) Regulations 2019, which will come into force on 6 April 2020.

**3.40 Both supply teachers and schools should carefully examine their contracts with commercial supply agencies to clearly identify their terms and conditions.**

## **Annex A: Self-reflection questions for school leaders, governing bodies and local authorities**

- Do you have a strategy for managing absence?
- How do you know that the school's strategy for managing staff absence is clear, fit for purpose, and widely understood?
- How do you ensure continuity of learning is maintained during periods of absence? Could anything be improved?
- Have you considered the Code of Practice: Ethical Employment in Supply Chains and its associated toolkit guide?

### **Data**

- What systems do you have in place to monitor and manage absence? Do you hold data on how often class teachers are absent from their class?
- What does your review of current and historical patterns of absence and your benchmarking against others tell you?
- What data have you been collecting to support this? Have you been using comparative data from other schools where necessary?

### **Responsibilities, cover and collaborative working**

- Who has named responsibility for absence management? How does the senior leadership team manage the issue?
- Have you considered working collaboratively with other schools within a cluster to cover absences?
- How can you make sure you get the best support from your local authority to apply best practice in absence management?
- What scope does the school have to make use of existing teachers to cover? What are the financial and educational implications of employing a floating/supernumerary teacher to cover absence? Could this be done in a cluster collaboration with another school?
- Would a long term supply cover arrangement be more appropriate than several consecutive short term placements?
- What options have you explored (for example revised timetabling or cluster collaboration with other schools) for ensuring you have in-house cover?



## **Training**

- Have you or the relevant individuals attended appropriate training on managing staff attendance?
- Do you support the training of external forms of supply employed by your school – both short term and long term? Does your School Development Plan reflect this?
- Have you considered including temporary staff in opportunities for professional development available to your permanent staff?

## **Financial**

- How do you monitor and report on the use and costs of supply teachers? How have these changed over time?
- How have you benchmarked spend on supply teachers locally and with similar schools?
- How do you justify your spend - by need or quality?
- How have you assessed the relative costs of direct contracts with supply teachers against the use of commercial supply agency staff?
- Have you considered the financial viability of employing appropriately qualified staff to cover absence on a supernumerary basis?
- Have you conducted a financial analysis of the viability of supply teacher insurance?

## **Employing external cover**

- Have you ensured that all individuals providing supply cover have undergone appropriate checks before entering a school?
- Have school leaders, governing bodies and local authorities complied with legal requirements upon them, in relation to the use of EWC appropriately registered staff to cover absence?
- Have you given any consideration regarding the information you provide to individuals providing supply cover before they enter the classroom or the school? (See annex B for induction information.)
- Do you make all supply teachers aware of and provide them with a copy of the school's child protection policies, and appropriate contacts if safeguarding issues surface?
- How do you support all supply teachers during their placement within your school? See annex B, model policy on supporting supply teachers in a school environment from induction through to departure.
- What process do you have in place for monitoring the supply cover? Are proper supervision arrangements in place?

- What feedback is given to the commercial supply agency and individual? How useful is the feedback provided and is this feedback recorded?
- Have you read and fully understood how your selected commercial supply agency (if you use one) operates, including the use of umbrella companies and what this means for your school?

### **Key questions for employers to consider**

- Have you met your statutory legal obligations and ensured that all supply staff have undergone the appropriate pre-employment and safeguarding checks before entering your school and that there are proper supervision arrangements in place?
- Are supply staff made aware of the school's child protection policies and appropriate contacts should a safeguarding issue arise?
- Have you complied with legal requirements in relation to the use of EWC registered (appropriately qualified school teachers) staff to cover absences?
- Do you have a policy in place for managing and reporting conduct, capability and performance issues? See annex C Reporting responsibilities for unacceptable professional conduct and serious professional incompetence.
- Have you considered the Code of Practice: Ethical Employment in Supply Chains?

## **Annex B: Supporting supply teachers in a school environment from induction through to departure**

It is fundamental that all supply staff, or teachers on fixed term contracts however long their contract or placement at a school, should be provided with an induction to the school. They should be supported throughout their placement, receive feedback during and at the end of their placement and included in daily activities and school life.

In the case of teachers registered with supply agencies schools should work with commercial supply agencies to ensure that this practice is occurring across the board with every placement.

### **Induction**

All temporary staff should be provided with an information handbook, or information available via digital means, about the school and placement, where possible and appropriate prior to starting at the school.

This handbook should include the following as a minimum:

- Map of the school including location of relevant classrooms, staff rooms and toilets;
- Timetable(s) including break and lunch periods and a copy of the school calendar showing events, meetings and afterschool activities;
- Point of contact for supply staff, including contact details and any line manager/ head of department details;
- The school's safeguarding policy and the name, location and contact details of the named person who is responsible for safeguarding within the school;
- Written guidance outlining key policies, procedures and expectations - such as: behaviour management, schemes of work, marking and assessment, health and safety including information about Fire Drills and first aid, appropriate use of technology including mobile phones and social media;
- Details on access to IT systems, equipment and resources;
- Class information and registration, dismissal details - names of pupils in all classes to be taught, seating plans if possible and any pupil specific information including any ongoing risk assessments;
- Door codes and other security information including emergency evacuation procedures;
- Staff names, roles and contact details.

School leaders should be supporting all supply teachers throughout the duration of their placement by arranging:

- learning walks by senior staff
- mentoring by subject leaders
- informal mentoring by other teachers, for example, providing support, behaviour management
- performance management opportunities
- professional development support

## **Departure**

Prior to the departure and during the placement all supply teachers should receive:

- constructive feedback on the quality of the cover provided and individual's teaching can be given to the supply teacher
- feedback on their experiences of working within the school can be provided by the supply teacher.

Information obtained from feedback sessions can:

- assist in providing continuity of teaching and learning for the learners
- help supply teachers reflect on their practice and identify any professional learning needs and aid the development of strong working relationships.

Where the recruitment has taken place through a commercial supply agency, feedback should also be provided to the agency.

## **Annex C: Reporting responsibilities for unacceptable professional conduct and serious professional incompetence**

Employers of registered teachers and learning support workers (school governing bodies, local authorities, and commercial supply agencies) are responsible for referring cases of alleged unacceptable professional conduct and serious professional incompetence to the EWC.

This is legislated under the Education Workforce Council (Main Functions) (Wales) Regulations 2015, as amended.

**The EWC also has a statutory duty to investigate any referral that is made to them in respect of a practitioner's conduct, regardless of who the employer is.**

Below is an overview of the EWC policies and procedures for reporting unacceptable professional conduct and serious professional incompetence, which applies to all teachers and learning support workers.

An employer or agent must refer a case in line with the Education Workforce Council (Main Functions) (Wales) Regulations 2015, as amended where:

- a. it ceased to use the services of a registered person in Wales, or might have ceased to use the services of a registered person in Wales had he or she not stopped providing them (an employer)
- b. it terminated arrangements with a registered person, or might have terminated arrangements with a registered person had he or she not terminated them or similar (an agent)

The following do not override an employer or agency's statutory duty to make a referral:

- Settlement or mutual agreements where dismissal was a possibility.
- Dismissal for 'Some Other Substantial Reason' (SOSR) where the termination of a contract of employment was a result of a disciplinary issue (conduct and/or competence).

### **Cases of allegations of unacceptable professional conduct**

An employer, or agent, must report the facts of a case to the EWC where:

- (a) An employer has ceased to use a practitioner's services, or an agent has terminated arrangements, on a ground relating to the practitioner's misconduct; or
- (b) an employer might have ceased to use a practitioner's services on such a ground had the practitioner not ceased to provide those services, or an agent might have terminated arrangements on such a ground if the practitioner had not terminated them; or
- (c) an agent might have refrained from making new arrangements for a practitioner on such a ground if the practitioner had not ceased to make themselves available for work.

### **Serious professional incompetence**

The employer or agent must report the facts to the EWC where:

- (a) An employer has ceased to use the services of a person or an agent has terminated arrangements for a worker who is a registered practitioner, on a ground relating to their professional incompetence.

- (b) An employer might have ceased to use the services of a person who is a registered practitioner on a ground relating to their professional incompetence, had he or she not ceased to provide those services, or an agent might have terminated arrangements on a ground relating to his or her professional incompetence if the worker had not terminated them.
- (c) An agent might have refrained from making new arrangements for a worker who is a registered practitioner on a ground relating to his or her professional incompetence, if the worker had not ceased to make himself or herself available for work.

## Dismissal procedures

The process that should be followed during the handling of disciplinary issues with a supply worker practitioners is as follows:

- in the first instance, the issue should be raised with the employer, whether that be the school or a commercial supply agency.
- in the case of a commercial supply agency being the employer, the agency holds the contract of employment and is responsible for disciplinary and dismissal of their staff. This is consistent with employment law.
- in the case of a school being the employer, the complainant should at first raise the issue with the school directly. If it is then judged that the school's response is unsatisfactory, the local authority should then be contacted and asked to investigate further.

Where the school has a delegated budget, the governing body is responsible for disciplinary and dismissal procedures for staff employed under a contract of employment with the school.

Where the school does not have a delegated budget, the local authority has responsibility for staff discipline and dismissal of staff, employed under a contract of employment with the school or the local authority.

Under the Staffing of Maintained Schools (Wales) Regulations 2014, governing bodies are required to have a staff disciplinary and dismissal procedure for staff that are engaged under a contract of employment. Education law does not make similar provisions for supply staff employed by a commercial supply agency.

Commercial supply agencies will vary in their approach to disciplinary and dismissal procedures and these should be examined on entry into contract with any agency.

In law, there is no role for a governing body to become involved in disciplining staff employed by an agency. However, Welsh Government has suggested in Circular 002/2013, *Disciplinary and dismissal procedures for school staff*<sup>41</sup> that the school may share our guidance and the model policy contained within it with the agency for information purposes.

Once the above channels have been exhausted, a referral must be made to the Education Workforce Council. This protocol is to be followed, regardless of who the employer is.

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<sup>41</sup> <https://gov.wales/disciplinary-and-dismissal-procedures-school-staff>

## **Annex D: References, legislation and resources**

This document should be read in conjunction with those set out in relevant legislation and other Welsh Government guidance as stated below. There are also additional resources that you might find useful.

### **Legislation**

[Agency Worker Regulations 2010](#)

[Education \(School Development Plans\) \(Wales\) Regulations \(2014\)](#)

[Teacher Appraisal Regulations \(Wales\) 2011](#)

[The Staffing of Maintained Schools \(Wales\) \(Amendment\) Regulations 2014](#)

[The Education Workforce Council \(Main Functions\) \(Wales\) Regulations 2015](#)

[School Teachers' Pay and Conditions \(Wales\) Document](#)

[The Well-being of Future Generations \(Wales\) Act \(April 2015\)](#)

[Working Time Regulations 1998](#)

### **Welsh Government guidance documents**

[Disciplinary and dismissal procedures for school staff \(2013\) Circular no: 002/2013](#)

[Keeping Learners Safe, Welsh Government \(January 2015\) Document no: 158/2015](#)

[National Model for Regional Working, November 2015 Document no: 193/2015](#)

[National Model for Regional Working: Revitalising People Management in Schools, Welsh Government \(April 2015\) Document no: 170/2015](#)

[Procedures for reporting misconduct and incompetence in the education workforce \(May 2015\) Document no: 168/2015](#)

[Procedures for Whistleblowing in Schools and Model Policy \(2007\) Circular No: 036/2007](#)

[Safeguarding children in education: handling allegations of abuse against teachers and other staff guidance \(April 2014\) Circular no: 009/2014](#)

[School Development Plans \(October 2014\) Document no:155/2014](#)

### **Resources**

[A Toolkit Guide - Code of Practice - Ethical Employment in Supply Chains – May 2017](#)

[Code of Practice: Ethical Employment in supply chains](#)

[Education Support Partnership](#) - In September 2015 Teacher Support Network, Resource and Worklife Support, merged to create Education Support Partnership

[Education Workforce Council Registration information for employers](#)

[Estyn - Effective management of school workforce attendance in primary schools \(January 2017\)](#)

Estyn - [The Impact of Teacher Absence \(September 2013\)](#)

Hwb - <http://hwb.wales.gov.uk/>

[Hwb Keeping learners Safe Module 1, 2 and 3](#)

[Ministerial Supply Model Taskforce Report – February 2017](#)

National Procurement Service – [Managed Service for the Provision of Agency Workers Framework](#).

[Pupil Level Annual School Census \(PLASC\) Welsh Government](#)

[Reducing Workload a guide for Teachers and Headteachers – September 2017](#)

[Written Statement - Report of the Ministerial Supply Model Taskforce – February 2017](#)