



Ein cyf/Our ref HL/01932/15

Chris Davies MP

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13 October 2015

Dear Chris

Thank you for your letter dated 7 October. I would like to reassure you and your constituent that the Welsh Government fully recognises that supply teachers form a significant and important part of the teacher workforce in Wales and, as with all other classroom practitioners, is fully committed to supporting supply teachers in their work.

The employment of supply teachers is governed by a combination of UK employment law and the School Teachers Pay and Conditions Document (STPCD), none of which fall within the powers devolved to the Welsh Government. All teachers, including supply teachers, employed directly by a local authority or maintained school are paid in accordance with the STPCD. Competition law dictates that rates of pay cannot be imposed on the commercial sector and that the only legal requirement is that private supply agencies cannot pay below the minimum wage.

A number of the issues raised by both your constituent and the attached article are related to the situation in England, on which I cannot comment. This letter does, however, provide information on the current situation and opportunities available for supply teachers who work in Wales.

Estyn, the Wales Audit Office and the National Assembly for Wales' Public Accounts Committee have all recently published reports on supply teaching in Wales. The Welsh Government has committed to addressing a number of their recommendations to ensure that cover is effectively managed within schools in Wales. In July this year we published guidance on the *Effective management of workforce attendance* which sets out the roles and responsibilities of all stakeholders in covering absence. A copy of the guidance can be accessed [here](#).

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

<http://gov.wales/topics/educationandskills/publications/guidance/effective-management-of-school-workforce-attendance/?lang=en>.

It is the duty of individual headteachers, working with their governing bodies and wider school teams, to determine the best way to manage absence and provide cover for their schools. If schools opt to use supply teachers from private supply agencies then the contract is between the school and the agency, rather than with individual teachers. As teachers are paid directly by the agency, they can be paid at any rate as determined and agreed following negotiation between the individual and the agency.

The National Procurement Service (NPS) in Wales manages Framework Agreements for common and repetitive spend, to meet existing and identified needs of their customers. In April this year, the NPS awarded a Framework Agreement for the Provision of Supply Teachers (in Wales) to New Directions. The cost of a supply teacher to a school includes the agreed rate for the teacher plus employers' costs and the pre-determined administrative fee, which is part of the Framework Agreement. Under the terms of this Agreement it is my understanding that supply teachers have access to professional development and performance management.

All 22 local authorities in Wales have independently decided to adopt the Framework Agreement. I would encourage your constituent to contact Powys' education department to discuss their arrangements for providing cover supply in their school, as their schools may not use the agency she is registered with.

It is my understanding that on entry into a contract with Framework providers, supply teachers are offered a guarantee of 160 days work a year as well as an opportunity to join an occupational pension scheme (teachers' pensions have not been devolved and remain the responsibility of the Department for Education). It is at the supply teacher's discretion whether they wish to enter into such a contract or to remain independent and receive only the provisions under Regulation 5 of the Directive relating to the Agency Worker Regulations.

As your constituent intimated, registration with the Education Workforce Council (formerly the GTCW) is a legal requirement to teach in schools in Wales. Professional registration provides assurances to parents/ guardians, learners and the general public that practitioners are suitably qualified, keep their knowledge and skills up to date and have the appropriate levels of conduct and practice. Through the EWC, your constituent will also have access to her Professional Learning Passport, part of the *New Deal*. The *New Deal* offers all practitioners in Wales, including supply teachers an entitlement to access professional learning opportunities to develop their practice throughout their career. I would encourage your constituent to look at the opportunities that the *New Deal* is providing <http://learning.gov.wales/yourcareer/?lang=en>.

I hope this letter addresses your concerns and reassures you the Welsh Government is fully committed to ensuring that we have a supply system in Wales which supports an excellent quality of learning for our children and young people, as well as emphasising our commitment to supporting supply teachers in their work. We will continue to work with supply teachers, supply agencies, the teaching unions and the Education Workforce Council in order to improve supply teachers' working lives.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Huw Lewis'.

Huw Lewis AC / AM

Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills