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COVERING TEACHERS ABSENCE: PAC INQUIRY

Following the PAC inquiry session on 21 January 2013 with the Welsh Government's Director General for Education and Skills, I said that I would provide additional information in relation to three matters that were discussed during the session:

- whether the Data Protection Act prevents the publication of sickness absence data relating to small schools;
- the inadequacy of HR advice provided to schools by local authorities, leading to the education consortia needing to set up their own HR advice service; and
- the lead-in time needed before Estyn could adjust its inspection framework.

(1) Whether the Data Protection Act prevents the publication of sickness absence data relating to small schools

The publication of sickness absence data for small schools could lead to the disclosure of information about the physical or mental health of identifiable individual teachers. Because information about the identity of school staff is generally easily accessible, where a school has only a small number of teachers even aggregate information could reveal information about the health condition of individual teachers. Without a specific legal requirement to publish the information, such as a specific statutory duty (which, as far as we know, is not the case), or consent, such disclosure would contravene the Data Protection Act.

The disaggregation of information, through the use of other information that is readily available, becomes more difficult as the number of teachers increases. Consequently, the risk of disclosure of information that can be linked to individual teachers reduces in larger schools. Therefore, publishing aggregated data for large schools, clusters of schools or at local authority level is less likely to lead to the disclosure of health information regarding identifiable individual teachers.

(2) The inadequacy of HR advice provided to schools by local authorities, leading to the education consortia needing to set up their own HR advice service

Concerns about the HR services provided by local authorities that were identified in my report related to:

- management of sickness absence;
- induction information provided for supply teachers;
- arrangements for pre-employment checks (including the Disclosure & Barring Service);
- the application of the 2010 Agency Worker Regulations within schools;
- the employment status of some supply staff; and
- the employment of friends or relatives of staff without proper selection procedures.

In recent years, local authorities have tended to move away from providing specialist departmental HR advisors (for education, social services etc.) to providing a more generic HR service. Some authorities employ dedicated HR business managers for schools but, in some other authorities, schools are less likely to have a nominated HR officer and may deal with a 'helpdesk' instead.

Currently, most schools purchase HR support from their local authority through a Service Level Agreement (SLA). The agreement sets out the nature and quantity of HR support to be provided, which in some cases may be insufficient to provide the necessary support.

Although we did not identify particular concerns about the generic HR services provided to schools by local authorities, several head teachers commented on the lack of support they had received in dealing with long-term sickness and poor attendance. However, some other head teachers commented favourably on the support they had received from HR and we identified some good examples of effective working between local authority HR and schools, such as in Newport.

Concerns about the adequacy of HR support for schools were also raised in Robert Hill's report on the *Future Delivery of Education Services in Wales*¹. The report recommended that education consortia should have a core HR function specialising in employee relations issues within schools, and that clusters of schools should have HR advisers to support and oversee the operation of the teachers performance appraisal system. These advisers would support head teachers and governors in dealing with grievance, disciplinary and capability issues. Rather than being a recommendation for specialist HR, we consider that this recommendation is a recognition that schools require more

¹ <http://wales.gov.uk/docs/dcells/consultation/130621-delivery-of-education-report-en.pdf>

HR advice generally to operate the relatively new appraisal system, which in time will expand to include other staff in schools.

(3) The lead-in time needed before Estyn could adjust its inspection framework

The current inspection framework for schools does not rule out consideration of cover arrangements but it does not specifically refer to them. Therefore, to ensure that staff absence and cover arrangements are given more specific consideration, Estyn would not need to change its inspection framework; it would only need to amend the guidance.

Currently, several elements of an inspection might pick up on absence and cover issues. In particular, the guidance for secondary school inspections on 'management of staff and resources' states that:

Inspectors should judge how efficiently and effectively leaders and managers plan and carry out strategies to manage staff and resources. Inspectors may consider whether there are any clear management features that contribute to or detract from the efficient management of resources.

They should consider how well leaders and managers:

- *ensure that the school is appropriately staffed to teach the curriculum effectively;*
- *deploy teaching and support staff to make best use of their time, expertise and experience;*
- *identify and meet the development needs of all teaching and support staff through appraisal and performance management systems;*
- *make effective use of teachers' planning, preparation and assessment time;*
- *employ appropriate strategies and processes to meet the statutory requirements of the National Agreement on 'Raising Standards and Tackling Workload' (January 2003);*
- *manage and deploy teaching assistants and non-teaching staff;*
- *provide the best standards of accommodation possible within the school's budget; and*
- *ensure that pupils have enough appropriate learning resources.*

Estyn and the Welsh Government have agreed in broad terms that Estyn will undertake a thematic review, possibly in 2015-16, of whether there has been improvement in teacher absence arrangements against the benchmark set out in Estyn's report on 'The Impact of Teacher Absence' report, which was published on the same day as my report. Although Estyn does not intend to change its school inspection framework, if the follow up thematic report indicates that problems persist, Estyn would include teacher absence in the new local authority inspection framework. Teacher absence does not fall within the remit of regional consortia.

I hope the Committee finds this additional information to be of use in progressing its inquiry.

A handwritten signature in black ink, appearing to be 'HVT', written in a cursive style.

HUW VAUGHAN THOMAS
AUDITOR GENERAL FOR WALES