

Kirsty Williams AC/AM
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-805
Ein cyf/Our ref KW/01592/18

David John Rowlands AM
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2 July 2018

Dear David

Thank you for your letter of 21 June enclosing one received from the Fair Deal for Supply Group in support of its petition.

In response to the points raised by the petitioners it is important to note that it is the governing bodies of maintained schools and local authorities that have the statutory responsibility to determine how they employ and deploy their workforce and how they manage staff costs within their delegated budget. Schools are able to use this discretion to employ supply staff directly should they wish and many already employ staff in this way. We are continuing to encourage and support schools to consider this direct employment approach and the added benefits involved.

The £2.7m direct employment school based supply pilot I announced last October is being implemented within 15 local authority areas across Wales. The trial arrangement provides funding to local authorities to support clusters of schools to employ recently qualified teachers on a supernumerary basis to provide cover for unplanned and/or planned teacher absence. It supports a more sustainable, collaborative model of working to support the professional learning of our newly qualified teachers. The pilot evidences our commitment to ensure that a number of our teachers who might otherwise find themselves in supply roles are supported at the beginning of their career. We will evaluate the pilot to see if direct employment of supply teachers offers a viable alternative model for schools and will identify best practice and exemplar case studies to be shared with the sector. We will continue to encourage local authorities and schools to consider adopting this approach as a viable alternative and sustainable model to meet their staff cover needs. Teachers employed directly in this way are being paid via the School Teachers' Pay and Conditions Document and are able to access the Teachers' Pension Scheme.

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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.

I am pleased to note that the group have included an excerpt from the guidance on *Effective Management of School Workforce Attendance* which my department issued last December. This document clearly sets out the roles and responsibilities of all involved in deploying and employing temporary staff including the various safeguarding checks required and the benefits of a direct employment approach.

Powers to determine teachers' pay and conditions will be formally transferred to Welsh Ministers in September 2018. Decisions around teachers' pay and conditions for academic year 2018/19 will already have been determined for all teachers in Wales and England by the Department for Education. Work is already underway to consider how we might set teachers' pay to underpin our aspirations for the wider education system, to raise standards and support and develop the teaching profession including those who work flexibly. The Fair Deal for Supply Group has been sent all links to the relevant consultation and calls for views to provide comment. Practicably, and to ensure changes implemented are duly considered this means the earliest that any changes specific to teachers' pay here in Wales will take effect will be from the 2019/20 academic year.

In September 2017 officials met with their counterparts in the Department for Education in Northern Ireland and with officers from the Education Authority in Northern Ireland (since April 2015 all local education boards including Belfast became one authority) to discuss their centralised matching and pay system. As the direct employers of teachers and holders of a centralised payroll (teachers' pay and conditions has been devolved to Northern Ireland for sometime) the systems and governance structures operating there make it possible for a matching pay system of this type to operate.

Commercial supply agencies are private businesses. The Department for Business Energy and Industrial strategy are responsible for managing the *Agency Worker Regulations 2010* and associated employment legislation including that related to the Conduct of Employment of Agencies and Employment Businesses legislation and off-payroll working in the public sector legislation. Following the Taylor review into modern working practices published last summer the Westminster government has consulted on proposed changes to legislation which if implemented will directly affect the way in which agencies operate. Officials have ensured that the Fair Deal for Supply Group was made aware of the public consultations underway in order for them to provide comments directly to the Whitehall Department responsible for legislation in this area.

You asked for a view on the potential for regional education consortia to take a role in organising the provision of supply teaching. The regional consortia does not have a direct employer function, however, they work to improve schools by providing support and challenging performance to drive up standards. They could consider the impact of supply cover on learning and improvement and create opportunities to support the professional learning of our supply teachers. There is nothing to prevent local authorities and schools as the employer of teachers working with local consortia officers to better support supply provision.

The Supply Working Group has held discussions with a number of organisations and groups with an interest in supply, including the Fair Deal for Supply Group. Within the statutory powers available to us we are actively exploring how implementing quality assurance standards might support and improve provision. We are working with the Supply Working Group to consider draft proposals. If implemented, any commercial agency wishing to supply temporary teachers to a maintained school in Wales would need to meet the quality standards. If introduced, these standards would support schools, supply teachers and improve the quality of teaching and learning. This work is currently at an early stage in

terms of policy development, but if implemented would add an additional layer of quality assurance to all involved in the process. This work would also support the developmental work currently being undertaken by the National Procurement Service (NPS) in reviewing the current managed service framework. The NPS, together with its local authority client group, has extended the current arrangement to August 2019 while it revises the tender specification requirements to ensure that it is current and fit for purpose. I understand that a revised contract will be let by the NPS next April with a view to it going live from August 2019. The revised specification would include requirements for ensuring supply teachers employed by agencies received appropriate professional learning opportunities.

Only qualified teachers and others in certain limited circumstances can undertake the full range of specified work (teaching) as set out in the Education Workforce Council Function Regulations. Officials issue termly reminders to commercial supply agencies operating in Wales and to the school sector to ensure their statutory employer obligations are met. A copy of the guidance (last issued to commercial agencies on 15 June) is attached here for reference. <http://learning.gov.wales/docs/learningwales/publications/171023-employing-and-supporting-supply-teachers-in-a-school-environment-en.pdf>

Finally, as set out in my earlier letter to you in March I would like to assure you and Committee members that the Welsh Government will continue to work with and support employers to explore all options available to develop flexible working arrangements and promote fairness across the teaching workforce.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', written in a cursive style.

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