

# **Independent Welsh Pay Review Body**

**A review of the roles and responsibilities of  
supply teachers in Wales  
employed through local authorities or  
directly by schools**

**Report for The Minister for Education  
and Welsh Language  
Welsh Government**

**October 2023**

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## TERMS AND ABBREVIATIONS

### *Organisations which made representations and provided evidence to the IWPRB*

ASCL Cymru	Association of School and College Leaders in Wales
Community Cymru	
NAHT Cymru	National Association of Headteachers in Wales
NASUWT Cymru	National Association of Schoolmasters/Union of Women Teachers in Wales
NEU Cymru	National Education Union in Wales
UCAC	Undeb Cenedlaethol Athrawon Cymru
WLGA	Welsh Local Government Association
Welsh Government	

### *Terms and abbreviations used in this report*

ALN	Additional Learning Needs
ALNCo	Additional Learning Needs Co-ordinator
AWR	Agency Worker Regulations
CPD	Continuing Professional Development
DBS	Disclosure and Barring Service
EA	Education Authority
EWC	Education Workforce Council
GTCNI	General Teaching Council for Northern Ireland
HLTAs	Higher Level Teaching Assistants
ITE	Initial Teacher Education
IWPRB	Independent Welsh Pay Review Body
LAs	Local Authorities
LSAs	Learning Support Assistants
LSWs	Learning Support Workers
MPR	Main Pay Range
NISTR	Northern Ireland Supply Teacher Register
NPS	National Procurement Service
NQTs	Newly Qualified Teachers
PLASC	Pupil Level Annual School Census
QTS	Qualified Teacher Status
SNCT	Scottish Negotiating Committee for Teachers
STPC(W)D	School Teachers' Pay and Conditions (Wales) Document
SWAC	Schools Workforce Annual Census
TAs	Teaching Assistants
TLR	Teaching and Learning Responsibility
TPS	Teachers' Pension Scheme
UPR	Upper Pay Range
WGCP	Welsh Government Corporate Procurement



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# THE INDEPENDENT WELSH PAY REVIEW BODY

## ***Our role***

The Independent Welsh Pay Review Body (WPRB) was established in March 2019 as an independent body with the responsibility to make recommendations to the Welsh Government on the pay and conditions of school teachers and leaders in Wales.

The IWPRB reports to the Minister for Education and Welsh Language. The responsibility for setting teachers' and leaders' pay and conditions in Wales transferred to the Welsh Ministers from 30 September 2018 under the Welsh Ministers (Transfer of Functions) Order 2018.

The members of the IWPRB are:

Sharron Lusher MBE DL – Chair

Simon Brown – Member

Dr Caroline Burt – Member

Aled Evans – Member

Dr John Graystone – Member

Professor Maria Hinfelaar – Member (resigned 30 April 2023)

Dr Emyr Roberts – Member

Professor Stephen Wilks – Member





The Independent Welsh Pay Review Body (IWPRB) is pleased to present its review of the roles and responsibilities of supply teachers employed through local authorities or directly by schools in Wales. This review was commissioned by the Minister for Education and Welsh Language as part of the Minister's remit to the IWPRB dated 20 December 2021, requesting a wider strategic review into teachers' pay and terms and conditions in Wales.

Wales has an open market supply model, which means that supply teachers can be employed through local authorities, schools, or agencies. This review concerns arrangements relating to supply teachers employed through local authorities or directly by schools, whose employment falls within the scope of the School Teachers' Pay and Conditions (Wales) Document (STPC(W)D). The IWPRB has been asked to consider the roles and responsibilities, expectations, benefits and remuneration of these supply teachers. In making our conclusions and recommendations, the IWPRB has been asked to be mindful of considerations relating to 'fair work' and 'sustainability'.

The IWPRB wishes to thank the Welsh Government and other consultees for providing written and oral evidence for this review, and all those who have provided additional information. We also wish to express our gratitude to colleagues in Scotland and Northern Ireland for the information they have provided on arrangements for covering teacher absence in both nations.

### Structure of this report

In reaching our conclusions, and subsequently arriving at recommendations, we have taken into account:

- in Chapter 1, the context of supply teaching in Wales; analysis of the Welsh supply teacher sector; previous reports on supply teachers in Wales; recent developments; and arrangements in other UK nations
- in Chapter 2, analysis of written and oral responses from the Welsh Government and other consultees
- in Chapter 3, analysis of the current arrangements for supply teachers in relation to pay, terms and conditions; types of absence covered; the teaching responsibilities of supply teachers; definitions of short-term and long-term supply teachers; the costs of supply teachers; induction arrangements; CPD and availability of data

### Our conclusions and recommendations

The IWPRB makes 11 recommendations in this report, which are set out in summary below, together with explanations.

All recommendations refer specifically to supply teachers employed through local authorities or directly by schools.

We believe that supply teachers should be directly referenced within the STPC(W)D. We have further concluded that differences exist in relation to the duties of supply teachers employed on a short-term or long-term basis, with the former undertaking a fewer number of the duties of their long-term counterparts.

We have also considered whether the distinction between short-term and long-term supply teachers should be determined by the number of days worked. We note the number of interpretations of short-term in guidance documents issued by Welsh Government. Many consultees pointed out the difficulty in assigning a fixed time period to distinguish between short-term and long-term, as there can be a 'blurring' of expectation as the placement progresses or if prepared work has not been provided to the supply teacher. At this stage, there is no data available to support a sound judgement in this area. We have also considered whether short-term could be measured in the number of hours worked, relative to a full-time teacher. However, at this stage, there is no weekly maximum directed classroom time for teachers.

We believe there is merit in defining the roles of short-term and long-term supply teachers within the STPC(W)D.

### **RECOMMENDATION 1**

We recommend that supply teachers employed through local authorities or directly by schools are explicitly referenced in the School Teachers' Pay and Conditions (Wales) Document (STPC(W)D).

### **RECOMMENDATION 2**

We recommend that the roles and responsibilities of short-term supply teachers and long-term supply teachers employed through local authorities or directly by schools are defined in the STPC(W)D and that the descriptors at Appendix A of this report are used.

While we recognise that the roles of short-term supply and long-term supply teachers are different, and that short-term supply teachers undertake a subset of duties of a long-term supply teacher, we believe short-term supply teachers face other challenges. We therefore conclude that, on balance and in the interests of fair work and stability of the entire workforce, there should be no difference in remuneration between a short-term and a long-term supply teacher.

We note the model in Scotland, whereby short-term supply teachers are paid an hourly rate, differentiating them from long-term supply teachers and permanent teachers. At this stage, there is no definition of the number of hours that a permanent teacher can work in a classroom in Wales.

### **RECOMMENDATION 3**

We recommend that all supply teachers employed through local authorities or directly by schools are paid on the salary point to which they have progressed in accordance with the STPC(W)D, irrespective of whether they are providing short-term or long-term cover.

The STPC(W)D does not currently refer explicitly to supply teachers and there are a number of areas in which it is unclear how the STPC(W)D should be applied. Further clarity is required in relation to the definition, fair remuneration and conditions of a supply teacher.

### RECOMMENDATION 4

We recommend that there should be a clear statement in the STPC(W)D that supply teachers employed through local authorities or directly by schools are entitled to the benefits of the pay and conditions requirements and that the following clarifications be made to the STPC(W)D:

- supply teachers should be eligible for incremental progression in accordance with the interpretation of 'a year of employment' as contained in Annex 2, paragraph 7 of the STPC(W)D. A supply teacher should be eligible for incremental progression after a period of 26 weeks of employment, regardless of the number of hours or days worked each week. These arrangements are comparable to those for part-time teachers
- supply teachers should be eligible for progression from the main pay range (MPR) to the upper pay range (UPR), as specified in paragraph 19.2f of the STPC(W)D, subject to having completed 'a year of employment' as contained in Annex 2, paragraph 7 of the STPC(W)D on the maximum of the MPR
- pay portability should apply to supply teachers according to the principles specified at paragraph 12.3a in the STPC(W)D
- teaching and learning responsibility (TLR) payments to supply teachers should only apply for long-term supply posts and only if the supply teacher is carrying out the full responsibilities of the regular teacher in accordance with paragraph 20.1 of the STPC(W)D
- additional learning needs (ALN) allowances should be awarded to supply teachers in all relevant cases in accordance with paragraph 21 of the STPC(W)D
- additional payments as in paragraph 26 of the STPC(W)D should apply to supply teachers
- the principle of salary sacrifice in accordance with paragraph 28 of the STPC(W)D should apply where reasonably practicable
- in accordance with paragraph 51.5 of the STPC(W)D, long-term supply teachers are entitled to a 10% reduction in teaching time. Short-term supply teachers should be entitled to a 10% reduction in teaching time only in the exceptional cases where PPA is required
- salaries, terms and conditions for all supply teachers should be explicitly referenced in the pay policies of schools

### **RECOMMENDATION 5**

We recommend that as part of the implementation of the new booking platform, the benefits included in recommendation 4 are articulated to all stakeholders when communicating the operation of the new system.

We note the revised induction arrangements for newly qualified teachers (NQTs), and that the mentoring of short-term NQT supply teachers through local authorities and schools is carried out by an external mentor. However, long-term NQT supply teachers are not referenced in these arrangements.

We note that mechanisms for accessing professional development for NQT supply teachers, and the entitlement to reduced teaching time, are not referenced either in the induction guidance or the STPC(W)D.

### **RECOMMENDATION 6**

We recommend that the Welsh Government clarify in the induction guidance and, where applicable, in the STPC(W)D:

- mentoring arrangements for long-term NQT supply teachers
- practical advice on how NQT supply teachers can access 13 days of professional learning
- guidance for any payment to NQT supply teachers in accordance with paragraph 61 of the STPC(W)D
- practical guidance on how the entitlement to reduced teaching time operates within the NQT supply teacher timetable

We believe that there may be a benefit in NQT supply teachers being assigned a host school, which oversees their induction and professional learning days.

### **RECOMMENDATION 7**

We recommend that the Welsh Government works with local authorities to assign host schools to NQT supply staff for the purposes of CPD.

We understand that some long-term supply teachers are included in CPD activities for their schools. However, in the absence of guidance within the National Professional Learning Entitlement or the STPC(W)D, we believe that supply teachers (both long-term and short-term) could miss out on opportunities for professional learning development. We note the professional learning offer guidance on Hwb, but are conscious that this is not statutory guidance.

We further believe that all supply teachers should be made aware of professional learning opportunities within their area, and have the ability to access professional learning opportunities.

### **RECOMMENDATION 8**

We recommend that the Welsh Government clarify within the National Professional Learning Entitlement and, where applicable, the STPC(W)D:

- the arrangements for accessing CPD for all supply teachers employed through local authorities or directly by schools
- the guidance for any payment to supply teachers in accordance with paragraph 61 of the STPC(W)D

### **RECOMMENDATION 9**

We recommend that the Welsh Government works with local authorities to develop a system where all supply teachers employed through local authorities or directly by schools are made aware of professional learning opportunities.

There is no provision for the appraisal of supply teachers employed for less than one term within the STPC(W)D. We acknowledge that this could be a difficult process, as supply teachers may work in a number of schools. However, it is important to support and appraise supply teachers to ensure their professional development needs are met. The lack of appraisal could result in a teacher not being able to access the UPR due to lack of evidence, or that the quality of teaching could be compromised.

### **RECOMMENDATION 10**

We recommend that the Welsh Government works with local authorities and schools to facilitate the appraisal and professional development needs of all supply teachers employed through local authorities or directly by schools, regardless of length of employment period. We recommend that this is done through a system of host schools.

This review has highlighted a lack of data relating to supply teachers and also how they are monitored.

We welcome the fact that the Welsh Government is working with schools and local authorities to review data collected on supply teachers and improve the completeness of the information provided.

### **RECOMMENDATION 11**

We recommend that the Welsh Government reviews the collection and analysis of data for supply teachers employed through local authorities or directly by schools, in light of the findings of this report, to inform government policy and financial planning.





### Opening remarks

- 1.1 The Independent Welsh Pay Review Body (IWPRB) is pleased to present its report on supply teachers in Wales employed through local authorities or directly by schools. This work is part of the Welsh Government’s desire “to ensure supply teachers are appropriately rewarded, that all supply staff have greater choice over how they are employed, and that they’re able to access the required support and professional learning opportunities to carry out their role effectively.”<sup>1</sup>
- 1.2 The IWPRB wishes to thank statutory consultees who have provided written and oral evidence. We also wish to express our gratitude to those who have provided information, and to colleagues in Scotland and Northern Ireland for providing insights into covering teacher absence in their countries.

### Scope of this review

- 1.3 On 20 December 2021, the Minister for Education and Welsh Language set out the remit for the IWPRB’s fourth review. This included, at Part C, a strategic review of teachers’ pay, terms and conditions in Wales, as recommended by the IWPRB in its third report.
- 1.4 The Minister envisaged at that time that supply teachers would form part of the overall strategic review, originally scheduled to be presented to the Welsh Government on 31 March 2023. A number of events have moved the submission date of the strategic review.
- 1.5 Commitments in the Welsh Government and Plaid Cymru’s Co-operation Agreement (2021)<sup>2</sup> to introducing a more sustainable model of supply teaching with fair work at its heart meant that the element of the review on supply teachers was required before the publication of the full strategic review. Following further discussion, an original submission date of 30 April 2023 was agreed between the Minister and the IWPRB for this element of the review.
- 1.6 A specific remit letter has not been issued to the IWPRB for this review. Discussion with Welsh Government officials has confirmed that the scope of the review of arrangements for supply cover includes only supply teachers employed through local authorities or directly by schools. Further discussion identified that the IWPRB should conduct a “review of supply terms and conditions within the strategic review with consideration of: defining different roles and the responsibilities, expectations, benefits and remuneration for each”.<sup>3</sup>

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<sup>1</sup> Senedd Cymru (Plenary 6 December 2022), *Statement by the Minister for Education and Welsh Language: Supply Teaching Model* <https://record.senedd.wales/Plenary/13072#A76312>

<sup>2</sup> Welsh Government (2021), *The Co-operation Agreement* <https://www.gov.wales/sites/default/files/publications/2021-11/cooperation-agreement-2021.pdf>

<sup>3</sup> Presentation to the IWPRB by members of the Welsh Government Supply Engagement Branch, October 2023

## Chapter 1 – Supply teachers in Wales

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- 1.7 Our original report was submitted to the Minister for Education and Welsh Language on 30 April 2023 as required. On 14 June 2023, the IWPRB received correspondence from the Minister, noting that due to circumstances outside the control of the IWPRB, timescales had changed, and as a result of these changes, consultees had not been able to provide oral representations. The Minister asked the IWPRB to consider allowing oral representations on the assumption that additional time could be permitted for the resubmission of the report following these representations. The IWPRB considered the request, and given the additional time now afforded, agreed that oral evidence sessions could be held, and that the report would be resubmitted following such oral evidence sessions.

### The IWPRB's approach to this review

- 1.8 The methodology for this review comprised an analysis of data and other relevant information, written submissions and oral evidence sessions from the Welsh Government and other consultees, and discussions with representatives of relevant organisations and other devolved nations.
- 1.9 The IWPRB invited written submissions from the following:
- Association of School and College Leaders in Wales (ASCL Cymru)
  - Community Cymru
  - Diocesan authorities
  - National Association of Headteachers in Wales (NAHT Cymru)
  - National Association of Schoolmasters Union of Women Teachers in Wales (NASUWT Cymru)
  - National Education Union in Wales (NEU Cymru)
  - Undeb Cenedlaethol Athrawon Cymru (UCAC)
  - Welsh Government
  - Welsh Local Government Association (WLGA)
- 1.10 Written submissions were received from:
- ASCL Cymru
  - NASUWT Cymru
  - NEU Cymru
  - UCAC
  - Welsh Government
  - WLGA
- 1.11 Oral evidence sessions were held with:
- ASCL Cymru
  - Community Cymru
  - NAHT Cymru
  - NASUWT Cymru
  - NEU Cymru
  - UCAC

- Welsh Government
  - WLGA
- 1.12 The IWPRB wishes to draw attention to the support of the independent secretariat, provided by the EWC. Members thank the secretariat sincerely. We also thank Vanessa Morgan of Morgan Hale Consultancy for assisting the IWPRB in compiling this report, and Trosol for providing Welsh language translation services.
- 1.13 A number of reports have pointed out the lack of data on supply teachers in Wales. These are referred to in Chapter 3. Improvements have been made to data collection through the Schools Workforce Annual Census (SWAC). At the time of writing this report, such data has not been published and is therefore not available to us. The limitations of the data available to the IWPRB during the course of this review meant that there were a number of factors we were unable to determine. These include:
- the number of schools employing supply teachers
  - the length of each period of supply in each school (number of days)
  - the cost of each period of supply
- 1.14 The need for this data is addressed in recommendation 11 of this report. However, the lack of such data does not detract from the recommendations contained in this report.

### Context of supply teachers in Wales

- 1.15 Supply teachers make an important contribution to schools by ensuring that teacher absences are covered, largely alleviating the risk of pupils having their education interrupted.
- 1.16 Based on the EWC records, the total number of registered teachers ('all teachers') in Wales in 2022 was 35,256. Whilst the total number of registered teachers has remained stable over the last four years, the percentage of supply teachers has steadily reduced, from 13.4% to 11.5%.<sup>4</sup> At March 2022, there were 4,058 supply teachers registered with the EWC.
- 1.17 Wales has an open market supply model, which means that supply teachers can be employed through local authorities, schools or agencies.
- 1.18 Supply teachers who are employed through local authorities or directly by schools are paid in accordance with the School Teachers' Pay and Conditions

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<sup>4</sup> EWC (2022), *Data Insights – Supply within the school teacher category*

<https://www.ewc.wales/site/index.php/en/documents/research-and-statistics/research-reports/3686-supply-school-teacher-data-2022/file.html>

## Chapter 1 – Supply teachers in Wales

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(Wales) Document (STPC(W)D) and are subject to the provisions of the Document.<sup>5</sup>

- 1.19 From September 2023, agencies are subject to the specific requirements of the Welsh Government Corporate Procurement (WGCP) Supply Agency Framework Agreement.<sup>6</sup> The framework sets out a number of conditions which agencies must follow. Registration on to the framework is voluntary, and schools do not have to use agencies on the framework. Supply teachers employed through agencies are subject to the employment terms and conditions of that agency.
- 1.20 Over the last seven years, the EWC register differentiates between agency, local authority and unattached/other supply teachers. It shows that the balance between the number of supply teachers registered with an agency and the number registered with local authorities has shifted significantly towards agencies, with agency registration now 81.3%.<sup>7</sup> As of March 2022 there were 716 local authority registered supply teachers compared to 1,715 in 2018. There were 3,301 agency-employed supply teachers registered in 2022, compared with 2,743 in 2018.<sup>8</sup>
- 1.21 The mixed employment type of supply teachers is shown in Chart 1 below, covering the period 2016-2022.<sup>9</sup>

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<sup>5</sup> Welsh Government (2023), *School Teachers' Pay and Conditions Document and guidance on pay and conditions (revised) – April 2023* <https://www.gov.wales/sites/default/files/publications/2023-04/stpc-guidance-on-school-teachers-pay-and-condition-revised-v3.pdf>

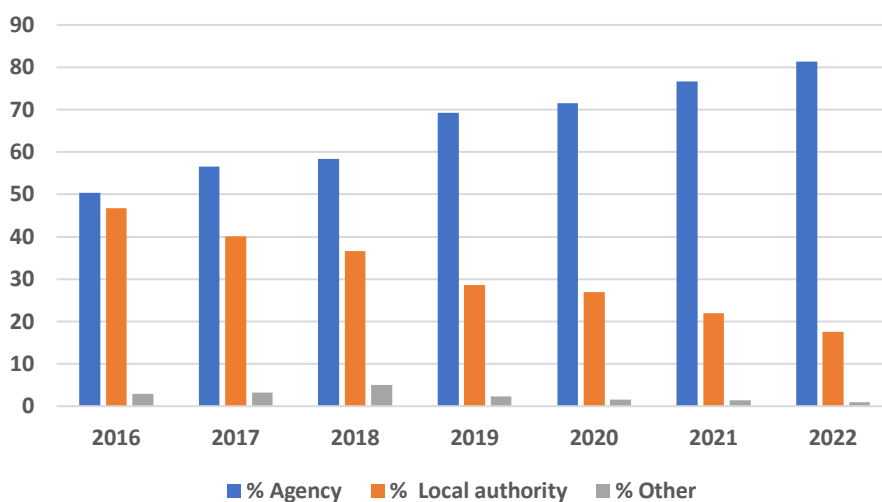
<sup>6</sup> Hwb (2023), *New Supply Agency Framework* <https://hwb.gov.wales/professional-learning/supply-teachers/#new-supply-agency-framework>

<sup>7</sup> The EWC register only records supply teachers' main employer

<sup>8</sup> EWC (2022), *Data Insights – Supply within the school teacher category* <https://www.ewc.wales/site/index.php/en/documents/research-and-statistics/research-reports/3686-supply-school-teacher-data-2022/file.html>

<sup>9</sup> In all charts 'local authority' refers to supply teachers employed through local authorities or directly by schools. Note that 'other' refers to those registered in one or more of the seven registration categories regulated by the EWC. Where comparisons are made between employment types in later analysis, the 'other' category has been omitted, due to the small population of this group.

**Chart 1**  
**Supply teacher employment type**



Source: EWC, Data Insights 2022

- 1.22 Currently there is no distinction between the role and responsibility of a supply teacher required to cover a short-term, compared to long-term, absence.

### Analysis of the current Welsh supply teacher sector

#### ***Reasons for undertaking supply teaching***

- 1.23 In early 2022, the Welsh Government sought the views of all supply teachers and supply support staff on a number of areas relating to their employment,<sup>10</sup> and on the commitments to deliver a new employment model under the Co-operation Agreement.<sup>11</sup> The survey was open for five weeks and 201 responses were received, representing approximately 4.9% of all supply teachers registered with the EWC. The main reasons cited for undertaking supply work were:

- inability to secure permanent work
- greater flexibility around home and family commitments
- workload (compared with a permanent role)
- to gain experience of working in different schools
- retirement
- additional work to supplement another paid job

<sup>10</sup> Welsh Government (2022), written evidence to the IWPRB

<sup>11</sup> Welsh Government (2021), *The Co-operation Agreement*

<https://www.gov.wales/sites/default/files/publications/2021-11/cooperation-agreement-2021.pdf>

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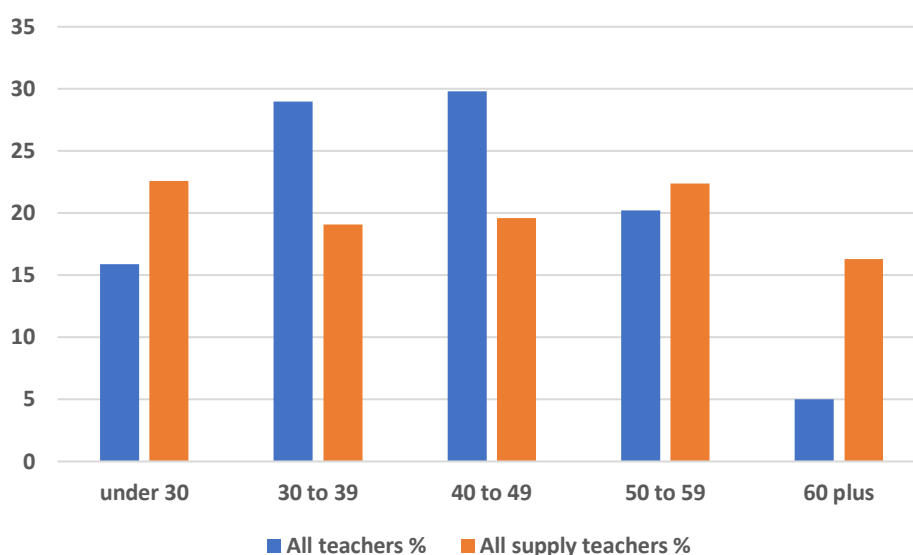
### Gender profile

1.24 According to the EWC Data Insights for supply teachers in 2022, of the 4,058 supply teachers in Wales, 76.8% were female, which is comparable to the percentage of female staff across all registered teachers (75.5%). 76.7% of agency supply teachers were female, compared to 78.8% of local authority registered supply teachers.<sup>12</sup>

### Age profile

1.25 Comparing the age profile of all teachers to that of all supply teachers in 2021, the age groups where the relative percentage is significantly higher for supply teachers are the 'under 30 years' and the 'above 60 years' categories.

**Chart 2**  
Age profile of all teachers and supply teachers

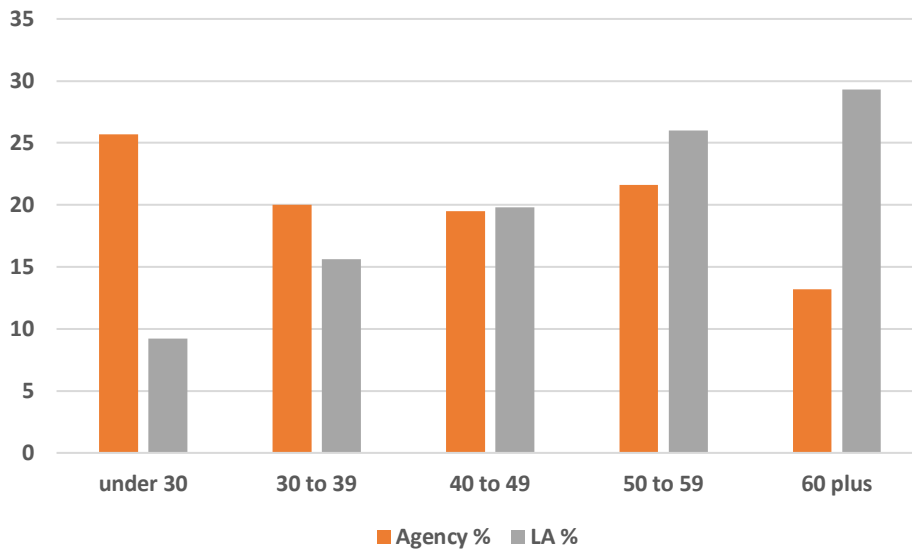


Source: EWC Data Insights 2022

1.26 When the profile is broken down across employment type, two patterns emerge. Firstly, significantly more 'under 30s' are registered through agencies compared to local authorities, whilst the converse is true for the '60 plus' group. Secondly, there is a different age profile trend between those registered through agencies and those registered through local authorities with the agency profile trend decreasing with age, whilst the local authority profile increases.

<sup>12</sup> EWC (2022), *Data Insights – Supply within the school teacher category*  
<https://www.ewc.wales/site/index.php/en/documents/research-and-statistics/research-reports/3686-supply-school-teacher-data-2022/file.html>

**Chart 3**  
Age profile of supply teachers by employment type

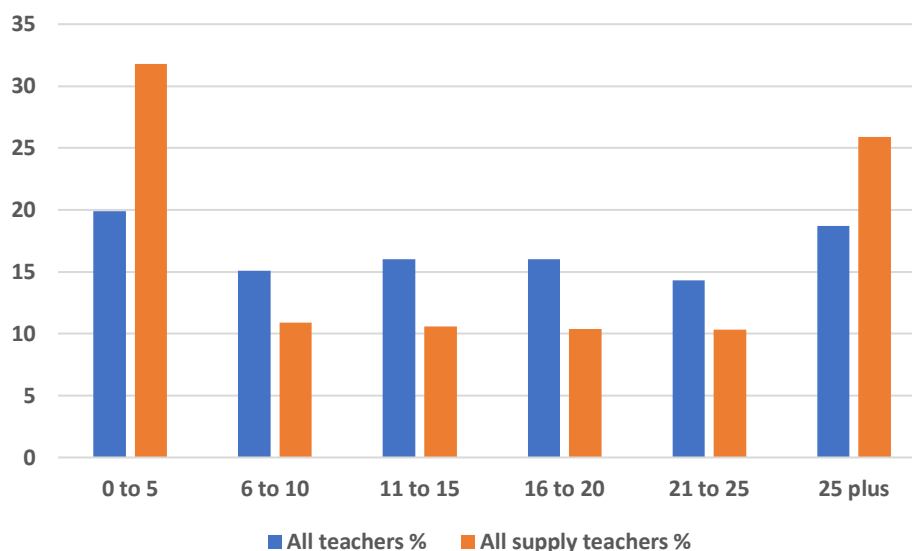


Source: EWC Data Insights 2022

## ***Years since qualified teacher status (QTS) completion***

1.27 A very similar pattern emerges when examining the number of years since QTS completion. When comparing all teachers to supply teachers, it is only the completion groups 'below five years' and 'more than 25 years' since QTS where the relative percentage for supply teachers is higher.

**Chart 4**  
Years since QTS for all teachers compared to supply teachers

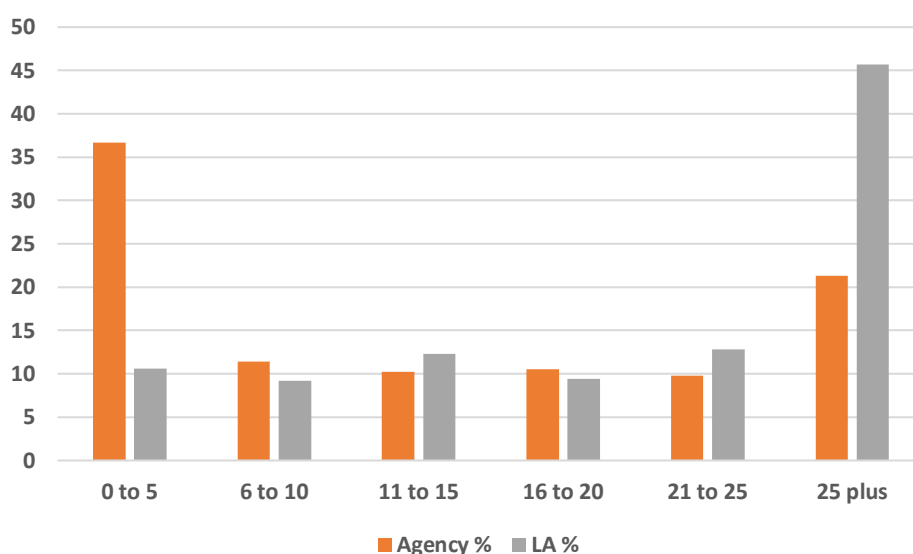


Source: EWC Data Insights 2022

## Chapter 1 – Supply teachers in Wales

- 1.28 When the profile is broken down by employment type, there is a higher proportion of recently qualified teachers registered through agencies, whilst a higher proportion of teachers registered through local authorities qualified more than 25 years ago.

**Chart 5**  
Years since QTS completed by type of employment



Source: EWC Data Insights 2022

- 1.29 The observations made for the 'age' and 'years since qualified' profiles for agency registered and those registered through local authorities correlate well.

### **Welsh language**

- 1.30 Data on the EWC Register shows that fewer supply teachers (26.6%) (all employment routes) declared that they are fluent or fairly fluent in the Welsh language compared to 33.2% of all school teachers. Of those supply teachers who are fluent or fairly fluent in the Welsh language, a higher proportion are employed through local authorities or directly by schools (52.9%) compared to agencies (20.3%).
- 1.31 A larger percentage of regular school teachers are able to teach through the medium of Welsh, compared to the number of supply teachers (26.6% compared to 20%). Of those supply teachers who are able to teach through the medium of Welsh, a higher proportion are registered through local authorities (45.7%) compared to agencies (14.1%).

### **Previous reports on supply teachers in Wales**

- 1.32 A number of reports on supply teachers in Wales have been published over the last ten years. These reports have considered supply teachers as a whole, and



## Chapter 1 – Supply teachers in Wales

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do not distinguish between supply teachers employed through local authorities or directly by schools, and those employed through agencies.

- 1.33 **Estyn and the Wales Audit Office:** Reports by Estyn<sup>13</sup> and the Wales Audit Office<sup>14</sup> working in partnership in 2013 focused on covering teacher absence, and identified how much teaching was carried out by supply teachers or others (just under 10%); the impact on pupil learning; and the estimated cost (£54m in 2011-2012). The reports recommended actions to improve the management of cover arrangements, the quality of teaching and learning in covered lessons, performance management, and the training and development of supply staff.
- 1.34 **The National Assembly for Wales, Children, Young People and Education Committee:** An inquiry into supply teaching, conducted in 2015 was concerned that the current model of supply teaching did not appear to be working effectively, and made 22 recommendations. It stated that “many of the issues identified could be ameliorated if there were closer arrangements between the employers of supply teachers and those with responsibility for providing school education, for example cluster arrangements operated through local authorities or a national body. Such arrangements could potentially support NQTs, provide support for Continuing Professional Development (CPD) and performance management, provide quality assurance, and help with the Welsh medium shortage.”<sup>15</sup>
- 1.35 **Estyn** published a thematic report in January 2017 on school workforce attendance in primary schools and concluded that many primary schools had difficulty in arranging suitable cover.<sup>16</sup> For planned absences, most teachers left work for the supply teacher, but for unplanned absences, the position was more variable and often focussed on keeping children busy. Few schools undertook performance management of supply staff unless they were employed for a term or more.
- 1.36 **The Ministerial Supply Model Taskforce: Report to the Cabinet Secretary for Education** in February 2017 considered future delivery options for supply teaching in Wales and reviewed national and international models of delivery for the supply workforce. It concluded that no simple “one size fits all” solution existed that could immediately be implemented, and that “the arrangements for provision of supply teachers in Wales are highly complex.” The taskforce was “not able to identify a single existing model which is immediately achievable.”<sup>17</sup>
- 1.37 The taskforce report recommended that the Welsh Government should work with others to define the term ‘supply’ more accurately, establish comprehensive and

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<sup>14</sup> Wales Audit Office (2013), *Covering Teachers’ Absence*

[https://audit.wales/sites/default/files/Covering\\_Teachers\\_Absence\\_English\\_2013\\_14.pdf](https://audit.wales/sites/default/files/Covering_Teachers_Absence_English_2013_14.pdf)

<sup>15</sup> National Assembly for Wales (2015), *Inquiry into Supply Teaching*

<https://senedd.wales/laid%20documents/cr-ld10483/cr-ld10483-e.pdf>

<sup>16</sup> Estyn (2017), *Effective management of school workforce attendance in primary schools*

<https://www.estyn.gov.wales/thematic-report/effective-management-school-workforce-attendance-primary-schools>

<sup>17</sup> Welsh Government (2017), *Ministerial Supply Model Taskforce: Report to the Cabinet Secretary for Education*

<https://gov.wales/sites/default/files/publications/2018-12/ministerial-supply-model-taskforce.pdf>

## Chapter 1 – Supply teachers in Wales

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consistent data, and undertake full cost analysis of provision and delivery of supply teaching. In addition, it recommended that unions, employers and the Welsh Government should agree fair treatment and terms and conditions for supply teachers, and consider how those on supply, and in particular NQTs for less than a term, might benefit from more structured performance management and access to professional learning opportunities.

- 1.38 The taskforce pointed out that the term ‘supply’ could mean “different things to different people.” It defined the term ‘supply’ as describing *all* cover for staff absence for both teaching and support staff, where, usually due to illness or professional learning, the regular member of staff was unable to undertake their classroom duties. Cover could be for a few days of absence of the regular teacher, or a lengthier period of absence for which there may be a variety of reasons.
- 1.39 **Audit Wales** recommended in November 2020 that the Welsh Government, as part of its work to ensure the quality and sufficiency of supply teachers for schools, should promote the availability of training and resources to supply teachers and learning support workers, in the light of the curriculum reform roll-out from September 2022.<sup>18</sup>
- 1.40 **The Senedd Petitions Committee** covered the employment status and rights of supply teachers in Wales in March 2021. The committee echoed the Audit Wales 2020 report in recommending that the Welsh Government should monitor take up of the National Procurement Service (NPS) Framework Agreement, and consider alternative arrangements for supporting schools to find and employ supply teachers, including direct employment and the introduction of centralised or regional supply arrangements. It considered that a “public sector solution would have significant advantages over the current model.”<sup>19</sup>
- 1.41 The Committee also recommended that “the Welsh Government should remit to the IWPRB consideration of the pay and conditions of supply and temporary teachers...”<sup>20</sup>

### Current developments in Wales

- 1.42 Following these reports, the Welsh Government’s Programme for Government stated that it “will develop a sustainable model for supply teaching that has fair work at its heart.”<sup>21</sup> The Co-operation Agreement between the Welsh Government and Plaid Cymru stated that the Welsh Government “will work with partners to develop options for a more sustainable model of supply teaching with

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<sup>18</sup> Audit Wales (2020), *Covering teachers’ absence: Follow-up* <https://www.audit.wales/publication/covering-teachers-absence-follow>

<sup>19</sup> Senedd Petitions Committee (2021), *Fair Deal for Supply Teachers* <https://senedd.wales/media/neifebkd/cr-ld14241-e.pdf>

<sup>20</sup> Ibid

<sup>21</sup> Welsh Government (2022), *Programme for government* <https://gov.wales/programme-government>

fair work at its heart, which will include local authority-led and school-led alternatives.”<sup>22</sup>

- 1.43 In December 2022, the Minister for Education and Welsh Language announced the establishment of a new technology-based booking platform, to be available to local authorities, schools and supply staff from September 2023. “The model will provide an additional route for schools to engage supply staff and provide a choice to both supply teaching support staff and supply teachers over how they are employed.”<sup>23</sup>
- 1.44 The Minister also stated that the system would not employ supply teachers directly. “It will be a user-maintained system that will be supported by all organisations that use it. So, to ensure that supply teachers can access the statutory terms, including the teachers’ pension scheme, the platform must link to a public sector provider. Discussions are ongoing with the Welsh Local Government Association (WLGA) on arrangements to support the pay and pensions element of the platform.”<sup>24</sup>
- 1.45 Information supplied to the IWPRB by Audit Wales is that it intends to work on a follow-up to its 2020 report on covering teacher absence. Progress on recommendations will be reported to the Public Accounts and Public Administration Committee in due course.

### School workforce attendance guidance

- 1.46 The Welsh Government guidance for effective management of school workforce attendance identifies types of absence.<sup>25</sup> Options to cover absence include:
- employing a supply teacher
  - employing a ‘floating or supernumerary’ teacher
  - working with other schools to share costs
  - using a private supply agency
  - using learning support workers (LSWs) to aid with covering teacher absence<sup>26</sup>
- 1.47 The guidance states that “School learning support workers including cover supervisors and HLTAs are not qualified teachers. They must not be used to fulfil the role of a qualified teacher. Schools should make sure they only carry out

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<sup>22</sup> Welsh Government (2021), *The Co-operation Agreement*

<https://www.gov.wales/sites/default/files/publications/2021-11/cooperation-agreement-2021.pdf><https://gov.wales/sites/default/files/publications/2021-11/cooperation-agreement-2021.pdf>

<sup>23</sup> Welsh Government (2022), *Oral Statement: Supply Teaching Model* <https://gov.wales/oral-statement-supply-teaching-model>

<sup>24</sup> Ibid

<sup>25</sup> Welsh Government (2017), *Effective management of school workforce attendance*

<https://www.gov.wales/sites/default/files/publications/2020-02/effective-management-of-school-workforce-attendance-1.pdf>

<sup>26</sup> Welsh Government (2017), *Effective management of school workforce attendance*

<https://www.gov.wales/sites/default/files/publications/2020-02/effective-management-of-school-workforce-attendance-1.pdf>

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duties and responsibilities set out in their employment contract and job description. Time spent away from their normal role can cause disruption to learning.”<sup>27</sup>

1.48 The guidance states that:

- a planned absence is known in advance and there are opportunities to ensure that the impact on learning is minimised
- short-term planned absence is where it is expected that the specified work, i.e. teaching, to be delivered will have been planned by the regular teacher
- unplanned absences are where relevant lesson plans should where possible be provided as soon as practicable to the supply teacher who will be in the classroom

1.49 “Whatever the absence...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. Following the lesson, the supply teacher undertaking 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.”<sup>28</sup>

1.50 The guidance states that “no person may carry out the ‘*specified work*’ of a qualified school teacher unless they are deemed qualified and registered to do so.”<sup>29</sup>

1.51 The Education Workforce Council (Main Functions) (Wales) Regulations 2015 set out who can undertake the ‘*specified work*’ in a maintained school or special school in Wales.<sup>30</sup> Specified work is defined in Regulation 17 of the Regulations as follows:

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils
- assessing the development, progress and attainment of pupils
- reporting on the development, progress and attainment of pupils

1.52 Paragraph 40 of the STPC(W)D provides more detailed information on duties that a teacher may be required to undertake.

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<sup>27</sup> Welsh Government (2017), *Effective management of school workforce attendance*  
<https://www.gov.wales/sites/default/files/publications/2020-02/effective-management-of-school-workforce-attendance-1.pdf>

<sup>28</sup> Ibid

<sup>29</sup> Ibid

<sup>30</sup> Legislation.gov.uk, *The Education Workforce Council (Main Functions) (Wales) Regulations 2015*  
<https://www.legislation.gov.uk/wsi/2015/140/contents>

### ***Supply teachers employed through local authorities or directly by schools***

- 1.53 Supply teachers employed through local authorities or directly by schools are subject to the provisions of the STPC(W)D. Paragraph 41.1 of the STPC(W)D, states that teachers employed on a day-to-day or other short notice basis “must be paid in accordance with the provisions of this Document on a daily basis calculated on the assumption that a full working year consists of 193 days (for 2022-23 only), periods of employment for less than a day being calculated pro rata.”<sup>31</sup>
- 1.54 This means that supply teachers employed directly by schools and local authorities are entitled to:
- national pay scales
  - annual pay increases when awarded by the Minister
  - teachers’ pension scheme (TPS)
  - continuing professional development
  - and all other benefits as included in the document

### ***Supply teachers employed by agencies***

- 1.55 The Agency Worker Regulations (AWR) set out rules covering the use of agency workers.<sup>32</sup> An agency worker is defined as an individual who:
- (a) Is supplied by a temporary work agency to work temporarily for and under the supervision and direction of a hirer; and
  - (b) has a contract with the temporary work agency which is:
    - (i) a contract of employment with the agency; or
    - (ii) any other contract with the agency to perform work or services personally
- 1.56 Under the AWR, all agency workers, after a 12-week qualifying period, are entitled to the same basic working and employment conditions as an equivalent worker employed directly by the hirer (for example a school) to do the same job. This entitlement extends to pay, working time and holidays. Therefore, a supply teacher, on completing the 12-week qualifying period, is entitled to be paid the same as a comparable employee at the school, and to the same working time and annual leave as other teachers who are equivalent workers.
- 1.57 The framework states that the minimum pay rate for agency supply teachers must be equivalent to the minimum of the teachers’ main pay range (MPR).

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<sup>31</sup> Welsh Government (2023), School Teachers’ Pay and Conditions (Wales) Document 2022 and guidance on school teachers’ pay and conditions (revised) – April 2023  
<https://www.gov.wales/sites/default/files/publications/2023-04/stpc-guidance-on-school-teachers-pay-and-condition-revised-v3.pdf>

<sup>32</sup> Legislation.gov.uk, *Agency Workers Regulations 2010* <https://www.legislation.gov.uk/uksi/2010/93/contents>

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- 1.58 Agency supply teachers cannot access the TPS, but agencies must offer a workplace pension scheme.
- 1.59 Under the framework, agency fees have to be transparent but there is no specified amount. We understand that in practice they range from £20-£50 per day across 24 registered agencies.<sup>33</sup> Schools can choose a private agency which has a lower daily fee and this will not impact on the pay of the supply teacher, which is a protected element of the overall fee. The agency fee will not increase if the school elects to pay a higher rate of pay.

### **Employment costs to the school**

- 1.60 All supply teachers are engaged via sessions (half or full day).
- 1.61 The minimum cost of employing a supply teacher through a local authority or directly by school on the minimum of the MPR (M2) salary point is £198 per day.<sup>34</sup> This includes the TPS at 23.68% and employer national insurance contributions. A school or local authority can opt to pay the supply teacher at a higher salary point on the MPR or upper pay range (UPR), at an increased cost. These employment costs do not include any management time, administration, advertising or recruitment costs incurred by the school or local authority.
- 1.62 The cost of employing a supply teacher through an agency registered on the national framework in 2022 was between £188 and £218 depending on the agency fee; the average is £190 based on an average daily fee of £22. The agency daily rate includes the Nest<sup>35</sup> workplace pension contribution (3.5%).
- 1.63 Schools have been encouraged to share the costs of covering absence through collaborative arrangements.<sup>36</sup>

## Arrangements in other UK nations

### **Scotland**

- 1.64 In Scotland, all supply teaching staff are employed through local authorities, with some variance in the precise arrangements operated.
- 1.65 A supply teacher is referred to as short-term if their contract is for two days or fewer. The original proposal was to define short-term supply teachers as those working for fewer than five days, but this was later amended following negotiations with the teaching unions, to lessen the impact of the pay differential

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<sup>33</sup> Welsh Government (13 December 2022), *correspondence with the IWPRB*

<sup>34</sup> Welsh Government (13 December 2022), *correspondence with the IWPRB* (Note that this does not include the revised pay increase contained in the STPC(W)D 2022, revised April 2023)

<sup>35</sup> Nest is a trust-based workplace pension scheme that reports to UK Parliament through the Secretary of State for Workplace and Pensions

<sup>36</sup> Welsh Government (2019), *Evaluation of the Schools Based Supply Cluster Model Project*

<https://gov.wales/sites/default/files/statistics-and-research/2019-11/evaluation-school-based-supply-cluster-model-project.pdf>

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on short-term supply teachers. The Scottish Negotiating Committee for Teachers (SNCT) handbook<sup>37</sup> defines the duties that a short-term supply teacher must carry out as:

- teaching assigned classes
- correcting work, as part of ongoing classwork
- maintaining a record of work
- contributing towards good order in the school

- 1.66 The duties are a subset of those required for a teacher with a longer-term contract.
- 1.67 A short-term supply teacher will be deployed for one discrete block of time in any day. A discrete block of time will be a full day or half a day.
- 1.68 The SNCT handbook sets out a separate role and pay arrangements for ‘short-term teachers’, due to the reduction in additional duties that they undertake outside of teaching time. Pay is calculated on an hourly rate, 1/1,645<sup>th</sup> of the annual salary point on the main grade scale for which the teacher qualifies. All are entitled to a 10% pay uplift for preparation and correction [*marking*] time. Substantive full-time teachers in Scotland are contracted to 1,645 hours per year, including holiday allowance. The SCNT Handbook restricts classroom time to a maximum of 25 hours in a single week, subject to an average of 22.5 hours over the agreed period of variation.<sup>38</sup>
- 1.69 As a guide for schools, the handbook states that supply teaching is where teachers may be offered work on a short-term temporary basis, generally with little notice.<sup>39</sup> Each agreement of two days or less is treated as a separate contract.
- 1.70 In situations where the supply period exceeds the initial two days, the teacher should be issued with a fixed-term temporary contract.<sup>40</sup> From day three onwards, payment, working hours and duties are in accordance with the SNCT Handbook.

### **Northern Ireland**

- 1.71 In the same way as in Scotland, all supply teachers in Northern Ireland are employed through local authorities. Supply teachers in Northern Ireland are referred to as either substitute or supply teachers. An online register of supply teachers operates in real time as a networked booking system, across all schools

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<sup>37</sup> Scottish Negotiating Committee for Teachers (2007), *Handbook of Conditions of Service* [https://www.snct.org.uk/wiki/index.php?title=Table\\_of\\_Contents](https://www.snct.org.uk/wiki/index.php?title=Table_of_Contents)

<sup>38</sup> Scottish Negotiating Committee for Teachers (2007), Part 2 Section 3 [https://www.snct.org.uk/wiki/index.php?title=Part\\_2\\_Section\\_3](https://www.snct.org.uk/wiki/index.php?title=Part_2_Section_3)

<sup>39</sup> Ibid, Part 2 Section 1 [https://www.snct.org.uk/wiki/index.php?title=Part\\_2\\_Section\\_1](https://www.snct.org.uk/wiki/index.php?title=Part_2_Section_1)

<sup>40</sup> Ibid, Appendix 2.8a [https://www.snct.org.uk/wiki/index.php?title=Appendix\\_2.8A](https://www.snct.org.uk/wiki/index.php?title=Appendix_2.8A)

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and managed on behalf of all employing authorities by the Education Authority (EA).<sup>41</sup>

- 1.72 The Northern Ireland Supply Teacher Register (NISTR)<sup>42</sup> is supported by the Department of Education NI, and endorsed by the General Teaching Council for Northern Ireland (GTCNI). It is a centrally funded register, administered by the EA in Northern Ireland, and maintains all employment checks on staff. The NISTR provides schools with a centrally funded booking service 24 hours a day, seven days per week. The school notifies the EA team of the need for a supply teacher stating what is required (subject, type of school, date, length of time required). Details are placed on the register and a registered supply teacher can apply for the position. If accepted, links are then matched with the school. Payment is made centrally after the school signs off the work completed by the supply teacher.
- 1.73 Supply teachers complete a 12-step registration process with the NISTR, which includes their background, qualifications, teaching experience, right to work, an enhanced disclosure and barring service (DBS) check and registration with the GTCNI.
- 1.74 All supply teachers are paid on the same terms and conditions as regular staff and receive the daily rate equivalent to the full salary to which they have progressed on the teachers' pay scales. They must not be paid at a lower rate than previously paid as a (temporary or permanent full-time or part-time) teacher.
- 1.75 Supply teachers are paid a 195<sup>th</sup> of the salary point at which they enter the classroom. The hourly rate for supply teachers is the salary point divided by 1,265 hours.
- 1.76 Guidance<sup>43</sup> is issued on how a supply teacher should be paid in exceptional circumstances – for example, additional bank holidays – to ensure that the supply teacher does not suffer financial detriment as a result. Such days are counted as part of reckonable service of any entitlement period, including incremental progression and future pension calculations.
- 1.77 In 2022-2023 Northern Ireland had 1,100 schools (compared to 1,500 in Wales) with just under 8,700 supply teachers registered on the NISTR.
- 1.78 We understand that, following an audit highlighting the spend on cover in Northern Ireland, a review of pay, terms and conditions for supply teachers is currently underway.<sup>44</sup>

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<sup>41</sup> The Education Authority is responsible for delivering education services across Northern Ireland

<sup>42</sup> Education Authority (2023), *Northern Ireland Supply Teacher Register* <https://www.eani.org.uk/nistr>

<sup>43</sup> DoENI (2023), *Circular 2023/01 King Charles III coronation – 8 May 2023 – impact on supply teachers' pay* <https://www.education-ni.gov.uk/publications/circular-202301-king-charles-iii-coronation-8-may-2023-impact-supply-teachers-pay>

<sup>44</sup> Welsh Government (7 October 2022) *correspondence with the IWPRB*



### ***England***

- 1.79 England operates an open market supply model, similar to that in Wales. Data on the number of local authority and school-based supply teachers is not readily available.

### Models of employment for supply teachers in Wales

#### The Welsh Government's views

- 2.1 The Welsh Government stated that to meet the Programme for Government<sup>45</sup> and the Co-operation Agreement between the Welsh Government and Plaid Cymru<sup>46</sup>, the commitment on supply teachers' work was to be carried out in three stages.
- The first would be to “commission and introduce a new employment model for supply teachers in the form of a booking platform linked to a public sector payroll.” This will be “voluntary for schools and local authorities and incorporate the pay scales and terms and conditions set out in the STPC(W)D.”
  - The second stage would be to ensure that progress already made in relation to the agency employment model is maintained, so that if a school chooses a private agency, “set standards are in place.” It stated that the booking platform will “sit alongside a strengthened agency framework which will be implemented from September 2023”
  - The third element of the reforms was the work of the IWPRB in reviewing the terms and conditions of supply teachers within the scope of the STPC(W)D in the context of ‘fair work’ and ‘sustainability’
- 2.2 It stated that the “new employment model would need to compete with agencies both in terms of value for money for schools, and in the flexibility and/or workload of different roles for supply teachers”. It also identified a number of risks associated with introducing the public sector model, including sustainability for schools, additional workload, recruitment and retention of permanent staff, and the increased use of unqualified staff, schools choosing to use private agency staff or unqualified teachers, as well as an increased workload in managing the arrangements.
- 2.3 The Welsh Government explained that in 2017, it piloted and funded a Supply Cluster Model which allowed participating schools to employ NQTs as supernumerary cover across school clusters. Teachers were employed on STPC(W)D pay and conditions. The benefits of this model included consistency in teaching and learning, cover for teachers' planning and preparation time and support for reading and one-to-one pupil support.

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<sup>45</sup> Welsh Government (2022), *Programme for government* <https://gov.wales/programme-government>

<sup>46</sup> Welsh Government (2021), *The Co-operation Agreement* <https://www.gov.wales/sites/default/files/publications/2021-11/cooperation-agreement-2021.pdf>  
<https://gov.wales/sites/default/files/publications/2021-11/cooperation-agreement-2021.pdf>

### Consultees' views

- 2.4 The general view amongst trade union consultees was that the current open market supply system in Wales was not working well.
- 2.5 In their written evidence, ASCL Cymru pointed out that the Welsh Government had no power to insist that agencies employ supply teachers under the STPC(W)D or Burgundy Book<sup>47</sup> and that therefore “it seems a sensible solution for supply teachers to be brought into local authorities and under the STPC(W)D.” This would bring a more “ethical approach with greater value for money for school leaders when managing their budgets.”
- 2.6 It advocated the provision of supply teaching in a similar fashion to Northern Ireland which would “reinforce the principle that education is a public service subject to national conditions which govern how staff are employed.”
- 2.7 The NASUWT Cymru proposed that the Welsh Government work with local authorities and schools to reintroduce pooled supply arrangements in accordance with national terms and conditions or, at the very least, insist that schools source supply teachers from such supply pools before resorting to a private agency. It also argued that local authorities could work together to generate the capacity to provide payroll facilities to schools to ensure supply teachers “are paid properly to scale”.
- 2.8 Consultees noted the proposed introduction of the new booking platform for supply teachers, with most consultees supporting its introduction. The NASUWT stated that the proposed booking platform provided “a great opportunity to improve the pay and conditions of supply teachers in Wales”. It raised concerns however over the voluntary nature of the platform, the lack of publicity about the initiative and the fact that “such a model [has] to compete with agencies in terms of value for money”.
- 2.9 The WLGA and UCAC were supportive of the booking platform, with the WLGA recognising that it was too early to be able to judge how it will work in practice and the difference it will make to schools and local authorities.
- 2.10 ASCL Cymru broadly welcomed supply teachers being brought under the STPC(W)D. but drew attention to possible unintended consequences. Examples of challenges included schools managing supply teachers through differing employers (those under direct employment and those under agency employment, and supporting supply teachers across multiple appointments). It also noted that introducing these changes could increase the cost of supply teachers.
- 2.11 The NAHT Cymru noted the setting up of the booking platform, but expressed concern about possible unintended consequences. For example, it would not want new arrangements that “fractured relationships that schools already have

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<sup>47</sup> A handbook, published in 2000 and revised June 2023, detailing all the national conditions of service for school teachers in England and Wales, covering additional terms including notice periods, retirement, sick pay, maternity and other leave and insurance provisions.

## Chapter 2 – Statutory consultee responses

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with good quality supply teachers” or schools to be “financially punished... by the use of a supply pool over the use of an agency”.

### Different types of supply teaching

#### The Welsh Government’s views

- 2.12 The Welsh Government noted that supply teachers providing planned or unplanned immediate cover will not undertake all aspects of specified work. “They will normally not be expected to plan work in advance and will teach from pre-set work left by the regular teacher.” Supply teachers undertaking short-term unplanned cover are “unlikely to assess or report on development and progress of pupils.” A short-term contract is also “unlikely to include some or most elements of marking, staff meetings or additional work outside of teaching hours.” The Welsh Government confirmed in their oral evidence that there is a difference between the work of a short-term supply teacher and that of a full-time or part-time teacher, and that a fair and sustainable approach to pay would recognise this distinction.
- 2.13 The Welsh Government drew attention to the effective management of workforce attendance guidance (outlined in Chapter 1) which stated that 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.” “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.”<sup>48</sup>
- 2.14 The Welsh Government also drew attention to regulations (described at paragraph 1.51 of Chapter 1) covering who can undertake ‘specified work’ in a school.<sup>49</sup>
- 2.15 It further stated that “separate provision for supply teachers on different contract lengths within the STPC(W)D would ensure that those who chose to undertake supply due to either the flexibility, reduced workload and working hours, will not be expected to undertake the full range of specified work if they are employed directly to a role where it is either not possible or expected.”

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<sup>48</sup> Welsh Government (2020), *School workforce attendance: guidance* <https://www.gov.wales/school-workforce-attendance-guidance>

<sup>49</sup> Legislation.gov.uk, *The Education Workforce Council (Main Functions) (Wales) Regulations 2015* <https://www.legislation.gov.uk/wsi/2015/140/contents>

### Consultees' views

- 2.16 Most consultees acknowledged that there was a difference in the responsibilities of those undertaking short-term supply cover, and those undertaking long-term supply cover. Some consultees referred to the challenges of defining the number of days that constituted short-term supply, and then identifying the point at which short-term supply becomes long-term supply.
- 2.17 The WLGA identified two main scenarios for the use of supply cover. “The first is longer-term, often planned cover, for situations such as maternity cover, long-term sickness, secondments and sabbaticals.” It pointed out that such a teacher would generally take on the responsibilities of the substantive postholder.
- 2.18 “The second is short-term, ad hoc and unplanned cover at short notice, for example to cover sickness.” The supply teacher would “usually be expected to undertake only classroom teaching and will benefit from the regular teacher leaving clear directions/planned lessons for delivery.” The supply teacher would “not usually be required to plan lessons or carry out marking.” They would likely be experienced regarding behaviour management and “may work at several schools at short notice with no regular commitment and less obligations, including less hours, so do not contribute to the wider school community.” They are often contacted the night before the initial absence.
- 2.19 It also pointed to a possible third scenario, established “on an ad-hoc basis, with no mutuality of obligation” when an individual is moved from a short-term casual, relief or private agency arrangement to a fixed-term or temporary contract. It explained that in these cases, “Circumstances will inform decision making but uncertainty over how long cover will be required for can make it difficult to assess when or whether to move to different contract arrangements and could result in what was originally anticipated as a short-term arrangement being extended.”
- 2.20 The WLGA noted that if the length of time of supply is extended, there may be some limited responsibilities for lesson planning, preparation and marking. Those employed through local authorities or directly by schools will benefit from the TPS and potential employee benefits, but may not have access to performance management or training and development.
- 2.21 Regarding these different scenarios and differing roles, the WLGA suggested that any guidance in respect of supply staff would need to define clearly what is meant by ‘supply teacher’ and whether it related to the full range of different cover arrangements or just the ad hoc short-term arrangements.
- 2.22 The WLGA believed there needed to be “an acknowledgement of the differing roles, responsibilities and expectations attributed to short-term and long-term supply teachers. Given the clear distinction between unplanned ad hoc, short-term and planned longer-term cover, this could also suggest the need to have varying definitions. This was particularly relevant given that those undertaking longer-term supply have the same responsibilities and expectations placed upon them as those employed permanently by the school.”

## Chapter 2 – Statutory consultee responses

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- 2.23 The NAHT Cymru saw a clear difference between short-term and long-term supply teachers. The former, described as ‘emergency supply’, might provide cover for an unexpected absence and deliver planned or unplanned work for a class; the latter would be much more likely to be involved with the longer-term planning for a class and to develop relationships with parents and the school leadership team, attend staff meetings, assess learner needs and identify any issues. It believed that defining the length of short-term and long-term would be complex and require further exploration and both the NAHT Cymru and ASCL Cymru agreed that there was no clear ‘cut off point’ between short-term and long-term supply.
- 2.24 Community Cymru acknowledged the differences in duties between short-term and long-term supply teaching, and also noted differences in the way supply teaching was handled in secondary and primary secondary schools – in the former, schools would typically look to employ specialist teachers in subjects, whereas in the latter, supply teachers were often deployed more generally. Short-term supply teachers could be expected to spend every lesson of the day in a classroom, with no time allowed for planning or preparation, in contrast with a long-term supply teacher, where such time would be allowed.
- 2.25 The NASUWT Cymru also confirmed that supply teachers would be deployed differently between schools and that “the nature of the work and the assignments that they are expected to undertake, and how they’re held to account by individual schools, will vary”.

## Pay and conditions for supply teachers

### The Welsh Government’s views

- 2.26 The Welsh Government offered comparisons with other nations, i.e. Scotland, Northern Ireland and the Republic of Ireland, and outlined existing statutory requirements that will need to be considered.
- 2.27 It stated that “Under a new public sector model, any supply teacher engaged by a school on the platform will be able to access the TPS scheme. This is one of the main benefits of a direct employment model for supply teachers and is a priority of the reforms.” It went on to state that if the IWPRB recommended that supply teachers received pay parity with regular teachers, “salary costs for a public sector model will increase significantly” and that might “result in either the model becoming unsustainable, or in schools using agencies or unqualified staff to cover absence.”
- 2.28 It felt that any proposals which do not match all of the current terms and conditions under the STPC(W)D were likely to be more affordable for schools, noting that “any public sector model which provides parity with the current STPC(W)D will cost schools and LAs [local authorities] more than the current spend on agencies. This is in the main due to the current employer TPS

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contribution of 23.68%, which as a standalone cost is more than the average daily agency fee.”

- 2.29 It further stated that there is scope within the STPC(W)D to differentiate between temporary and permanent teaching roles, which “could include separate short-term supply pay rate and terms to define the term ‘supply’ and separate the role from fixed term appointments”.
- 2.30 If a short-term supply teacher was performing fewer duties than a regular teacher, then, in the view of the Welsh Government, it was fair that remuneration should reflect that fact. Such a calculation would take into account the length of time and the nature of the duties being carried out. However, it recognised that the introduction of a differential rate for supply teachers based on the length of time and on duties covered would be complex and have an impact on the arrangements set out under the NPS Framework Agreement.<sup>50</sup>

### Consultees’ views

- 2.31 The WLGA acknowledged the various arrangements for employing supply teachers. It pointed out that to introduce different remuneration depending on types of supply teachers would be complex, require further study and might best be done in partnership between WLGA and relevant trade unions. It also noted the arrangements in Scotland and the fact that the definition of short-term had been reduced from five to two days.
- 2.32 The WLGA noted that remuneration could “more explicitly reflect the clear differences in role, particularly where there are reduced responsibilities.” However, there would need to be clear definitions and parameters to avoid the risk of potential equal pay claims.
- 2.33 None of the trade union responses argued for a differential payment to supply teachers depending on whether they were planned or unplanned, short-term or long-term.
- 2.34 UCAC pointed out that in Scotland supply teachers working for more than two days are given a formal contract. It felt that this model was “something we should follow”. The NASUWT Cymru stated that the pay and conditions of all teachers including supply teachers were covered by the SCNT and there were no private agencies. Community Cymru pointed out that colleagues in Scotland believed that the arrangements were “not perfect” although they might provide “a roadmap to some form of workable solution”. The NEU Cymru stated that in Scotland the hourly pay of short-term and long-term supply teachers was the same, but the number of hours taught by a short-term teacher might be less. The Scottish model was not one that it would support, but would be willing to discuss it further.
- 2.35 UCAC noted that, if the IWPRB were to recommend different financial remuneration for different types of supply teachers, the reasons needed to be

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<sup>50</sup> Note that since the date of the Welsh Government submission, the NPS Framework Agreement has been replaced by the WGCP Supply Agency Framework Agreement

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made clear, and further stated that “perhaps there is scope for an individual who undertakes a job on a day basis that the [pay] scales might be different” although there might be equal pay concerns.

- 2.36 Community Cymru argued that supply teachers employed by schools or local authorities should be paid as defined in the STPC(W)D. It stated that short-term and long-term supply teachers might be deployed differently in a school, but their pay should be the same.
- 2.37 The NASUWT argued strongly against any differential in pay between short-term and long-term supply teachers. It believed such an approach might lead to a reduction in pay for some supply teachers and lead to supply teachers being “second class citizens within the teaching profession”. It might also reduce the number willing to take on supply work.
- 2.38 It believed the STPC(W)D should be amended to include “provision for a basic induction process/pack to be provided to all supply teachers when commencing an assignment with a school, irrespective of the length of the assignment” and that “relevant provisions in the STPC(W)D should be amended to ensure that supply teachers can access the same entitlements and benefits as other teachers, including access to CPD, appraisal and portability”.
- 2.39 It pointed out that under the School Teacher Appraisal (Wales) Regulations,<sup>51</sup> appraisal is not applicable to teachers employed on a short-term basis (less than one term) and “as such there is currently no condition for the annual progression of supply teachers.” The NASUWT Cymru also pointed out that the Burgundy Book does not include those who are working as supply teachers.
- 2.40 The NEU Cymru pointed to the “remarkable skill” involved in covering a class at short notice. It also noted that supply teachers brought in at short notice might often have to manage a situation in which there had been no lesson planning. In further written evidence, it illustrated how supply teachers covered the specified work delivered by employed teachers in addition to delivering lessons, although it did not distinguish between short-term and long-term supply teachers.
- 2.41 It also outlined its survey of supply teachers in Wales showing how these teachers undertook the full range of the specified work of teachers – this survey may have covered agency as well as local authority/school employed supply teachers.
- 2.42 ASCL Cymru drew attention to the risk that if supply teachers were covered by the STPC(W)D and given the same pay and benefits but not the same duties as regular teachers, supply teaching would become more attractive and possibly lead to more teachers leaving their posts to take up supply teacher contracts. It could see the logic of different pay arrangements for short-term and long-term supply teachers, but the implications would have to be carefully addressed to ensure fairness and impact on current supply teachers.

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<sup>51</sup> Legislation.gov.uk, *The School Teacher Appraisal (Wales) Regulations 2011*  
<https://www.legislation.gov.uk/wsi/2011/2940/contents/made>



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- 2.43 The NAHT Cymru stated that supply teachers might be reluctant to take on short-term supply teaching if their remuneration differed from that of longer-term supply teachers. It also made the same point as ASCL Cymru that while supply teachers should be adequately remunerated, there was a risk that if supply teaching became too attractive, some permanent teachers, particularly those coming to the end of their teaching career, might prefer to become supply teachers.
- 2.44 UCAC believed that “all [school and local authority] supply teachers should have full access to teachers’ statutory pay and conditions” including the TPS, and that their pay should be linked to their experience. “We accept, however, that a few clauses in the School Teachers’ Pay and Conditions (Wales) Document (the ‘Document’) would need to be modified/added, because, as it stands, not every clause is appropriate to the position of a supply teacher.”

## Chapter 3 – Issues relating to the pay and conditions of supply teachers employed through local authorities or directly by schools

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In this chapter, we assess the current arrangements for supply teachers in relation to pay, terms and conditions; types of absence covered; the teaching responsibilities of supply teachers; definitions of short-term and long-term supply teachers; the costs of supply teachers; induction arrangements; CPD and availability of data.

While the scope of our review on supply teachers is limited to those supply teachers employed through local authorities or directly by schools, this assessment has unavoidably also captured some arrangements which apply to agency-employed supply teachers.

### Supply teachers employed through local authorities or directly by schools - pay, terms and conditions

- 3.1 There is no data currently available on the precise number of local authorities and schools that employ supply teachers directly, the incidence of supply teachers' employment, or the number of days they work on each assigned contract.
- 3.2 We have been informed that very few local authorities and schools employ supply teachers directly; two of those local authorities require a significant amount of teaching through the medium of Welsh.
- 3.3 The STPC(W)D does not refer specifically to supply teachers, but states that "Teachers employed on a day-to-day or other short notice basis must be paid in accordance with the provisions of this Document on a daily basis".<sup>52</sup>
- 3.4 The Welsh Government has stated that "supply teachers employed directly are covered by the same statutory requirements referenced in the STPC(W)D as all other teachers. Such employment will qualify for TPS if appropriate. As with permanent employees, interpretation of individual cases and specific matters relating to pay progression and pay portability will be for employers."<sup>53</sup>
- 3.5 There is no guidance contained within the SPTC(W)D on how these statutory requirements should be applied for supply teachers. Neither is there guidance in relation to the roles and responsibilities of a supply teacher.

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<sup>52</sup> Welsh Government (2023), *School Teachers' Pay and Conditions Document and guidance on pay and conditions (revised) – April 2023* <https://www.gov.wales/sites/default/files/publications/2023-04/stpc-guidance-on-school-teachers-pay-and-condition-revised-v3.pdf>

<sup>53</sup> Welsh Government (18 April 2023), *correspondence with the IWPRB*

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### Types of absence covered by supply teachers

- 3.6 The nature of teacher absences can dictate the type of the cover that is chosen by the school to maintain a positive learner experience. In summary, we have concluded that there are three main types of cover required:
- Short-term cover – unplanned
  - Short-term cover – planned
  - Long-term cover
- 3.7 **Short-term - unplanned:** Unplanned absences, such as short-term sickness, or the need to take urgent leave for emergencies or bereavement, introduce an element of uncertainty and are difficult to anticipate.
- 3.8 **Short-term – planned:** Supply teachers may cover for known absences throughout the year, such as training events for staff members; conferences; medical appointments, and covering for Estyn peer inspectors when they are deployed on inspections.
- 3.9 **Long-term cover:** Long-term cover could include cover for scheduled medical procedures; secondments; maternity or paternity leave. It should be planned well in advance, to minimise disruption to the learner. If the known absence is for a substantial period and advised in advance, we understand that a fixed-term contract may be used. Short-term cover can become long-term cover; in some cases, it would be possible to plan for a transition to long-term cover; in others it would be more difficult.
- 3.10 To gauge the scale and periods of absence, the table below summarises the latest pre-pandemic teacher sickness absence duration data for 2019.

**Table 1**  
**Teacher sickness absence duration for 2019**

	Number of days lost			
	5 or less	6 to 20	20 plus	Total
Number of teacher sickness absences and working days lost	49,387	29,248	107,867	186,502
Percentage	26%	16%	58%	100%

Source: PLASC, Welsh Government

- 3.11 The total number of days lost due to sickness was 186,502. Of these, 58% are for periods of twenty plus days whilst 26% are for periods of five or less.

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- 3.12 In general, the total number of days lost that require supply teacher cover will be more than the total sickness days due to other types of absences described above.
- 3.13 For the year April 2021 – March 2022, 220,173 supply teacher days were required from agencies through the framework agreement; this figure does not include the additional days where supply teachers employed by schools or through local authorities were used,<sup>54</sup> as similar information is not readily available for those supply teachers employed by local authorities or directly by schools.
- 3.14 Audit Wales has previously investigated how teachers' absences are covered, with their most recent report published in 2020<sup>55</sup> (which was a follow-up report on progress against the recommendations of the Wales Audit Office<sup>56</sup> and Estyn<sup>57</sup> reports of 2013). Audit Wales have been following up on progress against its recommendations and will appraise the Public Accounts and Public Administration Committee in due course.

### Short-term and long-term supply teachers

#### ***Teaching responsibilities of short-term and long-term supply teachers***

- 3.15 The continuity of the learner experience will always benefit from a supply teacher who has been appropriately briefed, provided with key information about the school, and with teaching material prepared in advance. The engagement of supply teachers with learners can also be enhanced by familiarity with the school or learners through previous placements.
- 3.16 Within the Welsh Government's guidance on the effective management of school workforce attendance, there is an assumption that lessons are planned and available so that a supply teacher can step in to teach the class, not having to undertake major lesson planning or preparation.<sup>58</sup> However, the period for which future lessons are planned will depend on the particular circumstances, school policy and the regular teacher's experience and practice. Beyond several days, pre-prepared material may not be available, and some supply teachers may be

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<sup>54</sup> Audit Wales (2023), *email dated 16 March 2023, originating from Welsh Government Commercial Department*

<sup>55</sup> Audit Wales (2020), *Covering teachers' absence: Follow-up* <https://www.audit.wales/publication/covering-teachers-absence-follow>

<sup>56</sup> Wales Audit Office (2013), *Covering Teachers' Absence* [https://audit.wales/sites/default/files/Covering\\_Teachers\\_Absence\\_English\\_2013\\_14.pdf](https://audit.wales/sites/default/files/Covering_Teachers_Absence_English_2013_14.pdf)

<sup>57</sup> Estyn (2013), *The impact of teacher absence – September 2013* <https://www.estyn.gov.wales/thematic-report/impact-teacher-absence-september-2013>

<sup>58</sup> Welsh Government (2017), *Effective management of school workforce attendance* <https://www.gov.wales/sites/default/files/publications/2020-02/effective-management-of-school-workforce-attendance-1.pdf>

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required to undertake planning, preparation and marking, with the likelihood of this increasing if the cover period becomes more prolonged.

- 3.17 As outlined in Chapter 1, a combination of approaches to cover teacher absence is common practice and determined by the school. These include:
- the appointment of supernumerary teachers to cover absences as they occur; this role can be shared across schools
  - the appointment of fixed-term teachers to cover known long periods of absence (for example maternity, long-term sickness)
  - the appointment of supply teachers, either directly or from a local authority pool, or use of an agency employee
  - the use of LSWs to aid with covering the teacher absence
- 3.18 An LSW is a person who is employed not as a qualified teacher, but to assist or support the work of qualified teachers or nominated teachers in the school. Since 1 April 2016, it has been a legal requirement for all LSWs in Wales to be registered with the EWC,<sup>59</sup> and in 2022 there were 42,585 LSWs on the Register.<sup>60</sup> LSWs do not have QTS and are not covered by the provisions of the STPC(W)D. LSWs are non-teaching staff who support learners and teachers, and are categorised as teaching assistants (TAs), HLTAs, learning support assistants (LSAs) and cover supervisors.
- 3.19 Reports from Estyn, Audit Wales and the Senedd Petitions Committee, which are summarised in Chapter 1, raise the issue that LSWs are being used in different ways to cover for teacher absence, due to the complexity embedded in the overall supply cover arrangements.
- 3.20 The Education Workforce Council (Main Functions) (Wales) Regulations 2015 set out who can undertake the ‘specified work’ - i.e. teach in a maintained school or special school in Wales.<sup>61</sup> As noted in para 1.51, specified work is defined in regulation 17 as undertaking the following:
- planning and preparing lessons and courses for pupils
  - delivering lessons to pupils
  - assessing the development, progress and attainment of pupils
  - reporting on the development, progress and attainment of pupils

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<sup>59</sup> EWC (2016), *Guidance for Employers: Employing School Teachers and School Learning Support Workers* <https://www.ewc.wales/site/index.php/en/documents/registration/2-the-guidance-on-the-registration-of-school-teachers-and-school-learning-support-workers/file.html>

<sup>60</sup> EWC (2022), *Education Workforce Statistics* <https://www.ewc.wales/site/index.php/en/research-and-statistics/workforce-statistics.html#:~:text=The%20number%20of%20registered%20school%20learning%20support%20workers%20has%20increased,next%20highest%20is%20school%20teachers>

<sup>61</sup> Legislation.gov.uk, *The Education Workforce Council (Main Functions) (Wales) Regulations 2015* <https://www.legislation.gov.uk/wsi/2015/140/contents>

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3.21 The IWPRB has made a comparison based on The Education Workforce Council (Main Functions) (Wales) Regulations 2015,<sup>62</sup> the effective management of school workforce attendance<sup>63</sup> and paragraph 49 of the STPC(W)D<sup>64</sup> (shown in the table below) between the specified work that a short-term and a long-term supply teacher may undertake, as compared with a regular teacher.

**Table 2**  
**Specified work of regular and supply teachers**

Specified work	Regular teacher	Long-term supply teacher	Short-term supply teacher
Planning and preparing lessons and courses for pupils	Yes	Yes (although potentially not planning and preparing courses)	No, not normally expected
Delivering lessons to pupils	Yes	Yes	Yes
Assessing the development, progress and attainment of pupils	Yes	Yes	No, but might mark classwork
Reporting on the development, progress and attainment of pupils	Yes	Yes	No, but might maintain a record of classwork

3.22 Based on the above comparison, a long-term supply teacher would undertake similar specified work to a regular teacher.

3.23 A short-term supply teacher would carry out fewer duties than those of a regular teacher. The specified work of a short-term supply teacher might cover:

- delivering lessons to pupils from pre-prepared materials (see paragraph 3.21)
- assessment of classwork or related activity
- reporting on the attainment of pupils within the classes taught

3.24 In addition, there is an expectation that a short-term supply teacher will contribute to the good order and discipline within the school.

3.25 A short-term supply teacher is unlikely to engage in additional events such as extracurricular activities, departmental meetings, parents' evenings, etc.

<sup>62</sup> Legislation.gov.uk, *The Education Workforce Council (Main Functions) (Wales) Regulations 2015* <https://www.legislation.gov.uk/wsi/2015/140/contents>

<sup>63</sup> Welsh Government (2017), *Effective management of school workforce attendance* <https://www.gov.wales/sites/default/files/publications/2020-02/effective-management-of-school-workforce-attendance-1.pdf>

<sup>64</sup> Welsh Government (2023), *School Teachers' Pay and Conditions Document and guidance on pay and conditions (revised) – April 2023* <https://www.gov.wales/sites/default/files/publications/2023-04/stpc-guidance-on-school-teachers-pay-and-condition-revised-v3.pdf>

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- 3.26 Short-term supply teachers may experience other challenges to the specified work, compared with a regular teacher. For example:
- short-term supply teachers often have little notice of their placement and must react rapidly on the day to a range of different circumstances
  - they must familiarise themselves with the supply teacher introductory document provided by the school, in order to understand the policies, procedures and culture of the school
  - they must familiarise themselves quickly with the lesson materials provided
  - they may have to adapt to multiple unfamiliar classes, school sites and learning environments during their placement
  - they may not have met the pupils they have to teach or colleagues they work alongside
  - they are more likely to encounter more problematic behaviour from pupils than the permanent teacher<sup>65</sup>
- 3.27 It should be noted that in some cases there may not be any planned work available.

### **Definitions of short-term and long-term supply teachers**

- 3.28 As noted in Chapter 1, in Scotland, supply teachers are classified as short-term or long-term dependent upon the number of days they work. A short-term supply teacher is defined as someone working for a maximum of two days, undertaking a sub-set of teaching duties similar to those noted in 3.21 above.
- 3.29 In Northern Ireland, there is no differentiation between short-term and long-term supply teachers.
- 3.30 In Wales, the position is more complex. There is no consistent definition of short-term or long-term supply; there are several definitions of ‘short-term’ as noted below.
- 3.31 The STPC(W)D states that “teachers employed on a day-to-day or other short notice basis must be paid in accordance with the provisions of this Document on a daily basis calculated on the assumption that a full working year consists of 193 days (for 2022-23 only)”.<sup>66</sup> It does not define the terms ‘day to day’ or ‘short notice’. It does not differentiate between short-term and long-term cover.

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<sup>65</sup> National Assembly for Wales (2015), *Children, Young People and Education Committee: Inquiry into Supply Teaching* <https://senedd.wales/laid%20documents/cr-ld10483/cr-ld10483-e.pdf>

<sup>66</sup> Welsh Government (2023), *School Teachers’ Pay and Conditions Document and guidance on pay and conditions (revised) – April 2023* <https://www.gov.wales/sites/default/files/publications/2023-04/stpc-guidance-on-school-teachers-pay-and-condition-revised-v3.pdf>

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- 3.32 The SWAC defines short-term supply cover as “daily or weekly cover commissioned directly from commercial agencies where a school or local authority does not employ the individual. Short-term supply includes cover for a maximum period of 12 weeks as stated in the Agency Workers Regulations 2010. Long-term supply cover are contracts where the supply cover is paid via the school or local authority payroll, usually to cover planned absences...”<sup>67</sup>
- 3.33 The induction arrangements for NQTs provide the following definitions of short-term and long-term supply:<sup>68</sup>
- long-term supply is considered as a placement of 11 consecutive days or more in one setting.
  - short-term supply (also known as ‘day-to-day’ supply) is considered as a placement of one session (half a day) or more up to a maximum of 10 consecutive days in one setting.
- 3.34 For the purposes of appraisal, in the Schools Teacher Appraisal (Wales) Regulations 2011 a teacher on a short-term contract is defined as a “contract of employment for a fixed term of less than one school term.”<sup>69</sup>

### Comparative costs of employing supply teachers directly and through agencies in Wales

- 3.35 Chapter 1 compares the cost of employing a supply teacher on M2 (annual salary of £28,866) either through a local authority or directly by the school, or through an agency:<sup>70</sup>
- the daily direct cost of employing a supply teacher through a local authority or school on M2 is £198 per day. Additional indirect costs for management and administration will be incurred and one local authority has provided illustrative costs of around £50, excluding commencement checks and the processing of payments<sup>71</sup>

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<sup>67</sup> Welsh Government (4 April 2023), *correspondence with the IWPRB*

<sup>68</sup> Hwb (2023), *Induction for newly qualified teachers in Wales: length of the induction period* <https://hwb.gov.wales/professional-development/induction/induction-guidance-and-related-documents/induction-for-newly-qualified-teachers-in-wales#:~:text=Length%20of%20the%20induction%20period,than%20three%20terms%20%2F%20380%20sessions>

<sup>69</sup> Legislation.gov.uk (2011), *The School Teacher Appraisal (Wales) Regulations 2011* <https://www.legislation.gov.uk/wsi/2011/2940/contents/made>

<sup>70</sup> Welsh Government (13 December 2022), *correspondence with the IWPRB* (Note that this does not include the revised pay increase contained in the STPC(W)D 2022, revised April 2023)

<sup>71</sup> Rhondda Cynon Taf Borough Council (23 January 2023), *Correspondence with the IWPRB*



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- the daily cost of employing a supply teacher through a private agency registered on the national framework on M2 is between £188 and £218 depending on the agency fee (£20 minimum to £50 maximum); the average is £190 based on an average daily fee of £22. The fee includes the additional indirect costs
- 3.36 The apparent cost difference, relating mainly to the administrative overhead of employing supply teachers directly, could be one causal factor in the drift towards the use of agencies over the last six years, as well as the relative ease of contacting a supply agency at short notice.

### Differences between working hours of supply teachers in Wales and Scotland

- 3.37 Chapter 1 outlines the arrangements for the pay of short-term supply teachers (two days or less) in Scotland. Pay is calculated on an hourly rate, 1/1,645<sup>th</sup> of the annual salary point on the main grade scale for which the teacher qualifies.
- 3.38 In Scotland a full-time substantive teacher, or a fixed-term temporary teacher, is contracted to a 35-hour week: a maximum of 22.5 hours (maximum of 25 hours over a specified time period) dedicated to teaching, a maximum of 7.5 hours allocated to planning, preparation and assessment (PPA), and 5 hours allowed for collegiate time. A short-term supply teacher is not expected to undertake PPA or collegiate activities and hence their hours are effectively capped to a maximum of 22.5 hours in a working week.
- 3.39 Such workload definitions do not currently exist in Wales; therefore no direct comparison can be made. Whilst permanent teachers are contracted for 1,265 hours annually, there is no segregation of these hours, nor a maximum number of hours attributed to classroom teaching, nor weekly limits.

### Induction arrangements for supply teachers

- 3.40 In September 2022 the Welsh Government introduced changes to the statutory induction of NQTs, including:
- mentoring and support for the NQT
  - a clear progression path, building on Initial Teacher Education (ITE) experience
  - 13 days of professional learning, which includes three days of differentiated training provision provided by the regional consortium or local authority, with NQTs being expected to attend all three days

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- 3.41 Arrangements are specified in the guidance for the mentoring of short-term NQT supply teachers employed through local authorities and schools.<sup>72</sup> Such mentoring is carried out by an external mentor, working on a local/regional basis. There is no reference in the guidance to long-term supply.
- 3.42 NQTs are entitled to a 10% reduction in teaching time for PPA, and a further 10% reduction on the remaining teaching time during their period of induction. Arrangements for access and entitlement to professional development, and the application of reduced teaching time are not specified in the guidance for NQT supply teachers
- 3.43 Data on the induction status of school teachers is based on information extracted from the Register of Education Practitioners ('the Register') in March 2022, where 54.3% of all teachers had passed probation, with 7.4% not yet completed and 0.1% extended. For supply teachers, 38.1% had passed, 20.9% not yet completed and 0.2% extended.<sup>73</sup>
- 3.44 Annex B of the Welsh Government guidance on the effective management of school workforce attendance specifies the information which should be available to supply teachers when starting work at a school, the support within the school that supply teachers are entitled to, and arrangements for leaving the school, which includes feedback to the supply teacher.<sup>74</sup>

### CPD arrangements for supply teachers

- 3.45 The National Professional Learning Entitlement explains the support educational professionals are entitled to, and how they should engage with and reflect on it.<sup>75</sup> The aim of the policy is to promote continued development of practitioners in order to support the schools or settings in which they work. There is no specific reference to supply teachers within the entitlement.

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<sup>72</sup> Short-term is defined as a maximum of 10 days

<sup>73</sup> EWC (2022), *Data Insights – Supply within the school teacher category* <https://www.ewc.wales/site/index.php/en/documents/research-and-statistics/research-reports/3686-supply-school-teacher-data-2022/file.html>

<sup>74</sup> Welsh Government (2017), *Effective management of school workforce attendance* <https://www.gov.wales/sites/default/files/publications/2020-02/effective-management-of-school-workforce-attendance-1.pdf>

<sup>75</sup> Hwb (2022), *National Professional Learning Entitlement* <https://hwb.gov.wales/professional-development/national-professional-learning-entitlement>

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- 3.46 The STPC(W)D states that “Relevant bodies should decide which CPD activities teachers may be paid for and set an appropriate level of payment in their pay policy. Payments to classroom teachers should only be made in respect of those activities undertaken outside of either the 1,252 hours of directed time for full-time teachers; or the appropriate proportion of the 1,252 hours of directed time for part-time teachers. Participation in CPD outside of directed time is voluntary and cannot be directed.”<sup>76</sup> There is no reference within the STPC(W)D to CPD entitlement or payment arrangements for supply teachers.
- 3.47 The School Teacher Appraisal (Wales) Regulations 2011 make provisions for appraising the performance of teachers in schools.<sup>77</sup> The regulations state that teachers who are employed for a period of less than one term do not form part of the requirement for appraisal.<sup>78</sup>
- 3.48 Hwb guidance on supply teachers states that “supply staff are entitled to access high quality resources through a variety of professional learning opportunities and a range of networks to assist their teaching and support their work.”<sup>79</sup> It suggests a number of ways in which professional learning can be accessed, including through local education consortia, local authorities, trade unions or schools.

### The availability of data

- 3.49 A number of reports have drawn attention to the lack of data on supply teachers in Wales. The Ministerial Taskforce Report of 2017 surveyed all local authorities in Wales to gather information about the type of supply contracts in place, their duration and the associated costs involved.<sup>80</sup> However, only six of the 22 authorities surveyed responded to the questionnaire, and of these only four could provide details about the cost of supply in their area. The survey highlighted the lack of available data across Wales, and emphasised the complexities of how information is recorded at both school and local authority level.

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<sup>76</sup> Welsh Government (2023), *School Teachers’ Pay and Conditions Document and guidance on pay and conditions (revised) – April 2023* <https://www.gov.wales/sites/default/files/publications/2023-04/stpc-guidance-on-school-teachers-pay-and-condition-revised-v3.pdf>

<sup>77</sup> Legislation.gov.uk (2011), *The School Teacher Appraisal (Wales) Regulations 2011* <https://www.legislation.gov.uk/wsi/2011/2940/contents/made>

<sup>78</sup> Ibid

<sup>79</sup> Hwb (2022), *Supply Teachers – Professional Learning* <https://hwb.gov.wales/professional-development/supply-teachers#professional-learning>

<sup>80</sup> Welsh Government (2017), *Ministerial Supply Model Taskforce: Report to the Cabinet Secretary for Education* <https://gov.wales/sites/default/files/publications/2018-12/ministerial-supply-model-taskforce.pdf>

## Chapter 3 – Issues relating to the pay and conditions of supply teachers employed through local authorities or directly by schools

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- 3.50 Audit Wales in 2020 recognised the difficulties in collecting comprehensive information, but noted that there was no all-Wales data available on total expenditure, how cover was provided, or its impact on learners. “To understand the full cost of cover, data would need to include private agency cover, teachers and learning support workers directly employed by schools on a temporary basis and permanently employed cover supervisors and teachers who provide cover.”<sup>81</sup> It concluded that better data would help the Welsh Government, councils and schools plan their budgets and improve their understanding of whether arrangements are providing value for money.
- 3.51 Steps have been taken to improve data on supply teachers.
- 3.52 The **SWAC**, introduced in 2019, collects data on a fixed date in November each year. The SWAC data for November 2021 was published on 30 June 2022. The supply element of SWAC data for 2022 was delayed due to COVID-19, and therefore is insufficiently complete and cannot be published. The Welsh Government is “working with schools and local authorities to review the data collected and improve the completeness of the information provided in future collections.”<sup>82</sup>
- 3.53 The Welsh Government has confirmed that “the data on supply is broken down by planned/unplanned and short-term/long-term. However, the SWAC data does not allow [us] to identify the length of each period of supply (for example 1 day, 2 days etc.) or link the data to specific agencies.”<sup>83</sup>
- 3.54 The **Pupil Level Annual School Census (PLASC)**. In recording data for PLASC, supply teachers are not seen as a separate category.
- 3.55 The **EWC** collects annual statistics on the education workforce drawn from its Register of Educational Practitioners. This includes data on supply teachers broken down by number, gender, age, years since QTS, sector, Welsh language and induction status. Summaries of these figures are set out in Chapter 1.

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<sup>81</sup> Audit Wales (2020), *Covering teachers’ absence: Follow-up* <https://www.audit.wales/publication/covering-teachers-absence-follow>

<sup>82</sup> Welsh Government (4 April 2023), *correspondence with the IWPRB*

<sup>83</sup> Ibid

## Chapter 4 – Conclusions and recommendations

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The scope of our review on supply teachers is limited to those supply teachers employed through local authorities or directly by schools.

Whilst we note the view of most consultees that the entire market should have been included within the remit for our review, all recommendations refer specifically to supply teachers employed through local authorities or directly by schools.

### Roles and remuneration of supply teachers

- 4.1 Currently, there is no explicit reference to supply teachers in the STPC(W)D. There is also no distinction between the duties and associated salaries of supply teachers who are employed on a short-term or long-term basis. Most consultees recognise that there is a practical difference in the roles, which aligns with our own analysis, demonstrating that there are distinctions in duties between short-term and long-term supply.
- 4.2 Short-term supply teachers are required to undertake a subset of the specified work compared to a regular teacher, which would normally include:
  - delivering lessons to pupils from pre-prepared materials
  - assessment of classwork or related activity
  - reporting on the attainment of pupils within classes taught
- 4.3 In addition, there is an expectation that a short-term supply teacher will contribute to the good order and discipline within the school.
- 4.4 Long-term supply teachers are expected to undertake the full roles and responsibilities of a regular teacher, as outlined in paragraph 49 of the STPC(W)D.
- 4.5 We are aware that there are other options for covering absences, for example HLTAs and cover supervisors, but it is important to distinguish between the roles of qualified supply teachers, compared with others who are tasked with providing cover in schools.
- 4.6 We have also considered whether the distinction between short-term and long-term supply teachers should be determined by the number of days worked. We note the number of interpretations of short-term in guidance documents issued by Welsh Government. Many consultees pointed out the difficulty in assigning a fixed time period to distinguish between short-term and long-term as there can be a 'blurring' of expectation as the placement progresses or if prepared work has not been provided to the supply teacher. At this stage, there is no data available to support a sound judgement in this area. We have also considered whether short-term could be measured in the number of hours worked, relative to a full-time teacher. However, at this stage, there is no weekly maximum directed classroom time for teachers, so unless this were to be considered, such a solution could not work.

## Chapter 4 – Conclusions and recommendations

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- 4.7 We believe that local authorities and schools should continue to use their discretion in determining whether to offer a short-term, long-term or fixed-term contract as circumstances demand. The relative definitions will ensure that supply teachers have full understanding of their roles.

### **RECOMMENDATION 1**

We recommend that supply teachers employed through local authorities or directly by schools are explicitly referenced in the STPC(W)D.

### **RECOMMENDATION 2**

We recommend that the roles and responsibilities of short-term supply teachers and long-term supply teachers employed through local authorities or directly by schools are defined in the STPC(W)D and that the descriptors at Appendix A of this report are used.

- 4.8 Some respondents raised the issue of whether short-term supply teachers should receive the same remuneration as long-term supply teachers, or whether their salaries should reflect the difference in roles, or the time spent carrying out their duties. Others have expressed a view that there should be no differentiated pay for supply teachers and that such a move could cause unintended consequences, affecting the balance, and hence sustainability, of both the supply and permanent teacher workforce.
- 4.9 We believe that there are distinct challenges for short-term supply teachers, for example:
- short-term supply teachers often have little notice of their placement and must react rapidly on the day to a range of different circumstances
  - they must familiarise themselves with the supply teacher induction document provided by the school, in order to understand the policies, procedures and culture of the school
  - they must familiarise themselves quickly with the lesson materials provided
  - they have to adapt to unfamiliar classes, school sites and learning environments during their placement
  - they may not have met the pupils they have to teach or colleagues they work alongside
  - they are more likely to encounter more problematic behaviour from pupils than the permanent teacher

## Chapter 4 – Conclusions and recommendations

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- 4.10 In addition, short-term supply appointments and circumstances vary, and there will be differences in what a short-term supply teacher will be expected to do. For example, some short-term supply positions will have prepared lessons, whilst others may not; some will involve marking work against a pre-prepared marking scheme, whilst others may not; some will require administrative duties associated with teaching, whilst again others may not. Some may be familiar with the school and others may not.
- 4.11 We note the model in Scotland, whereby short-term supply teachers are paid an hourly rate, differentiating them from long-term supply teachers and permanent teachers. We also note that in Scotland, the maximum number of hours a short-term supply teacher can teach is restricted to a maximum of 25 hours a week. Currently, there is no definition of the number of hours that a permanent teacher can work in a classroom in Wales.
- 4.12 In summary, while we recognise that the roles of short-term supply and long-term supply teachers are different, and that short-term supply teachers undertake a subset of duties of a long-term supply teacher, we believe that they face other challenges. We therefore conclude that, on balance and in the interests of fair work and stability of the workforce, there should be no difference in remuneration between a short-term and a long-term supply teacher.

### **RECOMMENDATION 3**

We recommend that all supply teachers employed through local authorities or directly by schools are paid on the salary point to which they have progressed in accordance with the STPC(W)D, irrespective of whether they are providing short-term or long-term cover.

- 4.13 This recommendation should have no negative impact on school budgets as supply teachers currently employed by schools or through local authorities should already have employment conditions in accordance with the STPC(W)D.

## School Teachers' Pay and Conditions (Wales) Document

- 4.14 Currently, paragraphs 4.11 and 4.12 of the STPC(W)D do not refer directly to 'supply teachers', and instead make reference to "teachers employed on a day-to-day or other short notice basis."<sup>84</sup> It states that if working less than a day, these teachers must be paid pro rata, in accordance with the pay ranges and pay scales that apply to other teachers.

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<sup>84</sup> Welsh Government (2023), *School Teachers' Pay and Conditions Document and guidance on pay and conditions (revised) – April 2023* <https://www.gov.wales/sites/default/files/publications/2023-04/stpc-guidance-on-school-teachers-pay-and-condition-revised-v3.pdf>

## Chapter 4 – Conclusions and recommendations

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- 4.15 However, it is unclear how some of the conditions within the STPC(W)D should be applied in practice. For example:
- for how many days would a supply teacher have to work in a given academic year in order to qualify for incremental progression?
  - how should progression through the pay threshold from MPR onto the UPR be assessed and managed, particularly when employment is across a number of schools?
  - how should pay portability be applied, particularly if the supply teacher has negotiated a higher salary in a previous school?
- 4.16 The IWPRB's position is that a supply teacher employed by a local authority or school should be treated no less favourably than a regular teacher. It is the view of the IWPRB that clarity is required in relation to the definition, fair remuneration and conditions of a supply teacher.
- 4.17 The following recommendations are designed to ensure equity between supply teachers and regular teachers in their terms and conditions.



### RECOMMENDATION 4

We recommend that there should be a clear statement in the STPC(W)D that supply teachers employed through local authorities or directly by schools are entitled to the benefits of the pay and conditions requirements and that the following clarifications be made to the STPC(W)D:

- supply teachers should be eligible for incremental progression in accordance with the interpretation of ‘a year of employment’ as contained in Annex 2, paragraph 7 of the STPC(W)D. A supply teacher should be eligible for incremental progression after a period of 26 weeks of employment, regardless of the number of hours or days worked each week. These arrangements are comparable to those for part-time teachers
- supply teachers should be eligible for progression from the MPR to the UPR, as specified in paragraph 19.2f of the STPC(W)D, subject to having completed ‘a year of employment’ as contained in Annex 2, paragraph 7 of the STPC(W)D on the maximum of the MPR
- pay portability should apply to supply teachers according to the principles specified at paragraph 12.3a in the STPC(W)D
- TLR payments to supply teachers should only apply for long-term supply posts and only if the supply teacher is carrying out the full responsibilities of the regular teacher in accordance with paragraph 20.1 of the STPC(W)D
- ALN allowances should be awarded to supply teachers in all relevant cases in accordance with paragraph 21 of the STPC(W)D
- additional payments as in paragraph 26 of the STPC(W)D should apply to supply teachers
- the principle of salary sacrifice in accordance with paragraph 28 of the STPC(W)D should apply where reasonably practicable
- in accordance with paragraph 51.5 of the STPC(W)D, long-term supply teachers are entitled to a 10% reduction in teaching time. Short-term supply teachers should be entitled to a 10% reduction in teaching time only in the exceptional cases where PPA is required
- salaries, terms and conditions for all supply teachers should be explicitly referenced in the pay policies of schools

### RECOMMENDATION 5

We recommend that as part of the implementation of the new online booking platform, the benefits included in recommendation 4 are articulated to all stakeholders when communicating the operation of the new system.

## Chapter 4 – Conclusions and recommendations

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### Induction and CPD

- 4.18 We note the revised induction arrangements for NQTs, and that the mentoring of short-term NQT supply teachers through local authorities and schools is carried out by an external mentor. However, long-term NQT supply teachers are not referenced in these arrangements.
- 4.19 We note that mechanisms for accessing professional development for NQT supply teachers, and the entitlement to reduced teaching time, are not referenced either in the induction guidance or the STPC(W)D.

#### **RECOMMENDATION 6**

We recommend that the Welsh Government clarify in the induction guidance and, where applicable, in the STPC(W)D:

- mentoring arrangements for long-term NQT supply teachers
- practical advice on how NQT supply teachers can access 13 days of professional learning
- guidance for any payment to NQT supply teachers in accordance with paragraph 61 of the STPC(W)D
- practical guidance on how the entitlement to reduced teaching time operates within the NQT supply teacher timetable

- 4.20 We believe that there may be a benefit in NQT supply teachers being assigned a host school, which oversees their induction and professional learning days.

#### **RECOMMENDATION 7**

We recommend that the Welsh Government works with local authorities to assign host schools to NQT supply staff for the purposes of CPD.

- 4.21 We understand that some long-term supply teachers are included in CPD activities for their schools. However, in the absence of guidance within the National Professional Learning Entitlement or the STPC(W)D, we believe that supply teachers (both long-term and short-term) could miss out on opportunities for professional learning development. We note the guidance on Hwb, but are conscious that this is not statutory guidance.
- 4.22 We further believe that all supply teachers should be made aware of professional learning opportunities within their area, and have the ability to access professional learning opportunities.

### **RECOMMENDATION 8**

We recommend that the Welsh Government clarify within the National Professional Learning Entitlement and, where applicable, the STPC(W)D:

- the arrangements for accessing CPD for all supply teachers employed through local authorities or directly by schools
- the guidance for any payment to supply teachers in accordance with paragraph 61 of the STPC(W)D

### **RECOMMENDATION 9**

We recommend that the Welsh Government works with local authorities to develop a system where all supply teachers employed through local authorities or directly by schools are made aware of professional learning opportunities.

- 4.23 There is no provision within the STPC(W)D for the appraisal of supply teachers employed for less than one term. We acknowledge that this could be a difficult process, as supply teachers may work in a number of schools. However, it is important to support and appraise supply teachers to ensure their professional development needs are met. The lack of appraisal could result in a teacher not being able to access the UPR due to lack of evidence, or that the quality of teaching could be compromised.

### **RECOMMENDATION 10**

We recommend that the Welsh Government works with local authorities and schools to facilitate the appraisal and professional development needs of all supply teachers employed through local authorities or directly by schools, regardless of length of employment period. We recommend that this is done through a system of host schools.

## **Data**

- 4.24 This review has highlighted a lack of data relating to supply teachers and also how they are monitored.
- 4.25 We welcome the fact that the Welsh Government is working with schools and local authorities to review data collected on supply teachers and improve the completeness of the information provided.

### **RECOMMENDATION 11**

We recommend that the Welsh Government reviews the collection and analysis of data for supply teachers employed through local authorities or directly by schools, in light of the findings of this report, to inform government policy and financial planning.

## Appendix A – Definitions of supply teachers

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### **Supply teachers: short-term**

A short-term supply teacher may be required to undertake the following duties:

#### ***Teaching***

- plan and teach lessons to the classes they are assigned to teach within the context of the school's plans, curriculum and schemes of work
- assess, and record achievements of assigned pupils
- participate in arrangements for preparing pupils for external examinations
- deploy resources delegated to them
- communicate with pupils and relevant staff

#### ***Health, safety and discipline***

- promote the safety and well-being of pupils
- maintain good order and discipline among pupils

#### ***Professional development***

- participate in arrangements for their own further training and professional development
- Collaborate and work with colleagues and other relevant professionals within the school

### **Supply teachers: long-term**

A long-term supply teacher may be required to undertake the following duties:

#### ***Teaching***

- plan and teach lessons to the classes they are assigned to teach within the context of the school's plans, curriculum and schemes of work
- assess, monitor, record and report on the learning needs, progress and achievements of assigned pupils
- participate in arrangements for preparing pupils for external examinations

#### ***Whole school organisation, strategy and development***

- contribute to the development, implementation and evaluation of the school's policies, practices and procedures in such a way as to support the school's values and vision.
- work with others on curriculum and/or pupil development to secure co-ordinated outcomes

## Appendix A – Definitions of supply teachers

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### ***Health, safety and discipline***

- promote the safety and well-being of pupils
- maintain good order and discipline among pupils

### ***Management of staff and resources***

- direct and supervise support staff assigned to them and, where appropriate, other teachers
- contribute to the recruitment, selection, appointment and professional development of other teachers and support staff
- deploy resources delegated to them

### ***Professional development***

- participate in arrangements for the appraisal and review of their own performance and, where appropriate, that of other teachers and support staff
- participate in arrangements for their own further training and professional development and, where appropriate, that of other teachers and support staff including induction

### ***Communication***

- communicate with pupils, parents and carers

### ***Working with colleagues and other relevant professionals***

- collaborate and work with colleagues and other relevant professionals within and beyond the school

## Appendix B – Presentations to the IWPRB

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The IWPRB received a number of presentations to aid in their understanding of current issues, and to help them in writing this review:

Gareth Morgans, Director of Education and Children's Services, Carmarthenshire County Council

Garem Jackson, Head of Education, Gwynedd County Council

Marc Hughes, Director of Education, Skills and Young People, Isle of Anglesey County Council

Melanie Godfrey, Director of Education and Lifelong Learning, Cardiff Council

Richard Evans, Director of Human Resources, Rhondda Cynon Taf County Borough Council

### **Department of Education, Northern Ireland**

Kathryn Menary, Workforce Review Project Team, Education Workforce Directorate

Mary Curran, Teachers' Negotiating Team

### **Estyn (Office of His Majesty's Chief Inspector in Wales)**

Claire Morgan HMI, Strategic Director

Liz Miles HMI, Assistant Director

Owen Evans HMI, Chief Inspector

### **EWC Supply Data**

Elizabeth Brimble, Director of Qualifications, Registration and Fitness to Practise

Nia Griffiths, Data Manager

### **Scottish Government Learning Directorate**

Angela Felvus, Senior Policy Officer, Education Workforce Unit

Stephanie Walsh, Team Leader, Education Workforce Unit

### **Welsh Government Supply Data**

Gareth Thomas, Workforce Statistics Branch

Lauren Hopper, Workforce Engagement Branch

