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Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

23 June 2015

Dear Ann,

Many thanks for inviting me to provide evidence to your Inquiry into Supply Teaching on 20 May 2015. I am pleased to provide clarification and further detail as requested in your letter of 27 May 2015. As agreed with the Clerk this letter also incorporates my response to points raised by Aled Roberts, at committee, on the National Procurement Service contract.

Guidance relating to absence management

The *Effective management of school workforce attendance guidance* document has been developed in consultation with practitioners, local authorities and education workforce unions. As requested, a copy of the draft guidance is attached at Annex 1. We are intending to publish the guidance in July 2015 so we would welcome any views the Committee may have on the document by the end of June 2015.

The collection of data

The Welsh Government currently reports teacher sickness absence data at an all Wales level within its Schools Census Results publication in July each year. The data is collected, by the Welsh Government, directly from the local authorities in March each year. The data covers the sickness absence (including unpaid absence) of qualified and unqualified teachers with permanent contracts or contracts of more than 1 month, during the previous calendar year.

National Procurement Service contract

In response to Aled Robert's queries raised in committee, I would like to offer a few points of clarification. When we were discussing the Continuous Professional Development (CPD) elements of the 'contract' Zenny Saunders was specifically talking about the new contract, managed by the National Procurement Service (NPS), which comes in to effect from August 2015. I believe Aled Roberts may have been referring to the current 'contract' as let by Cardiff Council in 2012 which comes to an end in July this year. In the Public Accounts Committee (PAC) report published in May 2014, it was recommended that the Welsh Government, work with other parties, in developing the specification for the retendering of the framework contract for supply teachers to include a requirement for supply staff to have access to CPD. This has been done and the new Framework Agreement which comes into place in August has such a provision.

With regard to the Framework Agreement, Department for Education and Skills officials have been in contact with the NPS to clarify some of the questions you have raised. The NPS is responsible for the procurement process of common and repetitive spend across the public sector in Wales; supply teaching is considered, by their customers (including local authorities), as one such spend. The NPS provides frameworks for customers to meet existing and identified needs and aim to provide a best value solution to meet those needs.

The NPS developed and awarded a Framework Agreement for a Managed Service for the provision of Agency Workers on 8 April 2015. They developed a separate Education Lot (Lot 3) within the Managed Service for the Provision of Agency Workers Framework to reflect the individual requirements of the school workforce. It is the only profession to have its own specific lot.

The Agreement was awarded by the NPS on behalf of the Welsh public sector and is for a period of three years. All 22 local authorities have signed up to use the Framework Agreements that the NPS have put in place, and as such they will expect their schools to use the Framework to meet their supply teacher requirements. Lot 3 - Education will commence on 1 August 2015, in readiness for the new academic year. Until this time the existing All Wales Framework with New Directions (as let by Cardiff City Council in 2012 but now managed by the NPS) will continue to run.

Throughout the procurement process NPS engaged with all their customers, including local authorities, to ensure that the Framework Agreement fulfils their requirements. A Customer Focus Group (CFG), made up of suitable representatives from across customer organisations, was set up to develop the tender documentation including the scoring matrix; the CFG evaluated the responses and continues to monitor the contract. All CFG members were provided with a Terms of Reference document, advising them of their role, particularly in relation to advising and liaising with sector and organisation technical colleagues in interested departments, including Education colleagues. The responsibility to provide (and liaise with) suitable representatives lay with each organisation.

As stated earlier the NPS also engaged with officials in the Department for Education and Skills which helped to strengthen the specification and technical award criteria for Lot 3 around such issues as professional training.

In committee, Aled Roberts queried the evaluation criteria of the procurement process. I have attached the 'Instructions to tenderer' (Annex 2) that were issued by the NPS. Section 7 of the document outlines the evaluation processes and scoring mechanisms. Section 7.3.10 states that the 'award criteria will be weighted 40% Technical and 60% Commercial' and provides a further breakdown of these scores. Competitive pricing (under the Commercial criteria) is weighted proportionately to ensure that schools are receiving value for money and to reduce the likelihood of non-framework suppliers undercutting the Framework Agreement. CPD was included as an element of the technical section and all tenderers had to demonstrate their approach to providing CPD and New Directions scored well in this regard.

The NPS has confirmed that New Directions were awarded the contract based on the quality of their overall bid, and commented that their commitments to training were significantly higher than other bidders and exceeded the requirements.

With regard to costs, the NPS has also confirmed bids were evaluated on the fee structure payable to the agency for sourcing a suitable teacher. New Directions provided the most competitive pricing structure. Pay rates for the supply teacher are determined by the individual school or local authority when specifying their supply needs to New Directions.

It is important to reiterate that the specification, technical award criteria, and evaluation matrix was managed by NPS and developed in conjunction with their customer organisations, based on their requirements and demands. The NPS is responsible for monitoring the contract on a national level, and individual organisations manage their agreements at a local level, feeding any issues back to the NPS via the CFG reporting mechanism. In addition, my officials are working closely with New Directions to ensure that the service they provide, including CPD, reflects the requirements of the sector.

Responsibilities of the employer

The employment of supply teachers is governed by a combination of UK Employment law, including the Temporary Workers Directive, under the Agency Workers Regulations 2010. In May 2011 the Department for Business Innovation and Skills issued guidance on the Agency Workers Regulations. This guidance clarified that a Temporary Work Agency (TWA) supplies agency workers to work temporarily for a third party (the hirer). The agency worker works temporarily under the supervision and direction of the hirer but only has a contract with the TWA.

Therefore, if a school uses a supply teacher from a private agency then the school's contract is with the agency rather than the teacher. The teacher is paid by the agency and can be paid at any rate, depending on negotiation between the individual and the agency. The agency is the employer of the supply teacher. I can confirm that teachers who work for New Directions are employed by New Directions who undertake the employment responsibilities for tax and NI etc. accordingly.

The Department for Education (DfE) issued guidance in March 2014 addressing a number of issues which relate only to temporary agency workers who are supply teachers. This guidance provides information about teachers employed by an umbrella organisation and the Committee might find it useful to read this document. I would like to stress that my officials have discussed this issue with New Directions who have confirmed that less than 1% of the supply teachers registered with them operate through an umbrella company. This is due to historic contractual arrangements that the teachers themselves have requested to remain within.

In response to your question about agencies that do not provide CPD for supply teachers, you will see in the draft guidance document we have set out the roles and responsibilities of all key delivery partners, including supply agencies. The document sets out an outline of the minimum standards of supply agencies (including a requirement for them to provide CPD) that schools should look for when selecting an agency.

As discussed in committee, all teachers have a responsibility for their own professional development. The New Deal will provide all teachers, including supply teachers with a Professional Learning Passport so that they can keep a comprehensive record of their CPD. The Welsh Government has developed high quality resources and learning packs on the Learning Wales website which gives all teachers, including supply teachers, access to the latest research and resources in order to support their continuous professional development.

Education Workforce Council

The Education Workforce Council (EWC), as a new body, has to be given the appropriate time to bed in and effectively deliver their core functions of registering the whole education workforce, of which supply teachers are an integral part.

In committee, I made it clear that it was not appropriate for me to dictate what, if any, enhanced role the EWC would have in the future. There needs to be a wider informed debate between Government, employers, practitioners, education workforce unions, and the EWC on how we support all education professionals, including supply teachers. This debate needs to take place within the context of the Welsh Government's wider education reform programme, most notably the far-reaching curriculum changes proposed in Professor Donaldson's report *Successful Futures*. The outcome of this debate will potentially have an impact on the roles and responsibilities, and therefore resources, of the EWC.

I trust that the information above has helped inform your Inquiry and I look forward to receiving a copy of your report.

Best Regards
Huw

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