

CYPE(5)-05-18 – Papur i'w nodi 6

E-mail sent to all Members of the CYPE Committee by members of Fair Deal for Supply Teachers – 30 January 2018

Dear Members of the CYPE

Please find attached our letter sent to the Education Secretary today (30.01.18). We would welcome your views on it.

Fair Deal for Supply
Teachers
30th January 2018

Kirsty Williams
Cabinet Secretary for
Education
Welsh Assembly Government

Dear Kirsty,

A group of supply teachers from Fair Deal for Supply Teachers came to see you in October 2017. We would be interested to know what progress has been made since our meeting.

The Supply Model Taskforce Report stated that *'supply teachers should be able to expect pay and conditions appropriate to their qualified teacher status. They should be free to continue in supply teaching as a lifestyle choice or use supply as a step towards permanent employment'*.

The system still exists in Scotland where supply teachers are employed by the local authority and not by agencies. In Northern Ireland, supply teachers are paid to scale through a centralised register.

In Wales, although schools and local authorities can negotiate fees with commercial supply agencies as outlined above, they must also, according to Effective Management of School Workforce Attendance (Dec 2017) *"...Be mindful of the School Teacher's Pay and Conditions Document and should consider this document when reaching an agreement on the terms of contract and the impact on the supply teacher."*

There has been an increase in the number of teachers employed by New Directions since some authorities closed their supply lists and even those counties that still operate a list have teachers working in the authority that go via an agency. New Directions have some 3135 supply teachers on their books, this is a huge proportion of the number registered with the EWC. ND has profited greatly from being the 'Preferred Supplier' and it looks increasingly likely they will continue to have this status when it is reviewed by the NPS later this year.

Surely all agencies used by schools should provide the same standards that are demanded of the Preferred Supplier?

In some parts of Wales some supply teachers are getting as little as £80 a day. This equates to £15,600 p.a. which is £7,317 below the rate of a newly qualified teacher (NQT). Schools are not seeing the benefit of this wage reduction as they pay a higher amount to agencies. The difference is going into private pockets.

Wrexham employ staff direct to Welsh Medium Schools and for SEN schools but use agencies for English medium schools. Surely this is a form of discrimination? Welsh speaking teachers get paid to scale and access TPS and English medium teachers don't.

Agencies are unable to offer the same pay and conditions to supply teachers as local authorities. This is inequality of opportunity. It is grossly unfair.

We have found schools using unqualified staff, employing cover supervisors, teaching assistants and HLTAs to fill the role of a qualified teacher. Through FOIs we have figures on this and they are concerning. Rates for cover supervisors can be as little as £55 a day. When we met with you and explained this you were quick to point out that this was illegal. It might well be illegal, but it is still happening.

According to *Effective Management of School Workforce Attendance (Dec 2017)*

2.14:

Within the context of the school's cover arrangements, the headteacher should ensure that where cover is provided by a non-qualified teacher for example cover supervisor, no active teaching is taking place, as per the statutory requirements set out in the Education Workforce Council Regulations as above.

How can it be right that a child has even *one* day where teaching is not taking place because of the use of unqualified staff?

As part of their Manifesto NUT Cymru (now NEU) has made a series of recommendations to ensure that children in Wales have the best quality of teaching available.

We value the contribution made by teaching assistants, but all teaching must be led by a qualified teacher. The roles of teachers and TAs are complementary but not interchangeable. No teaching assistant should be exploited to fill a vacant teaching position. (March 2016)

Task Force Recommendation 10 states:

“Work towards an 18 month timetable to bring forward proposals to support alternative delivery models whilst considering the transitional arrangements and implications for the current National Procurement Service Framework arrangement.”

Numerous questions have been brought up in the Senedd on this matter but the pace of anything changing is extremely slow. Is it likely that this will be completed within the timeframe? What transitional arrangements have been made?

Every day that goes by a supply teacher employed by an agency is missing out on a day's pay that is appropriate pay with access to the Teachers' Pension Scheme. Employers' contribution to Teachers Pension Scheme is 16.48 % whereas schemes

via agencies are poor. Some of us have been doing that for years and will never get back lost income we could have had under the old system of being paid to scale by the LA.

Other professionals – such as social workers and nurses are not subjected to this practice of being paid less than a contracted worker, they would not dream of working for a rate that is less than their worth, it simply does not happen - and rightly so! Why has this been allowed to happen to teachers?

We welcome that you have put in place the scheme to help 50 NQTs to become part of a cluster supply scheme. However, this is a temporary measure which helps a tiny minority of NQTs registered in Wales. It does not provide a long term solution which is urgently needed for this vital workforce, it is of no help to the other supply teachers employed by agencies.

Questions have been brought up time and time again in the Senedd, we see little action forthcoming other than us told being that there will be change after devolved powers. We are desperate for change now. Supply Teachers are leaving the profession and unless changes happens soon we could see there a situation where there will not be enough qualified staff to cover absences. Time is of the essence, there is only a small window of time between the devolution of teachers' pay and condition to Wales (April 2018) and the decision about whether to renew New Directions' contract and continue with the supply agency model (August 2018) or to use a different cooperative, non-private model.

Please could you let us know how the research into other models is going and when the new model will be able to take place. What are these "complex legal and policy issues" you claim might prevent you regulating the private sector?

In conclusion, we need to recognise that the ultimate losers in the terrible situation are the young people of Wales, who continue to slide down the education rankings. A respected and well remunerated education workforce should be reinstated as a matter of urgency if the Welsh Government really want to improve Pupil Outcomes.

Apologies for the length of this letter, but we are really passionate about this cause and hope this gives you a better insight into our shocking situation.

We have attached some anonymised Supply Teacher stories which make really uncomfortable reading.

Yours sincerely and with hope for positive change as soon as possible.

Supported by the qualified teachers below, all of whom work in Wales as supply teachers and are registered with EWC. These teachers are all members of our network.

Angela Sandles	Ann Finch
Sheila Jones	Mark Hawes
Ruth Treen	Ann Shaw
Dawn Wood	L Rees-Jarman

Yvette Carnegie	Sian Gaches
Adele Morris	Emma Allan
Cathy Grunis	Victoria Griffiths
Rose Howard	Delyth Hartsholm
Joanne Bond	Sian Parry
Rach Ford Rouse	Gaynor Ansell
Marian Hayden	Ben Boulton
Emma Hampton	Rebecca Archard
Beatrice Pearce	Catrin Duncan
Debs Hamer	Kate James
Kate Bradley	Claire Taylor
Kathryn Amesbury	Ceri MacFarlane
Darren Perks	Becky Clements
Susan Woodley	Sarah McCreath
Harriet McDonald	Delyth Mair
Maxine Warren	Melanie Morgan
Joanne Furber	Jo Davenport
Deborah Jones	Cathryn Rowlands
Julie Slater	Paul Robson
Anna Tuhey	Lyndon Watkins
Lynne Davies	Rebecca Wrench
Tanya Williams	Zainab Abubakar
Steph Gardiner	Jackie Howells
Anthony Eccles	Sheila Treherne
Isobel Norris	Theresa Williams
Seren Berry	

We asked teachers for tales of Supply Teaching and the following are a selection of those sent to us.

Supply Teacher 1

Teacher 1 here re AWR: I worked last year for 2 full terms on £85 then £95 a day....spoke to ND today re Swedish Derogation...wasn't asked to sign waiver during last year because I signed it 7 years ago with regard to working in a different school....didn't realise I was signing my rights away for ever at that time as I had just started back on supply. Could kick myself, apparently once it's signed that's it!

Hate to say it, but can't afford to lose the little work with ND that I have, as I'm only 52 and NEED to work...they are already annoyed with me for joining another agency and asking too many questions! I hope you have some success I am so angry at myself for signing the bloody thing 7 years ago when I had no idea what it really meant!

Supply Teacher 2

New directions do not pay AWR! You sign a guaranteed work contract and it's in there that you sign away rights. They didn't tell me this, I found out once I was on a long term and asked about it. Was told that schools won't pay more.

I guess they don't make you sign contract but it was highly recommended early on. If you don't I doubt they'll give you long term work, they would give it to someone who did sign.

Supply Teacher 3 (Secondary science teacher)

Fuming!!! 😡 I'm forced to work as a science technician whilst my school uses cover supervisors to teach. They're not registered or qualified as teachers but they fill the roles of teachers at a reduced cost to the school. It's not temporary it's time tabled!!!!

Supply Teacher 4

Just seen your post about signing away AWR - I had to with ND. It was basically implied that they wouldn't send me back to the school if I didn't.

Supply Teacher 5

Though I am now on a full time contract, when I was a Supply Teacher with Bay Resourcing

I was asked to sign away from the AWR and when I refused, they locked me out of my account and stopped my expenses. I didn't sign up for it and still got paid my measly wage, luckily I landed the class teacher role I have now. I found BR's bullying tactics extremely unsavoury, honestly, I don't know what I would have done if I hadn't got this job.

Supply Teacher 6

It really is shocking. I don't think I had any idea until I joined ND the first time. Working in my last school I worked with two agency supply teachers who had both signed Swedish Derogation contracts, not knowing what they were or the implications. One was in tears when she enquired about AWR and was told she had signed away her rights. The other was an NQT initially (she completed her NQT) and she was earning less than an NQT and couldn't earn more due to signing the Swedish Derogation contract. It was only by chance I had heard of Swedish derogation contracts, I had read about them somewhere otherwise I wouldn't have known.

Feel free to use my comments re my account manager saying I would have to sign a Swedish derogation contract.... it's appalling, truly is!

Supply teacher 7

The joys of supply ...being told by the office staff after doing long term for 9 weeks that I am only wanted tomorrow afternoon and that's it, no need to return.

Makes me a little sad as their seems to be very little respect for what we do.

Supply Teacher 8

Work is extremely quiet. Was asked to complete a dual registration with EWC to undertake LSA work. It goes against the grain however it's better than nothing at this stage. I have secured a full week next week as an LSA in a local school. I have also joined a care company to assist with an additional source of income. Some evening and weekends. Hopefully things will pick up in the new year. Must remain optimistic! (Hope you are doing well)

Supply Teacher 9

It's the lack of work, only 6 days since July and I'm a technology specialist, only one of the days in my own subject area, being paid £120 before tax for the day on M6.....sent into challenging schools with poor support from the school especially when I am teaching known disruptive and aggressive pupils.

Supply Teacher 10

Tbh I'm not currently working a supply teacher. My fear over over months with no wage if the schools went on another saving drive meant I took a post as a Cover Supervisor in a school I've previously worked in. I became a supply after I graduated and was one of the first to complete NQT on it. Took lot longer than necessary as EWC weren't prepared.

I'm debating leaving all together. My subject is history and they've trained way too many of us. Careers been so chop and change due to temp contracts and supply. Need some stability.

I love the pupils. Love my subject. Heck even the job itself, marking and all but just very down waiting for a permanent job.

Yeah it's frustrating. Everything that could have gone wrong has gone wrong. The way we were treated doing NQT year was appalling and I actually have a lot worse that I could say. Union were told at time and had no interest. I was basically told that I was lucky I could do it on supply.

Supply teacher 11

Oh my god! A school this morning told me that they'd be happy to pay me directly on supply. The head told me to phone the council to get it all set up after I said I'd work for £10 per day less than what my agency pays. Council referred me back to the school for the paperwork to be put in place. Secretary then said it wasn't as simple as all that; waffled on about how there's "no vacancy as such", the auditors would ask questions, she'd "have" to refer me to ND if she rang the county etc. I told her that the Welsh Govt had told me that there is NO OBLIGATION to use ND and that they'd told me schools can choose to employ via the local authority so she's now looking into it for me. I stressed that the last thing I want is to cause any difficulties for the school.

Any advice? I don't want to contact the director of education's office for fear of him trying to put obstacles in the way of anyone attempting to offer to work for less than the agencies fees.

Pay slip for a supply teacher paid direct 24 years ago, this was not full time! £16.47 an hour. Sent in by Supply Teacher whose mother did supply back in the day.

DESCRIPTION	HRS-ETC	RATE	AMOUNT
ENCE BROWN 1 NOV-30 NOV DEPARTMENT HOURS	110.50	16.4679	1819.71
		TOTAL PAY	1819.71
PAYE INCOME TAX			417.25
		TOTAL DEDUCTIONS	417.25
MONTH ENDED 31 DEC 94		NET PAY	1402.46
TAXABLE PAY THIS EMPLOYMENT			11437.9
TAX THIS EMPLOYMENT			2520.2

Supply Teacher 12

I worked 3 years exclusively for one school in Newport. Asked about AWR and was told school would not pay it. I asked repeatedly for more than £90 (I was UPS3), they told me no one was paid more than £90, in my experience it was only men who got more than £90, one day a male supply teacher walked into the school and I asked him how much he was getting and he told me he had been on £95 for a long time. Needless to say I got the £95 then! I took over a year 6 class while teacher was on Welsh Secondment, did everything, parents' evenings, assessments and the usual planning and marking for no extra whatsoever. The agency took a £40 a day cut for 3 years, all they did was process my pay as the school asked me to do the days, and the agency would ring me occasionally to find out what days I would be working in the school.

Teacher 13

I left my permanent job in 2009. I was on UPS3. I began working for New Directions in May 2010. Over the last 7 years I have asked for a pay rise a few times . I asked again in July 2017 . I asked for £5 a day extra . I was told by consultant she didn't know how she could do that. I suggested ND took less in fees ! I was told feedback from schools were good or excellent . She said she would ask manager and to get back to her at end of summer holidays . I emailed at beginning September. No reply .

Asked to go on another assignment in October , asked about rise was told still under review. Have resigned from New Directions as a result . Have casual supply with County paying £135 a day as no agency involved .

Supply Teacher 14

£90 is the best I get with my agency and I've only been teaching a year and half still NQT. They contacted me saying I was coming up to 12 weeks doing part time in a school and the school couldn't afford to pay me more so I could either sign contract to stay on same pay or I'd have to leave that school for 6 weeks. School local and nice but mentioned it to them in passing they didn't know anything about it. I've contacted union to make them aware of this happening. I've told I'll do it for this school but they need to ask other schools in future. I don't even know what I would have been paid anyway.

Supply Teacher 15

I worked for an agency for 3 years from 2011 to 2014. I started on £90 a day with an extra £10 if I had to travel for more than half an hour to get to a school...

My gripes are as follows:

- 1) Generally poor pay, well below the £178 per day I would have been earning via the LEA. I didn't get any pay rises, only a pay cut in the form of "payroll processing fees".
- 2) As I'm in my 50s the lack of pension provision was a huge concern.
- 3) I was asked several times to go to schools without it being made clear that it was as a cover supervisor. I soon got into the habit of double checking that I was going as supply and what pay I was getting per day. I kept telling them not to bother asking me to go as a CS as I was not prepared to do it. This didn't stop them trying it on. They also kept asking me to do Primary which, as a secondary teacher, I soon decided I did not feel adequately equipped to do.
- 4) After about a year they started taking off £3.50 per day for "payroll processing" and I was told I could not avoid this (e.g. by using PAYE instead). The tax I was able to claim back was always non-existent or pennies in my case as I wasn't earning enough to pay tax in the first place. When I discussed this on the phone with agency staff they made it sound like the umbrella company was a huge benefit to me, which of course it wasn't. In the end I stopped putting in the claim for travel/food expenses etc because I never got anything back though it took an hour or so every month to do the paperwork.
- 5) I found out by a bit of detective work on Google that the payroll processing company attached to this agency (the umbrella company) was managed by the

husband of the person who ran the agency. This looked seriously dodgy to me. Please don't quote me on it but it was there in black and white in company documents available online

6) On one occasion I had travelled for 45 minutes to get to a Bridgend school for it to be cancelled at the last minute. I was then asked to turn round and travel to Newport (I live in Barry so this was the opposite direction and total travel time would have been about 2.5 hours). I refused and insisted they pay me for the travel expenses and an hour of my time for my time wasted so far. I was told no as my contract says cancellations will not be paid for. I then sent a letter to the director of the agency insisting the travel money (I'd calculated it on Google Maps) was paid as I had left the house 45 minutes before the cancellation so as far as I was concerned this was different to a cancellation while still at home. The money was not in my next pay slip so I had to request it again. It was eventually paid but not without a lot of hassle.

7) I asked for pay rises on more than one occasion but never got one. At the end I was earning £86.50 per day after payroll processing was taken off (less than 50% of my statutory pay with threshold etc).

In the end, after all of the above problems, I decided to leave this agency. It was very fortunate that I was then able to get work in my present school, where I had worked as a supply with the LEA years ago and with the agency. It turned out they had fallen out with this agency too and so took up my offer of direct work. I was already still on the Vale of Glamorgan Payroll from previous employment which made things a lot easier. I have now worked on day to day supply with my current school for 3.5 years and realise I have been incredibly lucky. I am on UPS 1 and am paying into my pension again. I haven't done any more agency work since April 2014. I need the above to remain confidential in case the agency find out and the school are asked for Finder's Fees. They may not have a case as I had worked in the school before, though several years earlier, so technically was known to them... I'd be happy for this information to be used as a case study but would prefer for the school at least to remain anonymous for obvious reasons.

Supply Teacher 17

I'm supposed to be UPS but it would price me out of the supply market. ND pay me 120 a day but that includes holiday pay so I think it works out at 105. I should be on and am paid £157.60 a day by the county . I also worked for Excell a few years ago who would negotiate my wage so in regular schools I was paid to scale which was lovely but unfortunately again I priced myself out of the market. ND have sent me to nearly every school in two counties which means schools are reluctant to use me directly for maternity cover Tec as ND would insist on a Finders' Fee. Another obstacle I have encountered is when teachers go on

courses the allowance for supply is 200 a day. When being paid directly by the school I cost the school £218.70 a day. So long term cover for sabbatical is difficult. I have got round this with one school by not being paid for my ppa, but that also means I cannot be on the premises during this time as I am not covered by the insurance. It is just a constant barrier of hoops to jump through.
