

**1. What is the minimum pay rate under the National Procurement Service (NPS) framework?**

The 2019 framework introduced a minimum daily pay rate for qualified teachers - those that hold Qualified Teacher Status (QTS) working as a supply teacher; this is in line with the [School Teacher's Pay and Conditions \(Wales\) Document \(STPC\(W\)D\)](#) in Wales, and will increase following implementation of any pay awards. This minimum pay rate is to protect qualified teachers and to match the minimum rate paid to directly employed teachers. However, there is nothing to prevent schools/agencies paying higher daily rates if appropriate. The rate is based on the current published teachers' main pay range. From 2019 this was M1 but from September 2021 this became M2. The daily rate is calculated by taking the annual salary and dividing it by the number of teaching days per academic year (195). The rate therefore includes holiday pay.

**2. Are schools legally obliged to pay supply teachers the minimum pay rate?**

No - at present there is no legislation that can enforce this. The NPS have worked with local authority education departments to ensure that the new minimum pay rate is promoted to schools. The NPS have made it clear to appointed agencies that under the framework terms, they are not to actively promote to schools that they can offer workers below the minimum pay rate and any evidence that an agency has done this should be passed to the NPS to review. However, the final decision on the level of pay will be made by the school.

Should a school insist on paying below the pay rate, the NPS have requested agencies inform us of this in order for us to raise it with the relevant local authority.

**3. What is the difference between a cover supervisor and qualified teacher?**

Cover supervisors and supply teachers with qualified teacher status (QTS) are different roles.

A qualified school teacher is a person who holds qualified teacher status (QTS) and registration in the category of 'school teacher' with the Education Workforce Council (EWC). A cover supervisor is required to register in the category of 'school learning support worker'. Note: those practitioners who may undertake both roles are required to register in both categories (but only pay one registration fee)

Cover supervision occurs when there is no active teaching taking place and should only be used for short-term absences. Cover supervision can be delivered by an appropriately graded and skilled individual; they do not have to hold QTS. The role is to supervise the classroom setting, ensuring learners complete the pre-prepared work they have been assigned. Cover supervisors should not be expected to undertake any form of specified work; The Education Workforce Council (Main

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Functions) (Wales) Regulations 2015, as amended, sets out who can undertake 'specified work'

**If a supply teacher is deployed as a cover supervisor, they should not be expected to teach.**

#### **4. If I hold qualified teacher status, but asked to undertake the role of a cover supervisor, will I still receive the minimum M2 pay rate?**

The minimum pay rate is applicable to the role of a qualified teacher and must be applied where the supply teacher is undertaking any form of specified work. A qualified supply teacher, if willing, can undertake the role of a cover supervisor, however there is no expectation that they will be paid the minimum pay rate under the framework. Their working hours, duties and pay should be set out in the terms of the assignment and agreed with the worker before they are placed at the school.

The caveat to this is that the school have accurately and correctly described the role, and the supply teacher is clear on the role they are agreeing to undertake. Where a worker feels that they have mistakenly or incorrectly been placed into a cover supervisor role to avoid the minimum pay rate, they should report this to their agency or the Local Authority Education Department, who can address this issue with the school.

The minimum pay rate should be applied where a qualified supply teacher is undertaking the role and responsibilities of a classroom teacher, regardless of the subject.

#### **5. Does the pay rate apply from day 1, and will it change during my placement?**

If you are placed into the role of a classroom teacher, the minimum M2 pay rate will apply from day 1, where the school is working under the terms of the framework (see Q.1 and 2 above).

The Agency Worker Regulations (AWR) provide entitlements to all agency workers, after a 12-week qualifying period, to the same basic working and employment conditions as an equivalent worker employed directly by the hirer (e.g. school) to do the same job. The Regulations also make clear that this entitlement extends to pay, working time and holidays.

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 would be entitled to the same working time and annual leave as other teachers who are equivalent workers, under these regulations. The framework minimum rate is applicable up to the thirteenth week of employment, after which time both the employer (agency) and the hirer (school) are responsible for ensuring full compliance with the regulations. There are anti-avoidance measures within the regulations to prevent employers/hirers from attempting to circumvent the regulations.

The Welsh Government does not have responsibility for employment matters. Guidance on the regulations and how they should be applied is available on the

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following link: [Agency Workers Regulations 2010: guidance for recruiters - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/agency-workers-regulations-2010-guidance-for-recruiters)

#### **6. Are schools legally obliged to use the framework?**

In Wales, supply teachers are employed in a number of ways. Under the local management of schools framework as outlined in the Staffing of Maintained Schools (Wales) Regulations 2006, schools are responsible for making decisions about how they organise, recruit, deploy and manage an effective school workforce. This means the arrangements currently in place for deploying supply teachers differ markedly across Wales depending on local needs, geographical constraints, and language and subject requirements. These decisions reflect the school's individual circumstances, resources and priorities, as identified in their School Development Plan (SDP).

Schools are free to engage qualified supply teachers from wherever they feel is appropriate to meet the needs of the school. This can include direct employment models, using a supernumerary or floating teacher, collaborating with other schools to share resources, or using a commercial supply agency.

The NPS framework agreement has been developed to help schools recruit temporary staff through a national framework for Wales, but it is not mandatory for schools to use it. However, should schools choose to employ supply cover via an agency, the NPS and Welsh Government are keen to encourage schools in Wales to use agencies appointed to the framework to meet their needs. Local Authorities have also committed to using the Framework via Schools Social Partnership arrangements.

#### **7. What is Swedish Derogation, and is it still allowed?**

Swedish derogation was a model of employment where an agency hired a worker directly, rather than being the middleman between a worker and a school. It was a model that avoided some of the rules of the Agency Workers Regulations.

When the Framework was introduced in 2019, the terms of the agreement did not permit employment under the Swedish Derogation model. The model was fully repealed from practice under The Agency Workers (Amendment) Regulations 2019, which came into force on 6 April 2020.

#### **8. How do agencies charge schools for their services under the framework?**

Agencies that bid to be a part of the framework were asked to provide fixed agency fees for the various roles required as part of their tender submission. Dependent upon the role, some fees are charged daily, others hourly, but these are fixed - they do not alter if the pay rate goes up or down and they do not go up or down whilst the contract is in place.

So, for example, if the agency fee is £25 a day for a qualified teacher, that is what the agency will receive from the school for their services, whether the supply teacher

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is paid at M2 or M6. It does not alter and is not calculated on a percentage basis - as may have been done by agencies in the past.

All framework agencies have provided their fees for all roles offered. Schools have visibility of the fees for agencies within their zone, for all temporary roles, to help them make informed decisions on how their staffing budget is utilised.

#### 9. What provisions are there under the framework in regards to access to training and continuous professional development for supply teachers?

As specified by local authority customers, as a minimum, compulsory training from agencies will include:

- Safeguarding level one
- Manual handling
- First aid
- Behavioural Management

Agencies are also required to consider the skills and experience of their employees, and support and develop training required to meet their needs. For example, updates and training as applicable to develop awareness of the planned changes to the curriculum in Wales, the Digital Competency Framework, Welsh language training and support for literacy and numeracy.

#### 10. Which agencies are on the NPS agency framework and when does the current contract end?

A list of framework agencies is included on the attached link: [220711-2022-nps-awarded-suppliers-by-zone.pdf \(gov.wales\)](#)

Not all agencies that were approved on the framework in 2019 have remained under the agreement and some may have left during an academic year. Amendments will be made to the list as and when there are changes.

The current contract will end in July 2023, with a new agreement implemented from September 2023.

#### 11. Who should I contact if I have an issue or query?

Issue / Query	Contact
<ul style="list-style-type: none"><li>• Concerns over inappropriate agency practice</li><li>• Working time limits</li><li>• National Minimum Wage</li></ul>	<p><b>The Employment Agency Standards Inspectorate</b></p> <p><a href="#">Complain about pay and work rights - GOV.UK (www.gov.uk)</a></p> <p><a href="#">Additional information on worker rights can be found at: JobsAware - Protecting worker rights</a></p>

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<ul style="list-style-type: none"><li>• AWR queries or concerns</li><li>• AWR complaints and claims</li></ul>	<b>Your agency and/or the school employing you</b>  <b>ACAS</b> <a href="#">Making a claim to an employment tribunal - Acas</a>
<ul style="list-style-type: none"><li>• Framework agencies not adhering to the terms &amp; conditions of the framework agreement</li></ul>	<b>The National Procurement Service</b>  <a href="mailto:commercialprocurement.supplyteachers@gov.wales">commercialprocurement.supplyteachers@gov.wales</a>
<ul style="list-style-type: none"><li>• The role you have been employed in</li><li>• Your rate of pay</li><li>• Additional payments and allowances for specific roles</li></ul>	<b>Your agency and/or the school employing you</b>