



UNISON IN SCHOOLS

Branch advice on 'rarely cover' arrangements for teachers and implications for support staff



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Branch advice on ‘rarely cover’ arrangements for teachers and implications for support staff

Scope of the advice

This advice is intended to support branches and school reps as new provisions are introduced that remove the obligation for teachers and headteachers to cover for absent colleagues in anything but exceptional circumstances. It goes through the Workforce Agreement Monitoring Group (WAMG) *Rarely Cover Implementation Process Guidance*, including Annex A on the deployment of support staff, and provides notes for UNISON reps on some of the implications.

A letter to headteachers, sent by UNISON’s North West region, is included as an example of good practice (Appendix 3). The WAMG rarely cover advice and Note 22 on the deployment of support staff are Appendices 1 and 2. These should help consolidate UNISON’s response to cover issues in schools and our ability to protect members and promote their interests.

1. ‘Rarely cover’ arrangements for teachers in England and Wales

The National Agreement on Raising Standards and Tackling Workload, signed in 2003, included a provision that in 2004 teachers’ contracts should be changed to limit the amount of cover that they provide for absent colleagues. There was an objective that in the longer term, teachers would provide cover only in rare circumstances. In 2007, schools were advised that the ‘rarely cover’ provisions would be introduced by September 2009.

It is important to note that this is a contractual change for teachers but does not automatically change contracts or job descriptions for support staff. This is one of the reasons for current negotiations towards a national negotiating body with statutory backing. WAMG has produced guidelines on how this might affect support staff.

Note 1

These new regulations provide both a threat and an opportunity for support staff in schools. They bring with them the danger that schools will resort to inappropriate deployment of support staff to fill the teaching gap, intensifying any current bad practice. They also bring a fresh opportunity to revisit and reinforce advice on contracts, training, what should be expected of support staff, at what level and to ensure pay levels reflect the full range of responsibilities and duties.

Note 2

WAMG has produced ‘Rarely Cover Implementation Process Guidance’, with an annex specifically reinforcing previous advice on deployment of support staff (Appendix 1). It should be discussed in schools and local WAMG social partnerships. The Advice refers to earlier WAMG notes and branches should ensure that any discussions take place using WAMG Note 22: The Appropriate Deployment of Support Staff in Schools as guidance (Appendix 2). An example of a letter on rarely cover sent to headteachers by UNISON is attached as Appendix 3.

2. 'Rarely cover' management in schools

a). The rarely cover advice includes sections on the management of staff that requires a "clear policy and robust system" to deliver the 'rarely cover' provisions. Any necessary cover must be shared equitably between teachers, taking into account historic patterns of absence. "Teachers and the headteacher may be required to cover only rarely in the case of circumstances that are not foreseeable."

Note 3

The provisions could lead to a system where support staff are expected to cover routinely for teachers calling in sick, especially where the use of supply or fixed-term cover teachers is deemed to be too expensive or impracticable. This would inevitably affect the management of their own duties and workload and support staff could, in effect, be "on-call" for cover supervision duty. An overarching principle of 'rarely cover' is that it should not impact on teaching and learning for the pupil. Branches should argue that if the number of adults in a class is reduced regularly, because support staff are called to cover supervise, this principle will be undermined.

b). The provisions state that, "all staff and their union representatives" should be consulted on an annual calendar, which includes the teaching timetable, staff meetings, parental consultation and other activities.

Note 4

School members should know who their union rep is for this purpose. A school-based rep should be given the time off to consult members on the timetable but should feel able to raise issues at other times of the year if the time-table is not working or has become dependent on inappropriate practice.

c). Absence is described in the advice as short-term or long-term. "Cover supervisors and higher level teaching assistants are for short-term absences only and should not be used as the remedy for the medium or long-term absence of a teacher." This should be covered by a teacher on a fixed-term contract or supply teacher.

Note 5

This is a crucial but difficult aspect of cover. The advice (Annex A) suggests that headteachers must determine if cover supervision is appropriate taking into account the extent to which continuity of learning can be maintained; the length of time pupils would be working without a teacher and the proportion of curriculum time affected in a subject over a term. There are no guidelines on time limits for cover other than the above principles. It will depend on who is providing cover, for how long and in what subjects. To be acceptable there has to be a match between contractual duties, performed with the necessary training, skills and pay and the impact on teaching and learning. A well-managed cover strategy will have plans in place for unexpected teacher absence which define how they should be covered by length of absence. Branches and the local WAMG social partnerships should be watchful for bad practice and schools challenged where they supply cover to the detriment of staff or pupils. It is vital that incidents of bad practice, like unsuitably long periods of cover, are reported and referred to national WAMG social partnership if unresolved at local level.

Note 6

Current and previous WAMG guidance makes it clear that cover supervision is not appropriate in primary and special schools as this quickly becomes specified work.

This must be undertaken by trained staff such as Higher Level Teaching Assistants (HLTAs) or qualified early years staff whose pay and grading must reflect this higher level of responsibility. If branches discover primary or special schools routinely deploying staff as cover supervisors this should be challenged.

d). The school should monitor and analyse patterns of absence and levels of cover. It is stated that “the member of the support staff administering the cover arrangements should keep a record of the amount of cover undertaken by each teacher.”

The advice suggests that it is advisable to maintain records of cover undertaken by other staff whose contract and job description specifies that a proportion of their time is available to provide cover supervision.

Note 7

This may have workload implications for administrative or other support staff undertaking this task and the school should assess the impact of this and whether additional paid hours need to be provided.

Note 8

Records of how teacher absence is managed should cover all staff. This will provide evidence of the impact of rarely cover arrangements; whether support staff are being deployed inappropriately or teaching and learning put at risk. Branches should try and ensure that schools record not just the amount of cover but which support staff, if any, are being deployed; HLTAs, cover supervisors and so on.

3. The ‘rarely cover’ implementation process

a). The WAMG social partnership advice states that there are no automatic contractual implications for support staff and refers to guidance in Annex A (see below). It goes on to say that the National Agreement acknowledged that the contractual changes for teachers would not be delivered unless schools deployed more support staff in “extended and enhanced roles” and remunerated them fairly to reflect their level of training, skills, expertise and increasing responsibilities. The advice says that cover strategies should include the use of supply teachers, teachers employed specifically to cover, on fixed-term contracts, or from agencies. Teaching assistants (TAs), HLTAs, pastoral managers and those with multi-faceted roles can provide cover supervision as a sole or partial part of their job.

Note 9

‘Rarely cover’ offers the opportunity to review the way in which cover strategies are making use of support staff in cover supervision roles and how they need to change to comply with the new arrangements. Local WAMGs should be monitoring the impact of ‘rarely cover’ and how cover strategies are dealing with it.

b). WAMG also advises that leave of absence policies should be reviewed, but should not undermine agreements or worsen conditions of service. Current flexibility in authorisation, it says, may not hold. Policies should be fair and transparent and applied equitably to all members of the school workforce. Elements under consideration should be the activities for which leave of absence is granted; the length of leave by type of absence; whether paid or unpaid and who is responsible for agreeing it. The advice says that policies should reflect the fact that teachers and headteachers cannot book annual leave throughout the year in the same way as many other workers.

Note 10

Current leave of absence policies may contain bias and any review should ensure that all school staff have equal access to leave of absence of all types, whether paid or unpaid. The question of time-off in term-time affects all staff and not just teachers as the advice might imply.

c). Consultation on absence and cover policies should be with all staff, WAMG advises, and should cover issues related to implementing 'rarely cover' for teachers. It should include the necessary documentation and how staff and union consultation will take place, with the active involvement of staff to achieve a fair, open and transparent process. Before drafting a policy for consultation, it suggests that the headteacher could have preliminary discussions with staff and recognised trade unions to consider the options. The consultation period should be communicated to all staff and may vary in length between one and four weeks, depending on how prepared schools are for rarely cover. Each union should be asked to nominate a contact person who should be kept informed of amendments to the draft and reasons for rejecting any proposals.

d). The concluding advice on deploying support staff to cover includes the need to identify:

- staff that may be deployed
- issues around job descriptions; contracts; pay and grading and a process and a timetable for dealing with these in consultation with staff and their unions
- training needs and how these will be addressed.

A clear system of supervision and support for staff delivering cover supervision or specified work should be established.

Note 11

The WAMG advice quite clearly indicates the importance of timetabled consultation with staff and recognised unions. Failure to consult should be challenged and raised with local or national WAMG social partnerships, as appropriate. Branches should contact UNISON head office to raise issues at National WAMG.

Note 12

'Rarely cover' provides a fresh opportunity to regularise and police the deployment of support staff in cover roles referring to WAMG advice. There must be greater transparency about who can provide cover, on what contractual basis and with what training and supervision.

4. Annex A – Deployment of support staff in relation to teachers moving to 'rarely cover'

a). An annex giving specific advice on support staff deployment was added to the WAMG advice on rarely cover. It reiterates that it is "critically important" that all staff and their union reps are consulted on the changes. It also states that there may not be a local support staff rep and that schools may need to contact the union at local authority level.

b). The guidance has to be read alongside previous detailed advice on cover supervision and the deployment of support staff in classrooms, in particular, WAMG guidance on cover supervision and WAMG Note 22 on the deployment of support staff (Appendix 2 and available at www.socialpartnership.org).

c). The annex states that headteachers who wish to adapt support staff contracts or job descriptions:

- cannot unilaterally impose changes
- must consult the staff and their union reps
- must consider any grading or pay implications of agreed changes and if necessary consult the local authority for guidance on re-evaluating jobs with new roles and responsibilities.

Note 13

To be able to consider school cover plans, branches will need to use the expertise of school staff members and reps. This provides an excellent opportunity to enlist school members to lead on behalf of colleagues and comment on their school absence and cover plan. This could encourage an increase in school activists.

Note 14

School members need to know that schools cannot impose contractual changes and how they can resist the pressures to which they are often subject. Branches may wish to re-circulate School Remodelling: a UNISON survival guide (stock number 2428).

Note 15

The NJC national profiles recommend that in a four-tier career structure, cover supervision is a level 3 activity and specified work (active teaching) is level 4, which should be reflected in pay. Branches should refer to their local authority pay policy for these roles.

Members should refuse to take on any additional responsibilities arising from the 'rarely cover' changes until issues around pay, training and support have been resolved.

d). The need to distinguish between specified work and cover supervision responsibilities is repeated in Annex A and that cover supervision should only be used in the short-term, with longer-term absence covered by a teacher. Specified work is defined by regulation and involves planning and preparing lessons, delivering them and reporting on pupil progress. Support staff can carry out these duties subject to a number of conditions. Delivery of specified work should be in support of a teacher who directs and supervises it. The headteacher should be sure that the support staff member has the skills, expertise and experience required and that there is a system of supervision in place.

e). Annex A reinforces previous WAMG guidance that is critical of the inappropriate use of HLTAs and split contracts. These are often not in writing with support staff paid at an enhanced rate to perform a role, like cover supervision at a level 3, while their core contract is as a level 2 TA. The advice emphasises that if a TA has the skill and knowledge to take whole classes, matched against the national HLTA standards, they can be used in a variety of ways to support teaching at a higher level on a single contract at the higher rate.

The advice suggests that it is advisable to maintain records of cover undertaken by staff whose contract and job description specifies that a proportion of their time is available to provide cover supervision.

Note 16

Cover supervision is not appropriate for primary and special needs settings. These schools should be employing HLTAs and other suitably qualified staff who can deliver “specified work” (See Note 6 above.)

Note 17

The review of absence and cover policies is an ideal time to argue for ending split contracts, that is, where staff are only paid a higher rate when they are taking a whole class. UNISON remains completely opposed to this practice. In many schools heads and deputy heads often have timetabled teaching but they are rarely only paid at a teacher’s salary for this time! If a HLTA is to cover for unforeseen absences, the necessary skills are present all the time and in play and should be recognised in a HLTA contract.

f). The annex warns that schools must consult with staff and unions and refer to guidance on the deployment of support staff, when contractual changes for teachers may impact on them. Headteachers must evaluate whether additional tasks are compatible with existing roles; will affect workload; create training needs; require more paid working hours; revision of job descriptions and a pay and grading review.

Note 18

Branches should ensure that reps who are in consultation over cover policies are aware of the above and that local WAMG social partnerships are telling schools to take account of these factors and taking action where necessary.

g). Cover supervision requires appropriate training. Staff should be familiar with school policies on health and safety, equal opportunities and special educational needs. They should be competent in classroom activities, use of resources and behaviour management.

h). The final paragraph of the advice refers to job evaluation and single status and emphasises that changes to job descriptions can have a significant impact on pay and grading. Where jobs are changing, the local authority should be consulted on their evaluation or they should be reflected in any on-going process, in line with equal pay obligations.

Note 19

A training needs assessment should be part of the cover policy review. The annex says that there should be “dedicated training time, periods of observation and an ongoing mentoring and monitoring programme.” This is particularly important as many support staff have no access to training because of budgetary pressures. Performance management policies for teachers are not appropriate for support staff, who need different levers to trigger training and development.

Note 20

Branches that have completed single status should look at the implications of contractual changes and review jobs as necessary. Those that are mid process should ensure that any new responsibilities are reflected in ongoing evaluation and review.

CHECKLIST

- Schools must have a cover policy and strategy in place
- It must not threaten teaching and learning standards
- The governing body must ensure that rarely cover is working
- A change of duties or contract cannot be forced on support staff
- Staff and unions must be consulted on the policy and annual timetable
- There should be timetabled consultation with unions on cover staff, their supervision, training, contracts, pay and grading
- Deployment of TAs, HLTAs, cover supervisors and other staff providing cover or cover supervision should be reviewed
- Cover supervision should be paid at least at level 3 and specified work at least at level 4 (in a 4 level grading structure)
- Where there are grading implications, guidance should be sought from the LA
- The number of adults in a class should not be reduced
- Headteachers must ensure that cover supervision is only for short-term absence and demonstrate what that is
- Schools and WAMGs should define acceptable short, medium and long term absence
- Cover supervision should not be used in primary and special settings – these inevitably require higher level cover than supervision
- Training needs assessment should be part of the cover review
- There should be dedicated training time, periods of observation and ongoing mentoring and monitoring
- All cover arrangements should be recorded for monitoring purposes
- Leave of absence policies should be reviewed and applied equally to all staff
- WAMGs must monitor and advise schools on cover policies and strategies
- Branches need to have a system of consultation, negotiation and representation for school staff in place.

Questions and answers on rarely cover

Q. As teachers are no longer required to do so, except in exceptional circumstances, can my headteacher force me to take on cover supervision of classes?

A. No. There are a range of options for dealing with the new provisions and for providing cover. Headteachers cannot impose changes on staff; their job descriptions or duties.

Q. All staff have been told that teachers' contracts will change in September and that it may mean that support staff are called upon to cover classes at short notice. Is this true?

A. It is true that teachers will only have to cover for absence in rare circumstances from September; but new cover strategies, with a clear policy and robust system, must be developed in full consultation with staff and unions and subject to provisos in WAMG advice. There are no automatic changes to support staff contracts or job descriptions.

Q. I am happy to provide cover to classes but would like some training, which my headteacher says is unaffordable. What should I do?

A. Training is not an optional extra and no-one should take on duties that they feel unprepared to cope with adequately. WAMG advice makes it clear that cover and cover supervision is a responsible role and a range of training and support is necessary.

Q. I already provide cover supervision as well as other teaching assistance and am concerned that there may be an even greater demand for this, which will take me away from the pupils that I currently help. What can I do?

A. The advice says that any cover arrangements must not endanger the quality of teaching and learning for the pupil, and if your current support to particular pupils or groups of pupils is diminished in any way, raise this at school and ask your UNISON rep to support you, if necessary.

Q. I work in a primary school and have been asked if I will cover supervise classes occasionally, as teachers no longer have to do this as a matter of course. I have been told that it is a straightforward job and that I will only have to sit in the class and maintain order. Is that true?

A. There is a clear distinction between supervising classes where the work has been set and taking a lesson with specified work prepared by a teacher. Young children are difficult to supervise and covering a class will likely escalate into teaching. If you are interested in covering classes, you will need appropriate training and your job description, pay and grading should reflect your new responsibilities. Specified work prepared by a teacher can be delivered by HLTAs as a learning activity but not by cover supervisors whose role is more limited.

Q. I normally support a child with SEN in a classroom but when I do cover supervision there is nobody to help in the classroom. Is this right?

A. No. No pupil should suffer detriment because of the new 'rarely cover' provisions for teachers. If you are employed to support a child with SEN, you should not be taken away from them to their cost. This issue should be raised with the school's SENCO and reflected in the cover policy.

Q. I have done cover supervision in the past but found that the periods that I cover for are sometimes quite long. Is there a definition of how long cover supervision should last with one class?

A. The advice on cover supervision is clear. It should only be short-term, with the longer term covered by a teacher. The headteacher must ensure that cover supervision does not have a negative impact on any pupils or curriculum areas. The school policy should guard against this abuse and failure to do so should be reported to a UNISON rep.

Q. I have done cover supervision in the past but found that there was often no material prepared that I could use or I could not make sense of the notes. That means that I often have to prepare my own lessons. Is this right?

A. No. This is delivering specified work that is a higher level activity, which requires the supervision of a teacher who is responsible for the quality of teaching and learning. Staff doing this must be trained and paid at a higher level.

If you require further information go to: www.unison.org.uk/education or email education@unison.co.uk

Rarely Cover Implementation Process Guidance

Rarely Cover Implementation Process Guidance

1. The purpose of this guidance is to set out the process we advise you to follow to implement rarely cover from September 2009.
2. The guidance will focus on:
 - background
 - what needs to be done;
 - the documentation to which schools might usefully refer;
 - cover strategies;
 - how staff may be deployed
 - schools' historical pattern of absence;
 - leave of absence policy for reasons other than sickness;
 - headteacher's meeting with all staff;
 - consultation;
 - the issues that will have to be addressed.
3. Further information can be found:
 - in the note summarising the changes to be made (subject to consultation) to the School Teachers' Pay and Conditions Document and accompanying Guidance;
 - in the note relating to the deployment of support staff (Annex A); and
 - on the Workforce Agreement Monitoring Group's website at www.socialpartnership.org

Background:

4. The objective of progressive movement towards a position where teachers may only be asked to cover rarely for absent colleagues was clearly set out in the National Agreement 'Raising Standards and Tackling Workload', which was signed in January 2003. Following the decision in 2007 to implement this objective from 1 September 2009, advance notice was provided in both the 2007 and the 2008 editions of the STPCD.
5. 'Rarely covering' is an integral part of the overall package of contractual change set out in the National Agreement, and is designed to raise standards by freeing teachers and headteachers from tasks which do not require their professional skills and expertise, and enabling them to focus on their core function of teaching and leading and managing teaching and learning. It should not be seen in isolation from the rest of the National Agreement. This has no automatic contractual implications for support staff and this guidance should be read alongside the separate guidance on the deployment of support staff at Annex A.



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6. It was acknowledged in the National Agreement that the proposed contractual changes would not be delivered unless schools deployed more support staff in extended and enhanced roles and that support staff should be increasingly recognised for their contribution to raising pupil standards as important members of the school team. It was a fundamental principle that the roles and remuneration of support staff should be fair and reflect their level of training, skills, expertise and increasing responsibilities.
7. The guidance set out below is intended to help schools with the processes that they need to go through in order to be able to implement the objective of 'rarely cover' from 1 September 2009 and is not designed to offer an interpretation of the statutory provisions. The guidance recognises that schools work in many different contexts.

What needs to be done:

8. Schools need to have robust systems in place to ensure that from 1 September 2009 teachers cover for absent colleagues only rarely. A 'robust system' is one which delivers this contractual entitlement and would be expected to deal with all foreseeable events, but would not be expected to deal with unforeseeable events. When devising strategies to implement 'rarely cover' schools should bear in mind that 'rarely' does not mean 'never'.
9. Though some schools have made good progress towards the achievement of this objective and have already reached a position where their teachers and headteachers only cover rarely, many still have a long way to go, as the 2008 OME diary survey of teachers' workloads shows.

Documentation:

10. A considerable amount of information related to remodelling can be accessed on the Workforce Agreement Monitoring Group's (WAMG) website www.socialpartnership.org but schools might find the following documents particularly useful when devising their cover policy:
 - Raising Standards and Tackling Workload: a

- National Agreement
- The School Teachers' Pay and Conditions Document (STPCD) and Guidance on School Teachers' Pay and Conditions
- The Education (Specified Work and Registration) (England) Regulations 2003
- The Education (Specified Work and Registration) (England) (Amendment) Regulations 2007
- The Education (Specified Work and Registration) (Wales) Regulations 2004 and (Revised) Professional Standards for Higher Level Teaching Assistants (WAG Circular 029/2008)
- Time for Standards: Guidance Accompanying the Section 133 Regulations Issued under the Education Act 2002
- Higher Level Teaching Assistant (HLTA) Professional Standards
- Conditions of Service for School Teachers in England and Wales (The Burgundy Book)
- School Support Staff: the Way Forward (NJC for Local Government Services 2003)
- WAMG Note 10
- WAMG Note 12 (Effective Deployment of HLTAs)
- WAMG Note 17 (Effective Deployment of HLTAs to Help Raise Standards)
- WAMG Note 22 (The Appropriate Deployment of Support Staff in Schools)
- Guidance for Schools on Cover Supervision (WAMG Guidance)
- Guidance for Schools on HLTA Roles for School Support Staff (WAMG Guidance)
- Time for Standards: Remodelling Cover – Resource Pack

Cover strategies:

11. Absence occurs when the person who has been timetabled to take a particular class or group is absent. The type of absence could be for a variety of reasons, including internal and external activities as well as sickness. It could be short-term or long-term. All types of absence should be carefully managed to minimise the impact on teaching and learning for the pupil.
12. Schools have a range of strategies for providing cover for absence, including through supply teachers, 'floating teachers' employed for the purposes of cover, TAs/higher level teaching

assistants, who (provided they meet the provisions of the Regulations) can carry out 'specified work' (which includes delivering lessons to pupils) and cover supervisors. Supervision is not a good use of the time of a teacher and teachers providing cover should normally expect to teach rather than to supervise pupils.

13. It is not possible to provide a national template for implementing 'rarely cover', because schools are at different points on their implementation journey and will have different contexts and historical patterns of absence. All implementation strategies will, therefore, have to be determined at the school level.
14. When considering local determinations, schools should be mindful of the fact that, whilst they may enhance the statutory provisions, they cannot reduce them. All 'voluntary agreements', should be reviewed to ensure compliance with the School Teachers' Pay and Conditions Document.

How staff may be deployed:

15. Schools will have a range of options available to them to ensure that teachers cover only rarely. The following list is in no particular order. All of these options should be considered in the context of previously issued guidance.
 - a) engage supply teachers;
 - b) employ support staff (directly or in collaboration with local schools):
 - as cover supervisors, where cover supervision is the core part of their role (when not required for cover, they could be assigned, e.g., to provide additional support to teachers in class or to carry out administrative tasks);
 - as discrete cover supervisors whose sole role is to provide cover supervision;
 - as TAs/HLTAs as part of a wider school role;
 - as pastoral managers who may be required for part of their time to provide cover;
 - in a multi-faceted role of which a part is cover or cover supervision;(Please see further guidance in Annex A)

- c) employ teachers specifically for cover (directly or in collaboration with local schools);
- d) use agency staff;
- e) employ a teacher on a short-term contract.

Schools' Historical Pattern of Absence:

16. Schools should now analyse their historical patterns of absence to ascertain both the main causes of absence, which have triggered the need for cover, and the impact of such absence on pupils' learning.
17. Schools that have carried out such an exercise have often been surprised by the findings, because generally only some 30% of absence has been the result of teachers' personal illness (i.e. some 70% of absence has been authorised for reasons over which the school has had a measure of control). The differential impact on pupils' learning and the high number of lessons missed by some pupils has also often come as a surprise.

Leave of Absence Policy for Reasons Other Than Sickiness:

18. In the light of their analysis, schools should review their existing leave of absence policy. Reviewing or amending a school's leave of absence policy should not seek to worsen any local authority agreements or provisions of 'Conditions of Service for School Teachers in England and Wales' (Burgundy Book) and should comply with all national statutory leave entitlements and any local variations which may have improved on these.
19. Leave of absence policies should be fair and transparent, meet the requirements of equality legislation and should be applied equitably to all members of the school workforce, including the headteacher.
20. The starting point for the review or amendment of a school's leave of absence policy should be:
 - any LA or diocesan leave of absence policy;¹
 - the Burgundy Book. Local authorities should have provided, or be able to provide, details to schools of any provisions which relate to leave of absence for teachers;
 - the school's current leave of absence policy, where there are variations to the LA or Diocesan policy.

¹ These may be subject to review

21. Taking any local agreements and Burgundy Book provisions into account, the school policy should cover the following elements:

- for what activities leave of absence will be granted;
- the length of the leave for each type of absence;
- whether the leave will be paid or unpaid;
- who in the school has the authority to grant the leave – for the headteacher this would normally be the chair of the governing body.

22. Some schools have hitherto often exercised a significant degree of flexibility with regard to the authorisation of leave of absence because cover within the school has been readily available. There may be some areas where changes may reasonably be made. Schools should seek to ensure that their policy reflects the fact that teachers and headteachers have fixed term times and cannot book annual leave throughout the year in the same way as many other workers.

Headteacher's meeting with all staff:

23. At the beginning of the school's consultation process on its absence and cover policy, the headteacher should arrange to meet with all staff (teachers and support staff) to outline and to clarify:

- a) the issues related to the implementation of the objective of 'teachers covering rarely';
- b) the relevant documentation;
- c) how the consultation with staff and union representatives on these issues will operate, emphasising the importance of active staff involvement and of seeking to agree the way forward and stressing that the process will be carried out in a fair, open and transparent manner;
- d) the consultation period and the end date (see section below);
- e) the arrangements for meetings with staff and union representatives to discuss the issues concerned and the opportunities for written submissions;
- f) the desired outcomes, including the

formulation of an absence policy and a cover policy, and how a reasoned response will be provided to all consultees whose views have not been taken into account in any final determinations.

24. Before writing the draft policy for consultation, it might be helpful for the headteacher to have preliminary discussions with staff, and union representatives, to highlight the various options available and the consequences of adopting them.

Consultation:

25. The commitment to engage in genuine consultation and to involve staff and union representatives actively with a view to seeking agreement on the best way forward in the interests of staff and the school should be clearly affirmed.

26. The consultation period and its start and end dates should be clearly communicated to all staff. Schools will need to determine the length of consultation that suits their context and purposes, as they are at different starting points on their implementation journey and it is not possible to prescribe an ideal period. Somewhere between one and four weeks should be adequate for most eventualities.

27. All staff and recognised trade union representatives should be given opportunities to engage in discussion and consultation throughout the period concerned.

28. The headteacher should invite each of the recognised unions to nominate the person with whom all initial communication should be made.

29. Due consideration should be given to the outcomes of the consultation process – with the scope for further discussion to clarify issues if necessary.

30. The headteacher should inform staff and union representatives of any amendments to the draft

paper produced in the light of the consultation responses and provide a reasoned response to any proposals which have been put forward, but not taken up.

31. The outcome should be a clear understanding of the way in which the objective of ensuring that teachers cover only rarely will be implemented and the publication of both an absence and a cover policy.

Issues that will have to be addressed:

32. To ensure the system for managing cover is robust, every school should publish a calendar for each school year, in accordance with the provisions of para 164 of the section 3 Guidance to the STPCD, following consultation with staff and their union representatives.

33. The school calendar will provide for the school's annual teaching timetable for every teacher. Teaching timetables are not frozen in time and there may be in-year variations in timetabled teaching arrangements and variations from year to year.

34. Schools may need to review/revise their timetables during the year in light of significant changes (e.g. a long term absence or other significant educational development) and should do so well in advance and in consultation with staff and their union representatives. Changes to the calendar should not be a frequent occurrence.

35. In view of the determinations that schools will have to make on several important issues, it is clear that they should plan for their needs in any given academic year in greater detail and much sooner than they may have been accustomed to doing in the past and produce the school calendar after due consultation with staff and union representatives earlier than may traditionally have been the case.

36. In the light of the proposed changes to the STPCD (which will be the subject of formal consultation by the DCSF) from 1 September 2009 to implement the objective of teachers covering rarely, schools will need to make determinations, for example, on the following:

- the extent to which absences which have been traditionally authorised may need to be amended or not;
- what kind of events might be deemed foreseeable on the basis of historic experience, in the normal local experience and/or as part of the evolving pattern of provision;
- how specific activity weeks or days (which then become a teacher's normal timetable in those weeks/on those days) should be included in the calendar to facilitate the continuation of educationally valuable visits or trips or the maintenance of enhanced learning opportunities for pupils in keeping with the school's ethos (i.e. not every week of the school year will necessarily be the same);
- how the school will monitor, analyse and record patterns of absence (planned and unplanned) and levels of cover and how it will manage these;
- What strategies will be used to provide cover and where these include the deployment of support staff, schools will need to:
 - Identify staff that may be deployed
 - Identify issues around job descriptions, contracts, pay and grading and a process and timetable for dealing with these in consultation with staff and their unions,
 - Identify training needs and how these will be addressed
 - Establish a clear system of supervision and support for staff delivering cover supervision or specified work

(Further guidance on the deployment of support staff is in Annex A)

All of these options should be considered in the context of guidance previously issued.

Annex A

Deployment of support staff in relation to teachers moving to “rarely cover”

This document provides guidance for schools relating to the deployment of support staff arising from the introduction of rarely cover for teacher and headteachers from 1 September 2009. It is critically important that schools consult all staff (support and professional staff as well as teaching staff) and their union representatives. For some of the support and professional staff, there may not be a union representative in the school and schools should contact the union representatives in the local authority. This guidance should be read alongside previous detailed guidance issued relating to cover supervision and the deployment of support staff in classrooms, in particular WAMG Guidance on Cover Supervision and WAMG note 22.

All original documentation can be accessed on the website www.socialpartnership.org.

1. Support Staff Contracts

The move to ‘rarely cover’ for teachers does not, in itself, change contracts or job descriptions of support and professional staff in schools. Headteachers can use a number of strategies to deliver this contractual change for teachers. Deploying support staff to deliver additional cover supervision or specified work is only one option and must be done in accordance with this and previous WAMG guidance on the employment and deployment of support staff. In short, headteachers who wish to change or adapt contracts and job descriptions for these staff:

- Cannot unilaterally impose changes
- Must consult the staff and their union representatives
- Must consider any grading or pay implications of any agreed changes and if necessary consult the local authority for guidance on re-evaluating jobs, and the correct pay and grading for new roles and responsibilities.

2. Cover responsibilities

Headteachers need to be clear when allocating support staff to cover responsibilities whether the work to be undertaken is specified work or cover supervision.

2.1. Cover supervision

Cover supervision occurs where no active teaching (i.e. specified work) is taking place and, under the supervision of a member of support staff, pupils undertake pre-prepared work. Cover supervision can be used for short-term absence but it is not an appropriate way of covering medium to long-term absence or of dealing with a class when a teacher is not timetabled to teach them.

The National Joint Council (NJC) national profiles recommend that, in a four-tier career structure, cover supervision is a level 3 activity. Specified work, however, is a level 4 (HLTA) activity. There is significant evidence that in primary and special needs schools cover supervision quickly becomes specified work. It is appropriate, therefore, that support staff deployed to provide cover which involves specified work should be trained to HLTA/ level 4 and their pay and grading should reflect this.

2.2. When is the use of cover supervision appropriate?

Cover supervision should only be used for short-term absences. Longer-term absences should be covered by a teacher.

Headteachers will exercise their professional judgment in determining what should be regarded as a ‘short-term’ absence for these purposes. There will be a number of considerations which the headteacher will need to take into account when deciding whether the use of cover supervision is appropriate or not. The key factors are:

- a) the extent to which continuity of learning can be maintained;
- b) the length of time a particular group of pupils would be working without a teacher;
- c) the proportion of the total curriculum time affected in a specific subject over the course of the term.

For example, in a setting where a class is predominantly led by one teacher for the majority of the day, it is likely that cover supervision will very quickly become 'specified work' and active teaching would be required. Specified Work must be undertaken in accordance with Specified Work Regulations.²

2.3. Specified work

The Regulations define 'specified work' as:

- a) planning and preparing lessons and courses for pupils;
- b) delivering lessons to pupils. This includes delivery via distance learning or computer aided techniques;
- c) assessing the development, progress and attainment of pupils; and
- d) reporting on the development, progress and attainment of pupils.

The Regulations state that support staff may carry out specified work subject to a number of conditions.

These are that:

- the support staff member must carry out the 'specified work' in order to assist or support the work of a qualified teacher in the school;
- the support staff member must be subject to the direction and supervision of a qualified teacher in accordance with arrangements made by the headteacher of the school; and
- the headteacher must be satisfied that the support staff member has the skills, expertise and experience required to carry out the 'specified work'.

Schools should ensure there is a system of supervision in place and support for staff delivering specified work

2.4. Higher Level Teaching Assistants

Previous guidance has highlighted the inappropriate contractual arrangements in place in a number of

schools for support staff. One of the key concerns is that many schools only seem to see the role of HLTAs in connection with a teacher's PPA time, when an HLTA may take responsibility for a whole class, in the planned absence of a teacher. This narrow view of the HLTA role has a number of potential drawbacks, because the skills demonstrated by HLTAs against the national standards are not being fully utilised. One of the drawbacks is in the use of split contracts. This is where a TA is deployed to do higher level work with a whole class for part of the week and paid a higher rate, (e.g. as an HLTA) for this and is then deployed the rest of the week as a general TA at a lower level of pay. This is based on the assumption that HLTA work only relates to working with a whole class. However, if a TA has the skill and knowledge to take a whole class they clearly have a range of skills that can also be used in a variety of settings supporting the work of teachers. Previous WAMG advice on this states that casual arrangements – which give TAs who meet the HLTA standards enhanced pay only for those hours when they are deployed with whole classes to provide PPA time for teachers – are not in line with the aims of workforce reform and the principles of the National Agreement.

3. School Support Staff Negotiating Body (SSSNB)

WAMG note 22 highlighted that in the long term issues affecting support staff in England would be the subject of joint guidance and advice from the SSSNB. The legislative framework governing the establishment of the SSSNB forms part of the Apprenticeships, Skills, Children and Learning Bill that is currently going through the Parliamentary process. In Wales, consideration of these issues will form part of the development work leading to the establishment of a National Structure. Until such time as the SSSNB and National Structure are established, school support staff will continue to be covered by the NJC agreement and any other local agreements in place. Schools must consult with staff and their unions and refer to previous guidance on the deployment of

² The relevant regulations are the Education (Specified Work and Registration) (England) Regulations 2003 and Amended Regulation to the Education (Specified Work and Registration) (England) (Amendment) Regulation 2007, and the Education (Specified Work and Registration) (Wales) Regulations 2004.

support staff. Following this where schools wish to deploy support staff as part of meeting the contractual changes to teachers, headteachers must:

- have regard to the suitability of the task to the member of staff's current role,
- the impact on their workload and whether sufficient time is available, or could be freed up
- consider any additional training needs,
- Ensure that if additional paid working hours are required this is agreed with the member of staff
- Ensure job descriptions are revised to reflect agreed changes and additional responsibilities
- Ensure pay and grading reflects any revised roles and responsibilities

4. Appropriate training and support

Cover supervision is a responsible role, involving as it does taking sole charge of a group of pupils. Schools should therefore take care to ensure that staff have the necessary skills and knowledge before being given charge of a class.

Staff carrying out a cover role should be appropriately trained – including in behaviour management.

Staff undertaking cover supervision should:

- be familiar with the full range of school policies, particularly those regarding health and safety, equal opportunity issues and special educational needs (SEN);
- have the necessary skills to manage safely classroom activities, the physical learning space and resources for which they are responsible;
- understand and be able to use a range of strategies to deal with classroom behaviour as a whole and also individual behavioural needs.

In many cases staff will already have some of these skills/knowledge because of previous experience in the school or elsewhere. However, it is likely that specific training will be needed. It will be the responsibility of the headteacher to satisfy him/herself that an individual has the skills required, and to ensure that they receive such appropriate training. A cover supervision role could provide the basis for progression into other areas, for example more advanced roles in relation to the guidance and supervision of pupils.

Cover supervision training should be provided for support staff, involving dedicated training time, periods of observation and an ongoing mentoring and monitoring programme.

5. Job Evaluation and Single Status

Most school staff will have had their job evaluated as part of the local authority single status negotiations or be in the process of having this done. Changes to their job descriptions may have a significant impact on their pay and grading. Where schools want to deploy support staff to meet the contractual changes of moving to 'rarely cover' for teachers they will need to seek advice from the local authority on re-evaluating these jobs or ensuring they are included in any ongoing evaluation process. This is essential if schools and local authorities are to meet the requirements of Equal Pay legislation.

Raising Standards and Tackling Workload Implementing the National Agreement

July 2008

Appendix 2



The Appropriate Deployment of Support Staff in Schools

Introduction

This note responds to concerns of the Workforce Agreement Monitoring Group¹ (WAMG) relating to the way school support staff are being deployed in a number of schools. WAMG has reviewed the evidence concerning, in particular:

- inappropriate contractual arrangements for support staff;
- insufficient opportunities being given to those support staff who have particular skills (such as higher level teaching assistants) to use those skills on a continuing basis;
- the confusion between cover for unforeseen teacher absence and normal timetabled arrangements for taking a class while the class teacher is taking their planning, preparation and assessment (PPA) time or other regular non-contact time;
- support staff without appropriate training and skills being required to supervise pupils and/or deliver specified work; and
- some members of support staff being expected to undertake 'unpaid overtime'.

WAMG fully endorses the new opportunities for the development and progression of support staff created by workforce reform in schools and the positive impact of these changes on pupil outcomes. However, it is incumbent on all schools to ensure that these roles and responsibilities reflect the skills, training, expertise and experience of members of staff and that such attributes are reflected in appropriate pay and rewards and fair conditions of employment.

The deployment of school support staff will have significant implications for schools as they prepare to move to a situation where teachers 'rarely cover'. In particular, schools must be aware that this will not automatically mean that cover can be passed on to support staff to fill any gaps. In developing a strategy for 'rarely covering', schools should take account of this advice and previous advice issued regarding the deployment of support staff and strategies for dealing with PPA and cover².

Contractual arrangements for classroom-based support staff

The latest research into the deployment of classroom-based support staff in school notes that the practice of split contracts for support staff remains widespread.

A split contract for a teaching or learning support assistant, including those who meet the higher level teaching assistant (HLTA) standards, means they only receive enhanced pay for those hours when they are specifically deployed in an HLTA capacity, for example, when taking a whole class to provide PPA time for a teacher, which is only one aspect of the HLTA role. A recent study by UNISON³ reports that up to 50 per cent of schools in their sample were issuing split contracts to support staff.

HLTAs can take on higher level tasks and responsibilities that reflect their level of expertise – this includes working with individual pupils, small groups and whole classes.

However, many schools only seem to see the role of HLTAs in connection with a teacher's PPA time, when an HLTA may take responsibility for a whole class in the planned absence of a teacher. This narrow view of the HLTA role has a number of potential drawbacks, because the skills demonstrated by HLTAs against the national standards are not being fully utilised. These drawbacks include:

- teaching assistants (TAs) or other members of support staff with HLTA status find that there is no role for them when schools use other strategies for managing teachers' PPA time. This can mean that the HLTA's level of skills and experience are not being fully deployed to raise standards;
- HLTAs find themselves taking whole classes all or most of the time because they are exclusively deployed during the PPA time of different teachers. This means that schools are unable to also deploy HLTAs in other roles that, together, make better use of HLTAs' range of



¹ The Workforce Agreement Monitoring Group is composed of representatives from ASCL, ATL, DCSF, GMB, NAHT, NASUWT, NEOST, UNISON, UNITE, Voice and the Welsh Assembly Government, who are all signatories to the Agreement.

² See WAMG Cover and PPA resource packs at www.tda.gov.uk/remodelling/nationalagreement/cover/coverresourcepack.aspx and www.tda.gov.uk/remodelling/nationalagreement/ppa/resourcepack.aspx respectively.

³ School Remodelling – the impact on support staff, Unison, 2007.

skills and experience. Previous WAMG guidance⁴ has illustrated a wide range of other roles that can be assigned to HLTAs that actively contribute to raising standards in addition to their work with individual pupils, small groups and whole classes. Where HLTAs are deployed during the PPA time of teachers they should be provided with sufficient time, within their contracted hours, in which to plan and prepare, including opportunities to liaise with class teachers; and

- TAs with HLTA status are issued with split contracts where a TA is deployed to do higher level work with a whole class for part of the week and paid a higher rate for this and is then deployed the rest of the week as a general TA at a lower level of pay. This is based on the assumption that HLTA work only relates to working with a whole class. However, if a TA has the skill and knowledge to take a whole class they clearly have a range of skills that can also be used in a variety of settings supporting the work of teachers. Previous WAMG advice on this states that casual arrangements – which give to TAs who meet the HLTA standards enhanced pay only for those hours when they are deployed with whole classes to provide PPA time for teachers – are not in line with the aims of workforce reform and the principles of the National Agreement. Therefore, schools should consider whether they have a broader range of work that would enable them to maximise their use of an HLTA's skills or, indeed, whether these resources could be used more widely in collaboration with other schools.

Some schools, particularly small primary schools, may only require an HLTA for part of the school week. For example, a school may wish to employ an HLTA for 20 hours. Whilst part of this time can be used for taking whole classes, this time can also be used for working with individual pupils and small groups, using the full range of skills and knowledge for which HLTA status was awarded.

WAMG is keen that the skills of an HLTA are not limited to working with whole classes and wants to see the development of wider roles for HLTAs. A more effective deployment of HLTAs throughout the school will make better use of the skills of HLTAs and can thus help raise standards of achievement. This will be increasingly crucial when developing personalised learning strategies for pupils.

The National Agreement explicitly recognises that support staff should receive remuneration that reflects their level of training, skills and responsibilities – and this is particularly important as higher level roles develop.

The Deployment and Impact of Support Staff in Schools (DISS)⁵ study reveals that the majority of support staff continue to be employed on permanent, continuous contracts of less than 52 weeks per year. The contracts are sometimes issued inconsistently, without transparency and can be applied disproportionately to part-time staff. Schools should review their use of term-time only contracts within a coherent and consistent staffing policy. The new national negotiating body in England will consider the issue of term-time contracts as part of its forthcoming programme of work. The development of a National Structure in Wales, as part of the One Wales agreement, is at an early stage and work to develop the structure will include consideration of current employment practices.

Unpaid overtime

There is some evidence that on occasions, support staff with established contractual arrangements are being expected to undertake 'unpaid overtime'. This is unacceptable. If it becomes clear that an individual's working arrangements do not fully take into account the work required of the post, then a proper discussion must take place between them and their line manager to resolve the issue. This might mean:

- paying overtime;
- extending, by agreement, the hours required under the contract, with the appropriate increase in salary; or
- allocating the additional work to other members of staff.

The deployment of support staff in the classroom

Cover supervision

The School Teachers' Pay and Conditions Document (STPCD) 2007 states that absence *occurs when the teacher normally responsible for teaching a particular class is absent from the classroom during the time they have been timetabled to teach.*

Recent evidence from the DISS report highlights *there is a widespread confusion between two very different activities undertaken by support staff: one is taking a class during a teacher's timetabled PPA time and the other is providing cover supervision during a teacher's short-term absence.*

WAMG has consistently taken the view that the deployment of support staff covering for absent colleagues should be considered to be entirely separate from the deployment of support staff to support the provision of PPA in the timetable.

As WAMG Note 12 states:

It is important that schools appreciate the distinction between these two areas of support staff deployment:

- *The need for **cover** arises when a teacher is absent from a lesson they are timetabled to teach.*

⁴ See "Guidance for schools on HLTA roles for school support staff" at www.tda.gov.uk/upload/resources/pdf/wamg_hlta_roles.pdf.

⁵ The Deployment and Impact of Support Staff in Schools – Strand 1, Wave 2, DCSF, 2006, page 41: only 45% of the support staff sample were contracted to work 52 weeks.

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UNISON North West region's letter to headteachers

Dear headteacher

Implementation of rarely cover from September 2009 and use of support staff

From September 2009 teachers may only be asked to cover rarely for absent colleagues. One of the strategies that head teachers may be considering using to implement this requirement is change to the current deployment of support staff. This may be in the form of extra hours or a change to job description.

Guidance has been issued nationally by the Workforce Agreement Monitoring Group on the use of support staff and a copy is attached for your information. However, the main points to consider are set out below:

- It is important that schools consult all staff (including support staff) and their union representatives when developing a policy for cover. If there is no support staff union representative in school, schools should contact the (Trafford) UNISON office.
- Changes to contracts and job descriptions cannot be unilaterally imposed on support staff.
- Changes to hours cannot be unilaterally imposed on staff; staff should not be expected to work for more hours than they are contracted and paid for.
- Schools must consider any implications to pay or grade if a change is made to a job description (advice is available from personnel on appropriate pay).
- Cover supervision should only be used for short-term absences.
- Staff undertaking cover supervision should be appropriately trained. Specific training for cover staff is provided by the local authority and includes behaviour management techniques. Higher level teaching assistant training and assessment is also provided in Trafford.
- Schools need to be clear whether work undertaken is cover supervision or specified work and the pay and grade of the support staff member should reflect this.

Cover supervision occurs when no active teaching is taking place and involves the supervision of pre-set activities in the absence of a teacher. Cover supervision duties can be included as part of a teaching assistant Level 3 job description or a support staff member can be employed specifically as a cover supervisor, where cover is a core part of the role. Both posts have been job evaluated by the local authority at Scale 4/5 (subject to the pay and grading review).

Specified work (Section 133 Regulations) is defined as:

- planning and preparing lessons
- delivering lessons
- assessing development, progress and attainment
- reporting on development, progress and attainment.

The regulations set out that in addition to these duties being carried out by an HLTA-trained teaching assistant who the headteacher is satisfied has skills, expertise and experience, an HLTA-trained teaching assistant must only undertake 'specified' work:

- to support and assist a qualified teacher
- under the supervision of a qualified teacher.

There is evidence that suggests cover supervision can quickly become specified work, especially in primary and special schools. It would therefore be appropriate to ensure that staff who provide cover including specified work should be trained to, and paid, at the appropriate grade. Specified work is included as part of a HLTA job description. The HLTA post has been job evaluated by the local authority at scale 5/6 (subject to the pay and grading review).

Additional guidance and case studies are available on the TDA website (www.tda.gov.uk).

If you have any queries on any of the above, or if you require any further assistance, please do not hesitate to contact me by email or on the above number.

Yours sincerely etc.



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