



Llywodraeth Cymru  
Welsh Government

# Effective management of school workforce attendance

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## Guidance

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# Effective management of school workforce attendance

- Audience** Local authorities (especially education and HR personnel); regional consortia; headteachers and governing bodies of maintained schools in Wales; diocesan authorities; school staff and supply agencies.
- Overview** The effective management of workforce attendance is fundamental to ensuring positive learner outcomes, as well as monitoring the health and well-being of the education workforce. This document provides a comprehensive overview of the roles and responsibilities, with regards to attendance management, of all those involved in the education of children and young people in Wales.
- Action required** Local authorities, regional consortia, schools and supply agencies should read this document to ensure they understand their role and responsibilities in the effective management of workforce attendance.
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- Additional copies** This document can be accessed from the Welsh Government's website at [www.gov.wales/educationandskills](http://www.gov.wales/educationandskills)

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# 1. Introduction

As outlined in the *Staffing of Maintained Schools Regulations (Wales) 2006*<sup>1</sup> schools are responsible for making decisions about how they organise, deploy and manage their workforce. These decisions reflect their individual circumstances, resources and priorities as identified in their school development plan (SDP)<sup>2</sup>.

An important focus for strategic and daily planning is how schools manage staff attendance and absence, particularly for classroom-based staff. The purpose of this document is to provide guidance on how attendance and absence can be effectively managed to ensure that priority is given to maintaining the continuity of learning.

Effective management of staff absence is fundamental to ensuring positive learner outcomes. A report by Estyn, *The Impact of Teacher Absence*<sup>3</sup>, found that in primary and secondary schools, learners make less progress in developing their skills, knowledge and understanding when the usual class teacher is absent, and learners' behaviour is often worse, particularly in secondary school. The report also found that teacher absence impacts on pupils across the ability range. It is therefore crucial that everyone plays an active role in improving absence management arrangements.

The entire school workforce has an important role in ensuring that learners achieve their learning potential. Whilst staff who work in the classroom are a key driver in delivering and enabling the learning required, other staff also contribute to learner outcomes. This guidance has been produced to assist head teachers, governing bodies, local authorities and regional consortia in establishing effective arrangements for managing classroom practitioner absence to ensure continuity of learning, but schools also need to ensure that their policies and procedures also consider absence management arrangements for their entire workforce.

The roles and responsibilities set out in this document should be read in conjunction with those set out in other Welsh Government guidance including *The National Model for Regional Working (2014)*, *Revitalising People Management (2015)* and *School Development Plans (2014)*.

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<sup>1</sup> The Staffing of Maintained Schools (Wales) Regulations 2006

<sup>2</sup> Education (School Development Plans) (Wales) Regulations 2014

<sup>3</sup> The Impact of Teacher Absence (2013) Estyn

## 2. Absence from the classroom

Absence of teachers and support staff from the classroom cannot always be prevented and can be necessary in some circumstances. There are planned circumstances where the nature of absence is known in advance, such as for professional development, and there are unplanned absences due to illness or other unforeseen circumstances.

In both cases, absence will have an impact upon learners and their progress. It is therefore important for schools to have policies and systems in place that help to minimise any negative impact of absence and to maintain continuity of learning.

The adoption by governing bodies, and the implementation by school leaders, of policies on:

- effective cover arrangements
- leave of absence
- management of attendance

are crucial to properly managing classroom absence in a way that provides appropriate support to staff but also ensures minimal impact of staff absence on pupil progress and wellbeing.

Model policies addressing these core areas will be made accessible via Learning Wales.

In addition, school leaders should have measures in place to monitor both planned and unplanned absence, utilising data that they have collected to plan and take action to proactively reduce it where possible.

From 1 September 2015 all schools will be required to adhere to the minimum standards set out in the *Education (School Development Plans) (Wales) Regulations 2014*. Schools are required to use a range of data including school workforce absence information to inform their plan and to set targets for the school. This should include benchmarking data so that they can compare themselves against both the best performing schools and similar types of schools operating in their local authority or consortia to inform their improvement plans.

The SDP must also contain details of the school's provision for addressing the professional development needs of all staff, including leadership development, in relation to achieving the school improvement priorities. These provisions also include staff temporarily placed at the school which will include short and long-term supply staff. A school's provision for supporting the professional development of these practitioners will reflect the nature of the individual's tenure and deployment.

## **3. Reducing absence**

### **3.1 Planned absence**

Planned absence can take place for a number of reasons, including hospital treatment, antenatal care, parental, paternity and maternity leave, adoption leave or leave for public duties. As the absence is known in advance there are opportunities to ensure that any impact on learning is minimised.

Where the planned absence relates to professional development activity, it should have been identified as part of the work of the SDP. As outlined above, the SDP must contain details of the school's strategy for addressing the professional development needs of all the school workforce (including those temporarily placed at the school) in relation to achieving the school improvement priorities. This strategy should identify the ways in which the impact on learners will be measured if teachers are required to be absent from the classroom for professional development.

Where schools in a local area want to hold an event which would impact on a number of teachers from the same phase or subject area, schools should consider whether there are sufficient resources to provide cover.

Schools should carefully consider the impact of planned absence on learners and satisfy themselves that the absence is either unavoidable or that the benefits outweigh any negative impact.

Schools should have a leave of absence policy which sets out the circumstances, criteria and procedures that will apply when staff wish to take paid or unpaid leave of absence. The policy should identify what steps need to be put in place to ensure, as much as possible, that the impact on learning is minimised whilst the member of staff is away from the school.

In some cases, such absences may allow a school to introduce new experiences to complement curriculum requirements: for example, the use of guests or organisations who can supplement classroom learning, but who will need to be supervised by a relevant staff member with appropriate qualifications in order to meet statutory requirements.

### **3.2 Unplanned absence**

Dealing with unplanned absences such as sickness absence causes significant difficulties for schools and impacts upon pupils' learning. Although schools will have a notification system in place, it can be extremely difficult for them to fill the void when teachers are absent from the classroom. In some cases the school may be able to call on its own floating teacher or support staff, such as cover supervisors to cover for short term teacher absence but they may not have the necessary subject knowledge, particularly at secondary key stages.

The existence and application of a management of attendance policy will make it clear to all staff how unplanned absence will be managed. The policy should:

- set out how staff will notify the school of their absence, and how the school will record and manage this data
- state how return to work interviews will be managed and recorded
- identify how regular short term absence will be monitored and managed
- identify how long term absence will be monitored and managed
- outline how employees will be supported to achieve positive levels of attendance
- explain what support and guidance is available to employees on sickness absence

Schools should be mindful of the areas that they can proactively consider in an attempt to reduce unplanned absence in the classroom:

- following the attendance management procedures and using return to work interviews for example, to address the cause of sickness absence
- supporting employee wellbeing, stress management and rehabilitation programmes
- supporting the use, where appropriate, of Occupational Health and Access to Work Schemes
- checking absence rates and benchmarking with similar schools
- reviewing historical patterns of absence and examining the causes of absence
- raising awareness with employees on the level of absence in the school and the associated impact in the classroom

## 4. Effective cover for absence

The school should have arrangements in place that minimise the impact of staff absence on learners.

Listed below are a number of ways in which a school can cover for a teacher's absence - the most appropriate option will depend on the particular circumstances and requirements of the school, combined with the professional judgement of the head teacher. As far as is reasonably possible, cover arrangements should focus on ensuring that all lessons are taught effectively providing learners with the continuity of learning for them to progress. The Welsh Government considers that all medium and long-term absence should be covered by a qualified teacher.

Supply staff (teachers, cover supervisors, HLTAs etc.) may be employed directly by the school or sourced through a supply agency. If schools opt to source cover through a supply agency they should give regard to the information set out in section 5.7.

It is important that the school provides any supply staff with induction to the school which includes a briefing about the school's safeguarding policy. Schools should also provide written guidance outlining key procedures, expectations, policies and staff roles and contact details (see Box 1).

When deciding how to effectively cover absence, schools should ensure that they understand their employment responsibilities to all those who work in the school; advice on this matter is available from the local authority HR service.

### 4.1 Teachers

Only in exceptional circumstances should teachers be directed to cover for an absent colleague. Teachers should be required to provide cover in accordance with paragraph 53.7 of the *School Teachers Pay and Conditions Document (2014)* - that is, **only rarely**, and only in circumstances that are not foreseeable. The Welsh Government considers that any requirement to cover will be shared equitably amongst all staff, including the head teacher.

The contractual provision applies to all teachers paid on both the teacher pay range and the leadership pay range at the school; whether they are employed on permanent or fixed term contracts and whether they are full or part time. This does not however apply to teachers who are employed wholly or mainly for the purpose of providing such cover.

### 4.2 Supply teachers

Supply teachers should be expected to teach rather than simply supervise placements. They should plan and prepare lesson activities and should be involved in assessing pupils' progress and attainment, though scope for this may be relative to the length and nature of deployment.



In secondary schools they will usually have a subject specialism but may be required to cover any subject. Similarly in primary schools, a supply teacher may be required to work anywhere between reception class and the end of Key Stage, regardless of age specialism or subject specialism.

### 4.3 Cover supervisors

The provision of cover supervision by learning support staff, or other support staff specifically employed to act as cover supervisors and who are already employed by the school, will provide better continuity for pupils. However, the head teacher will take the following considerations into account when deciding whether the use of cover supervision is appropriate or not, and each cover situation may need different requirements depending on the circumstances:

- the extent to which continuity of learning can be maintained
- the length of time a particular group of pupils would be working without a qualified teacher
- the proportion of the total curriculum time accessed by learners in a specific subject during the anticipated period of absence
- the particular needs of the class concerned
- the available skills and experience of the teaching assistant / cover supervisor

Cover supervisors can only be used to supervise work that has been set by a teacher and they cannot be involved in delivering teaching and learning as defined by the *Specified Work Regulations*<sup>4</sup>.

Some schools have found it beneficial to establish a 'bank' of learning resources that are designed for particular age groups and study topics. These are selected so as to provide the best continuity for learners and are used by cover supervisors and other staff providing cover.

The use of cover supervisors may be suitable to cover short term absence of three days or less but it should not be considered as an appropriate method to cover medium to long term absence.

Schools must ensure that staff used in this role have the necessary skills and knowledge to manage a classroom. Where lessons are covered by cover supervisors, schools should ensure that they are provided with induction that includes the school's safeguarding policy and written guidance outlining key procedures, expectations, policies and staff roles and contact details. The school should ensure that the cover supervisor is aware of the member of staff to whom they can refer should behaviour management issues arise.

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<sup>4</sup> Welsh Government (2010) Specified Work Regulations

In particular, schools must ensure that either the absent teacher or the head of department, dependent upon circumstances, provides work for the class that is purposeful, of appropriate challenge and does not merely entertain the class for the period.

#### **4.4 Higher-level teaching assistant (HLTA)**

HLTAs have demonstrated through assessment that they are able to work at a higher level in supporting learning and teaching, making a significant contribution to the life of the school, the work of the teacher and to pupils' attainment. They are able to carry out specified work but always work under the direction of teachers. The Specified Work Regulations set out the range of duties that a HLTA or other person can carry out whom the head teacher is satisfied has the necessary skills, expertise and experience.

Using an HLTA provides a good level of continuity for pupils, especially when the HLTA has been involved in lesson preparation and planning. However, care needs to be taken to ensure that the HLTA is not consistently used away from their timetabled responsibilities as this could cause disruption and undermine the important role they play.

#### **4.5 Floating teacher**

Where a suitably qualified floating teacher is employed, the school will specify how they may be deployed. If their duties are specifically designed to cover the absence of colleagues, the 'rarely cover' provision will not be applicable. The school should, however, identify how the floating teacher will be allocated an appropriate element of Planning Preparation and Assessment (PPA) time based on their working hours.

Where the floating teacher is being used to undertake cover due to planned absence, there should be an opportunity for the regular teacher to discuss the work that the pupils will be expected to complete.

If the floating teacher is not a subject specialist for that topic, the regular teacher should ensure that the work being set is appropriate and that the floating teacher has the necessary information to deal with possible questions from the pupils.

Floating teachers will be subject to the *Teacher Appraisal Regulations (Wales) 2011* and therefore, the head teacher will ensure appropriate performance management is undertaken, giving assurance that cover is of a high quality.

There are benefits to continuity and quality assurance to have floating teachers who are employed in one school to provide cover for absent teachers. It would be prudent for the head teacher to investigate whether the costs spent by the school on sickness absence and supply might be invested in a floating teacher.

#### **4.6 Shared resources**

This option will only apply in certain areas where schools have chosen to share the costs of employing a member of staff (teacher/ HLTA/ cover supervisor etc.) on a

shared (cluster) basis as a resource for all. Typically, they will be employed by one lead school but a service level agreement or a protocol will need to be in place to ensure a fair distribution of the available time. If they are a teacher and employed solely to cover the absence of other colleagues 'rarely cover' will not apply. It would be feasible to use the shared teacher to develop a bank of learning resources for other staff to draw on in the event of staff absence. Appropriate provision should be made for the professional development of the individual as part of the overall provision set out in the SDP. Schools should also monitor the cost effectiveness of such a post.

#### **4.7 External provision**

Where a school would like to offer new experiences to complement curriculum requirements; for example, the use of guests or organisations who can supplement classroom learning, they will need to be supervised by a relevant staff member with appropriate qualifications in order to meet statutory requirements.

## **5. Roles and responsibilities in effectively managing absence and ensuring appropriate cover arrangements are provided**

It is important that all stakeholders are aware of their responsibilities for both managing absence effectively and ensuring appropriate classroom cover is in place. Outlined below are the main roles and responsibilities of key stakeholders directly providing, or supporting, the provision of learning in schools.

### **5.1 Welsh Government**

The Welsh Government is responsible for setting the strategic direction for schools, local authorities and consortia to support the effective management of the school workforce. This will be undertaken through the publication of regulations, guidance documents, model policies and online resources.

The Welsh Government is responsible for undertaking assessments of the potential implications for cover of developing and implementing new policies and strategies that it introduces. The Welsh Government will actively seek to ensure that there is a balance between engaging practitioners in developing future policy and minimising absence from the classroom. All associated guidance for policy developments will state clearly that it expects schools, local authorities and consortia to seek to minimise the need for covered lessons.

The Welsh Government will expect that a range of delivery options are considered when providing learning opportunities to the school workforce and will encourage schools, local authorities and consortia to follow this practice.

The Welsh Government will publish absence data on a local authority level on an annual basis. This data will be used to form part of the monitoring, reviewing and challenge process of people management with consortia and local authorities.

### **5.2 Governing bodies**

The *Staffing of Maintained Schools (Wales) Regulations 2006* sets out the statutory responsibility for governing bodies regarding the workforce in schools. The governing bodies together with school leaders are responsible for ensuring that staff are deployed appropriately to meet the needs of the school and its learners. Absence of classroom practitioners, whether teaching or support staff, should be appropriately managed to reduce as far as is possible any detrimental impact on learners. Equally, there is a responsibility on leadership and governing bodies to ensure that the most appropriate cover arrangements are in place to allow high quality teaching and learning to continue during periods of absence.

With regards to managing absence and providing effective cover arrangements, based on good practice, the governing body should:

- As a minimum adopt the following policies<sup>5</sup>
  - An appropriate cover policy which sets out what strategies will be implemented to provide high quality classroom teaching and learning in the case of both planned and unplanned absences. The policy should focus on ensuring that learners' progress is maintained and resources are effectively used
  - an appropriate management of attendance policy which aims to encourage staff to maximise their attendance at work. It is recognised that a certain level of absence is inevitable and any policy should offer appropriate levels of support to employees
  - an appropriate leave of absence policy which provides guidance on special leave entitlements (both paid and unpaid) to cover unplanned absence that is not sickness related, e.g. bereavement leave, caring for dependents
- be responsible for ensuring that these policies are applied rigorously through regular monitoring and evaluating
- be responsible for monitoring any financial costs of the adopted cover policy
- agree with the head teacher which methods of cover will be utilised in the school and/or the criteria for their selection (see section 4 for a list of possible options for consideration)
- ensure that the head teacher adheres to safer recruitment practices when engaging agency and other supply workers within the school, including provision of appropriate references and up to date DBS checks in line with the local authority's and Welsh Government's guidance on safeguarding in recruitment<sup>6</sup>
- consider how absence from the classroom might impact on the formulation and implementation of the SDP, particularly with regard to the provision of developing staff
- ensure that at full governing body meetings, the head teacher's report to governors includes an item on staff attendance so that implications for learners and expenditure on cover can be fully considered. These updates should be informed by accurate data gathered at local level. Benchmarking data should also be used so that the school can compare themselves against both the best performing schools and similar schools within the local authority
- ensure the head teacher is effectively managing the attendance of the entire school workforce in line with the adopted management of attendance policy,

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<sup>5</sup> In accordance with *Revitalising People Management in Schools (2015)* local authorities are responsible for developing employment policies for adoption by schools in collaboration with regional consortia's other constituent local authorities and ensure that schools are offered appropriate training in the operation of these policies.

<sup>6</sup> Keeping Learners Safe, Welsh Government (2015)

taking appropriate action where required to address individual employee attendance concerns

- ensure that the head teacher accesses HR advice and support on managing absence through service level agreements
- ensure the head teacher is effectively implementing healthy working practices and discharging any statutory responsibilities in relation to achieving a satisfactory work life balance for all staff<sup>7</sup>
- ensure that the well-being and welfare of the head teacher is regarded as set out in section 5A of the Education Wales Act 2009 which puts a responsibility on the governing body to have regard to the desirability of the head teacher being able to achieve a satisfactory balance between the time spent discharging the professional duties of a head teacher and the time spent by the head teacher pursuing personal interests outside work
- ensure that the school adheres to the School Teachers' Pay and Conditions Document in relation to directed time for teaching staff, and to government working limits set out in the Working Time Regulations<sup>8</sup>, seeking the advice of the local authority or HR where plans to exceed these may be required

Governing bodies may wish to consider designating the responsibility to lead on absence management issues to one of their members or a sub-committee.

### 5.3 Headteacher

Within the context of the school's **management of absence**, the head teacher:

- should apply the school's management of absence policy in an equitable, fair and confidential manner seeking external support where necessary
- will provide a standardised briefing on staff attendance (including the associated financial cost) to the governing body as part of the head teacher's report to governors (see consortia responsibilities in section 5.6 regarding provision of a template)
- should ensure that all staff are aware of the school's management of attendance policy and that they comply with its provisions, including any revisions that the governing body might later adopt
- should participate in local authority, consortia or Welsh Government training on management of attendance in schools where provided and appropriate. (If necessary, this responsibility can be delegated to an appropriate member of the school's senior management team)

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<sup>7</sup> The School Teachers' Pay and Conditions Document 2014

<sup>8</sup> Working Time Regulations 2011

- should work with the school's HR provider to analyse sickness data to make informed decisions, paying particular attention to recurring trends and monitoring levels of stress
- should have regard to any workplace initiative that the local authority may be promoting e.g. corporate health standard, wellbeing weeks, employee assistance programmes
- must have regard to the requirements set out in the School Teachers' Pay and Conditions Document which refer to the need for the teachers at the school to be able to achieve a satisfactory balance between the time required to discharge their professional duties and the time required to pursue their personal interests outside work

Within the context of the school's cover arrangements, the head teacher:

- should ensure that the governing body's arrangements to cover absence are effectively implemented, thereby maintaining continuity of learning and providing high quality provision
- will use his/her professional judgment to determine the precise responsibilities of staff carrying out cover for absent colleagues and ensure that where cover is sourced externally that these responsibilities are clearly defined to the supplier
- in the case of supply agency cover, head teachers should as far as possible utilise the local authority's preferred supplier in line with the All Wales Framework Agreement<sup>9</sup>, but where alternative agencies are used, assurances should be given from such agencies that they meet the minimum requirements set out under section 5.7
- should be aware that in order to work in a maintained school in Wales individuals, including supply teachers, are required to hold Qualified Teacher Status (QTS)<sup>10</sup>
- should ensure that those providing cover either from within the school or from external sources receive the necessary support, development and information to assist them to discharge their role effectively (see section 7.1 of this guidance). It is important that both the school and the staff member communicate their expectations
- ensure supply teachers are provided with relevant information about the school and the class to be taught where possible, in advance of their deployment (see Box 1). This will include ensuring there is a relevant member of staff to act as a liaison point for the supply teacher whilst they are in the school

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<sup>9</sup> Managed Service Provider for Education Staff Framework Agreement 2015

<sup>10</sup> The School Teachers' Qualifications (Wales) Regulations 2012

- should ensure that where qualified supply teachers are engaged to provide cover, as far as is reasonably possible they will be delivering teaching and learning, not simply supervising the pupils
- should ensure that where cover supervisors are engaged to provide cover, no active teaching should be taking place<sup>11</sup>
- should ensure appropriate safeguarding checks are completed by having sight of and taking note of documents on the supply worker's first day in school
- should ensure that they are using good employment practices, which provide value for money and do not pose a reputational risk to the school
- should, as far as is practically possible, include staff temporarily placed at the school planned provision for the professional development of their staff as set out in the SDP
- should report to the governing body on the expenditure associated with cover arrangements in order to consider best value for money
- create a culture of working where employees feel able to discuss with the head teacher, or other senior manager, any appropriate matter impacting on their personal health and wellbeing at home, or at school that may be affecting their welfare and/ or their ability to discharge their duties effectively

### **Box 1 – Induction handbook**

All supply should be provided with an information handbook about the school, ideally prior to starting at the school. This handbook should include the following as a minimum:

- Map of the school and a daily timetable
- Schools policies such as approach to behaviour management
- Details on access to IT
- Information on safeguarding policy and contact
- Information about registration
- Information on fire drills, door codes and other security information
- Staff names, roles and contact details
- Point of contact for supply staff

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<sup>11</sup> For further information see *Guidance for schools on cover supervision (2004)*



## 5.4 The school workforce

In addition to the roles of governing bodies and head teachers, each member of the school workforce has a responsibility for their own health and wellbeing and for the overall efficient running of the school. As a matter of best practice, each member of the school workforce has a responsibility to:

- comply with the school's Management of Attendance policy, including the appropriate reporting arrangements, maintaining contact with school management during periods of absence and attendance at occupational health where required
- ensure that any requests for professional development reflects the priorities set out within the SDP
- consider the potential impact any planned absence will have on learners and make sure arrangements are in place to ensure learners achieve their learning potential
- discharge any responsibilities in relation to ensuring continuity of learning during planned or unplanned absence
- feel able to discuss with the head teacher or other senior manager any appropriate matter impacting on their personal health and wellbeing at home, or at school, that may be affecting their welfare and/or their ability to discharge their duties effectively

### **Box 2 - Return to work interviews**

Return-to-work interviews are an important aspect of managing staff attendance and feature in effective sickness absence policies. They offer the opportunity to explore reasons for absence and its impact on the individual concerned. They allow managers and staff to discuss how missed work will be made up without overloading the individual. Sensitively handled, return-to-work interviews allow line managers to probe for work related issues that affect health, such as stress or workload. An effective absence management policy will set out how, when and by whom these interviews will be conducted.

## 5.5 The local authority

The local authority is the overarching employer in law for most school based employees whilst matters regarding the people management function are delegated to schools. However, in voluntary aided or foundation schools the school's governing body is the employer. Local authorities are responsible for the provision of HR support and advisory services, typically contracted by the schools and will be delivered to the school by local authorities under a service level agreement. The

local authority is responsible for negotiating and providing appropriate employment related policies and procedures for school based staff. The school should have appropriate access to local authority support for information, guidance and advice on managing attendance.<sup>12</sup>

Good practice suggests that the local authority's HR, finance and procurement services should contribute to:

- providing available information and advice to head teachers on sickness absence issues, including access to relevant health services such as those provided by occupational health
- advising and supporting governors and head teachers in managing workforce welfare and attendance
- advising head teachers on rehabilitation, risk assessments and reasonable adjustments in relation to staff attendance
- collate and disseminate individual and benchmarked absence data (including the financial impact) on an annual basis to support schools and Welsh Government in monitoring workforce absence
- evaluate the arrangements for managing supply cover budgets, e.g. the local authority's mutual fund or the purchase of private absence insurance, to ensure value for money for the school, and schools across the local authority
- ensure that there is a collaborative approach between procurement and education colleagues in negotiating and monitoring the individual user agreements between the local authority and the preferred supplier under the terms of the Framework Agreement
- review the contract framework arrangements with other local authorities to ensure value for money and explore opportunities to achieve savings and/or an improved service to schools
- ensuring that governors and head teachers are aware of their obligations with regards to staff well-being in particular, as set out in the School Teachers Pay and Conditions Document and the Working Time Directive legislation.
- Endeavour to ensure that any training/learning activities minimise impact on teacher attendance in schools

Some local authorities continue to provide supply lists to schools in which they keep a register of teachers available to provide cover. Where this is the case they should as a matter of best practice, follow the requirements set out for commercial supply agencies as shown in section 5.7.

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<sup>12</sup> For further information on the roles and responsibilities of local authorities provision of HR support please see *Revitalising People Management (2015)*

As of 01 August 2015 each local authority will have signed up to the Wales Framework Agreement to provide supply cover for schools, and should as a matter of best practice, hold regular meetings with the organisation to discuss the requirements set out in section 5.7 below along with any specific objectives set out in the contract or agreement.

## 5.6 The regional consortia

As part of the *National Model for Regional Working* the SDP will serve a key role in informing the engagement of Challenge Advisers in their 'challenge and support' role with schools, and be a means whereby regional consortia (and local authorities) have a clear single reference point for schools' planned improvement activities. As part of this process regional consortia are expected to utilise data on a range of issues, including the school's workforce absence information to inform school improvement initiatives. The consortia will also play a role in ensuring that practitioners' professional development, including developing effective leadership at all levels in schools, forms a key element of meeting school improvement priorities and in supporting the delivery of national priorities.

The *National Model for Regional Working*<sup>13</sup> guidance document sets out a vision for regional school improvement consortia as well as the relative roles of each tier within the education system. As part of the model, and combined with the regulations on SDP's, consortia will work to:

- commission and quality assure the delivery of governor support services and jointly develop - in consultation with local authorities, governors and head teachers - a performance data template for head teachers to use to report to governors on absence issues
- consider the impact on schools and ultimately the learners where it is facilitating training events where teachers are withdrawn from the classroom. Regional consortia are expected to promote a cultural change away from investment in limited, low impact 'one-off' courses for individuals and towards more effective and collaborative forms of professional learning
- consider the impact of strategies for school improvement on the amount of supply cover used by schools and the consequent risk this poses to the quality of teaching and learning. This could include assessing the impact on schools and supply agencies where it is offering training events at key times in the school year e.g. financial year end where demand for agency staff is high and the ability of head teachers to provide learners with high quality provision may be lower
- consider providing training events specifically for supply teachers during school holidays as not to impact on their potential earning days in term time

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<sup>13</sup> National Model for Regional Working, February 2014

- ensure that school challenge advisers regularly discuss with schools their staff absence data and identify if there are any effects on school performance as a consequence.

## 5.7 Commercial supply agencies

The National Procurement Service (NPS) has awarded a framework agreement for a Managed Service for the provision of Agency Workers, including within it a lot for supply teachers, to reflect the individual requirements of the school workforce. The contract was awarded in April 2015, and will take effect from 1 August 2015 for a period of 3 years, to New Directions.

All 22 Local Authorities have signed up to use the Framework Agreements that the NPS put in place, and as such they will expect their schools to use New Directions, through the framework to meet their supply teacher requirement, though there is no compulsion to do so. Where schools opt to utilise other supply agencies it would be good practice for agencies to engage with the schools they provide services to, providing assurances to head teachers that the responsibilities listed in this section are being maintained by the agency.

Supply agencies provide schools with temporary staff to undertake a specific and time-limited role. Although they provide a school with the relevant individual, supply agencies have a responsibility to:

- ensure that relevant checks - including current Disclosure and Barring Service (DBS) checks - have been undertaken and that references are appropriate
- on an annual basis following correspondence from the Education Workforce Council (EWC), check the registration status of all teachers who are registered with the agency
- ensure that any teacher they offer to a school holds Qualified Teacher Status (QTS) and is registered with the Education Workforce Council (EWC); and from 1 April 2016 all support staff are also required to register with the EWC
- ensure that the individual being supplied to the school has the necessary skills, knowledge and experience to carry out the role effectively
- regularly review the professional development needs of the individual and ensure they are provided with any necessary development opportunities to continue to meet the requirements of the role and are able to engage in regular professional learning. Records should be kept of professional development activities
- ensure that supply workers are provided with relevant information about the school, where possible, in advance of their deployment
- make expectations and placement requirements clear to supply teachers

- meet with local authorities on a regular basis where a preferred supplier framework exists to discuss the contract and provide measurable data such as individual school usage, spend, reason for cover and satisfaction rates

### **Box 3 – Preparing for absences**

#### **Planned absences**

Where the absence is short term planned absence, it is expected that the work to be delivered will have been planned in advance by the regular teacher. In developing such plans, the teacher needs to be aware of who will be providing the cover so that the plan being developed is appropriate for the individual taking the class (cover supervisor, HLTA, floating teacher or supply cover). However, the teacher should ensure that the work set for the class is purposeful, will enable pupils to make progress without the need for a high level of support.

Where possible, the relevant lesson plans should be provided in advance to the member of staff who will be in the classroom. Where this is a member of staff who already works in the school, there may be an opportunity for the teacher to have a short discussion with the member of staff to discuss the planning provided.

The regular teacher should ensure that all books, worksheets, etc. are in an accessible place for the person providing cover.

If worksheets are to be used, then a comprehensive answer sheet should also be provided to assist the person providing the cover.

Following the lesson, the individual providing the cover should provide the regular teacher with a short note setting out the outcomes of the lessons and any other relevant information to the lesson. Where pupils are set written work, by mutual agreement, either the usual class teacher or the cover teacher should mark the work and provide focused feedback to the pupils.

#### **Unplanned absences**

Where the absence is unplanned, the relevant Head of Department/ member of the leadership team should provide the replacement staff member with relevant and realistic work for the pupils to undertake. It is recommended that schools develop guidance that identifies how such materials are developed and sourced for use in such a situation and ensures that all staff are aware of the processes in place.

## 6. Quality assurance

Whatever option a school chooses to provide cover for staff absence, it is important that certain measures are in place to assist them and the individual providing that temporary cover.

When seeking to use staff provided by external agencies schools should outline their requirement and subsequently expect that any replacement staff have the required skills and knowledge to fulfil the role they are undertaking. Supply staff should evidence the same commitment to professional learning as the Welsh Government sets out for all practitioners in the *New Deal*. To support better access to professional learning the Welsh Government has developed a range of high quality resources which will underpin the *New Deal* and be accessible to all practitioners via Learning Wales.

Where the length of absence can be anticipated, such as maternity leave or secondment, a fixed term contract will normally be the most appropriate option to cover the absent member of staff.

There are benefits to continuity and quality assurance with the use of a fixed term contract. Fixed term appointments are made following an interview process which enables the school to undertake their own recruitment process in order to recruit the most suitable candidate and these opportunities tend to attract applicants as they offer more stable employment and better pay and conditions than agency placements. They also require the member of staff employed to give a longer period of notice which provides some protection against the risk of the supply teacher leaving suddenly and increases the ability for the school to ensure continuity with the cover arrangements.

Teachers employed on fixed term contracts of a term or longer will be subject to the Teacher Appraisal Regulations (Wales) 2011 and therefore, the head teacher will ensure appropriate performance management is undertaken, giving assurance that cover is of a high quality. Newly qualified teachers employed in this way will also have the opportunity to complete substantial parts of their induction period in the same school.

In order to ensure that the level of work being provided for pupils is of sufficient standard and challenge, there should be clear expectation regarding cover in both planned and unplanned absences.

To ensure that quality assurance can be evidenced throughout the school, it is recommended that schools develop guidance for staff that identifies how materials are developed and sourced for use in unplanned and short term absence scenarios, so that all staff are aware of the processes in place.

## **7. Managing performance**

### **7.1 Feedback on performance**

It is good practice for a school to have a nominated senior staff member to give constructive feedback on the quality of the cover individual's work to and the member of staff. Where supply staff are being used from an agency then feedback should also be provided to the agency.

Providing feedback will assist the individual to reflect on their practice and identify their future professional learning requirements.

Schools may be able to provide information about relevant development opportunities that they are arranging for their permanent staff that temporary staff can participate in. This can be particularly beneficial in circumstances where the school uses the same staff on a regular basis.

Additionally, it is important to provide the temporary staff with the opportunity to provide feedback on their experience of working within the school. This can help assist in developing strong relationships between the school and supply staff as well as improving the continuity of learning for the learners.

### **7.2 Teachers employed on a contract of employment**

Where a floating teacher or a shared teacher is employed to provide cover for absence, or a teacher is employed on a fixed term basis for one school term or more, the school will need to undertake the performance management process as set out in its School Performance Management Policy and as required by the School Teacher Appraisal (Wales) Regulations 2011. In the case of a shared teacher, the responsibility for undertaking the performance management process will lie with the lead school that employs the teacher.

Where a teacher is employed to provide cover for a period of less than one school term the statutory requirement to undertake a performance management process does not apply.

### **7.3 Support staff employed on a contract of employment**

Although not a statutory requirement, it is good practice for a school to undertake a performance management process with non-teaching members of the school workforce in line with the school policy. This would apply to cover supervisors and Higher Level Teaching Assistants who may be used to provide cover for absence.

### **7.4 Supply agency staff**

There is **no** statutory requirement upon a school to undertake a performance management process under the School Teacher Appraisal (Wales) Regulations 2011 for teachers that have been provided via an employment agency for short term cover of less than one term. However, under the terms of the National Framework

Agreement, the preferred supplier is committed to providing an element of performance management. Schools should ensure that they fully utilise the mechanisms in place to provide feedback on all supply staff and use the same principles if they source temporary staff outside of the framework agreement.

## **7.5 Reporting responsibilities for unacceptable professional conduct and serious professional incompetence**

Employers of registered teachers (schools (governing body), local authorities, and teaching agencies) are responsible for referring cases of alleged unacceptable professional conduct and serious professional incompetence to the Education Workforce Council (EWC). Below is an overview of the policies and procedures for reporting unacceptable professional conduct and serious professional incompetence, which applies to all teachers.

An employer or agent must refer a case in line with the *Education (Supply of Information) Regulations 2009*, where:

- a. it dismissed a registered teacher, or might have dismissed a registered teacher had he or she not resigned (an **employer**)
- b. it terminated arrangements with a registered teacher, or might have terminated arrangements with a registered teacher had he or she not terminated them or similar (an **agent**)

A settlement agreement does not remove an employer's responsibility to refer.

### *a. Cases of allegations of unacceptable professional conduct*

An employer, or agent, must report the facts of a case to the EWC where:

- (a) an employer has ceased to use a teacher's services, or an agent has terminated arrangements, on a ground relating to the teacher's misconduct; or
- (b) an employer might have ceased to use a teacher's services on such a ground had the teacher not ceased to provide those services, or an agent might have terminated arrangements on such a ground if the teacher had not terminated them; or
- (c) an agent might have refrained from making new arrangements for a teacher on such a ground if the teacher had not ceased to make himself or herself available for work.

### *b. Serious professional incompetence*

The employer or agent must report the facts to the EWC where:

- (a) an employer has ceased to use the services of a person or an agent has terminated arrangements for a worker who is a registered teacher, on a ground relating to his or her professional incompetence;



- (b) an employer might have ceased to use the services of a person who is a registered teacher on a ground relating to his or her professional incompetence, had he or she not ceased to provide those services, or an agent might have terminated arrangements on a ground relating to his or her professional incompetence if the worker had not terminated them;
- (c) an agent might have refrained from making new arrangements for a worker who is a registered teacher on a ground relating to his or her professional incompetence, if the worker had not ceased to make himself or herself available for work.

## 8. Safeguarding and registration requirements

The Welsh Government's 2015 guidance *'Keeping Learners Safe - The role of local authorities and governing bodies and proprietors of independent schools under the Education Act 2002'*, sets out employers' duties with regard to safeguarding.

This guidance requires local authorities, schools and further education colleges to ensure that the school operates safe recruitment procedures and ensures that all appropriate checks are carried out on all new staff and volunteers who will be working with children. This includes undertaking relevant disclosure and barring checks as required by the Disclosure and Barring Service (previously known as CRB checks).

In terms of the checks, schools need to satisfy themselves that the temporary staff member (however sourced) has the necessary documentation in place and must see the evidence before the staff member commences their role.

As the regulatory body for the education profession in Wales, the EWC maintains a register of those teachers who hold Qualified Teacher Status (QTS) and are suitably qualified to work as teachers in maintained schools in Wales. The register records whether a teacher is subject to any restrictions, is barred from practising (e.g. DBS Children's Barred List) or is subject to a EWC disciplinary order. Schools are able to check the current register as part of their pre-employment checks.

In its guidance for employers, the EWC notes that it is a legal requirement for a school, local authority or supply agency to undertake the relevant checks to ensure that teachers are registered. It is also important that a school does not assume that a local authority or supply agency, or vice-versa, has undertaken such checks.

The school needs to ensure that temporary staff members are aware of the named person within the school who is responsible for safeguarding in case they need to report a safeguarding issue whilst they are at the school.

Good practice also suggests that employers carry out annual checks on everyone who regularly undertakes temporary work in the school, to ensure that there have been no changes in their status.

If an employer knowingly continues to employ a qualified teacher who is unregistered, in a post involving the 'specified work' of a teacher, the Welsh Government has powers to issue a direction to an employer to comply with its statutory duty.

## 9. Monitoring absence

Whilst each absence has its own contributory factors, general patterns can emerge. The absences can be influenced not just by levels of illness but also by factors such as management style, culture, traditions and the behaviour of colleagues and/ or pupils. In any system that is put in place to reduce workforce absence, the key starting point is the measurement and analysis of absence patterns within the school.

This collection and analysis allows governors and head teachers to

- confirm whether they do, or do not, have a problem with absence levels
- identify the type of absence; for example is there a pattern of sickness in the absence? Is the absence short or long term?
- explore whether there are underlying causes; for example are there clusters of higher level absences within certain departments/ teams or related to specific classes?
- identify to what extent the school's approach to professional learning is a contributory factor
- compare their data with other schools in the local authority

In taking this first step, schools can begin to identify why the workforce is absent and what proactive support they can provide to ensure that absence is kept to a minimum. Schools should also consider the development of targets based on the data they have collected along with data from comparable schools. Evidence suggests that schools that set targets improve their levels of attendance when compared to those schools that do not set targets.

Schools should consider developing a termly planned absence programme which should be updated and evaluated on a monthly basis during senior management meetings. Schools need to ensure that the planned absences are justified and, if necessary, prioritise those staff who can be out of school on that day.

During the evaluation process, schools should also consider where and when any unplanned absences have taken place. This approach will identify any patterns which are unduly impacting on any particular classes. Undertaking such planning and evaluation will allow the school to consider what steps can be put in place to address the issue. Schools may want to consider discussing cover arrangements as part of the school council agenda to ascertain the effectiveness of cover from the learners' perspective.

## 10. Effective management of the cost of absence<sup>14</sup>

Because staff costs form the majority of a school's budget, the cost of non-attendance is one of the biggest risks to any school's ability to manage its budget effectively. There are a number of actions that schools should take to assist in assessing the cost effectiveness of the cover arrangements in place. This requires careful monitoring and analysis to ensure that the extent of cover is minimised and that supply arrangements deliver the best progress for pupils whilst ensuring value for money.

- **Monitor expenditure**

Schools should collect and analyse data on absence (both planned and unplanned) levels and the subsequent cover costs that are being incurred. Schools should be monitoring and reporting to Governors on the use and cost of supply staff alongside the cost of other cover strategies (e.g. the permanent employment of cover supervisors). It would be beneficial for schools to be provided with data from local authorities that they can benchmark their spend on supply staff locally and with similar schools.

Monitoring staff absence and expenditure on cover can enable a school to decide it would be prudent to either enter a local authority mutual pool if available or purchase absence insurance from a private provider. These approaches can help schools manage the risk of the cost of high rates of absence. Data on their workforce and absence rates will enable the school to gauge the level of cover required as some arrangements provide funding for other types of absence such as maternity leave (as well as sickness.) Schools will need to consider their absence profile and explore the possibility that premiums could outweigh the cost of absence cover as well as explore the ways to reduce levels of sickness absence. Schools will need to regularly review their arrangements for mutual funds/absence insurance to ensure that the arrangements continue to offer value for money. Schools may want to consider purchasing insurance collaboratively if this is not already done on a local authority level.

- **Review skill mix**

Schools should review the skills mix of their workforce and consider the financial and educational implications of other strategies such as employing a floating teacher either independently or as part of a cluster of schools and/ or the cost effectiveness of employing cover supervisors or HLTAs to provide cover. Schools can look to make effective use of qualified support staff to cover short term absence, or revised timetabling or collaboration with other school to improve in-house cover arrangements. This could be reviewed continuously through monitoring arrangements and the School Development Planning process.

- **Review arrangements with supply agencies**

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<sup>14</sup> It should be noted that the Welsh Government is also currently developing separate guidance for schools on managing resources effectively.

All local authorities are signed up to the Framework Agreement (see section 5) and schools are expected (although not obliged) to use the chosen supplier, New Directions. Local authorities are responsible for negotiating individual agreements with New Directions.

As part of effective financial management, local authorities should meet regularly with New Directions to monitor their expenditure and should look to review arrangement to negotiate costs dependant on use. The Framework Agreement stipulates a maximum agency fee which reduces over the life of the contract; local authorities should ensure that they negotiate this fee effectively with the supplier. Schools should ensure that they liaise with their local authority to ensure that they understand the costs and arrangements for their local agreement with New Directions.

Schools that are not using the Framework Agreement should ensure that they negotiate on price, whilst ensuring that the value of the teacher is not undermined. Schools should have mechanisms in place to ensure that they regularly monitor the quality and cost of their contract with the agency.

Schools may wish to consider discussing with their supply agencies the 'Swedish Derogation' rule contained within the Agency Worker Regulations 2010 which could impact on the expected cost of supply cover which continues for longer than 12 weeks. Currently the regulations allow agency workers who are on longer term placements in schools to become entitled to comparative basic pay and conditions of contracted employees, which could lead to schools having to fund greater than expected costs. Early discussion with agencies will allow Head teachers to explore what arrangements agencies have put in place regarding their employment status. If the agency has directly employed the worker then there should be no increase in charge rates for long term placements. Agencies who do not directly employ workers may need to increase their charge dependent on the parity pay information provided by the school. This potential for increased costs could impact on what cover arrangements are best suited for the school and will need to be taken into consideration when deciding on best value for money.<sup>15</sup>

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<sup>15</sup> Swedish derogation is covered in the *Agency Worker Regulations 2010* – the one explicit exemption from comparison is the entitlement to occupational sick pay which is not included.

### **Box 5 - Effective management of resources**

The Wales Audit Office (2013) identified areas where schools were actively seeking to make the best use of resources. They found that schools were including some, or all of the following in their approach

- Actively managing teacher absence
- Minimising absence for meetings and training, through careful planning and effective use of 'inset' days
- Ensuring supply teaching was actively supported through ensuring the teacher could deliver the subject, good lesson plans were available, and supply teachers have access to school systems and mark pupils' work; monitoring the quality of supply teaching and facilitating training of regular supply teachers
- Monitoring the quality of supply teaching and facilitating the training of regular supply teachers
- Using non-teaching cover appropriately for short-term absence
- Adjusting teaching timetables to maximise productive teachers
- Reviewing the value of mutual pool or insurance arrangements and seeking the best arrangements to meet the needs of the school and
- Giving a senior teacher responsibility for quality assurance and oversight of cover across the school.

## References

- Audit Commission, *Managing staff absence and cover: Better value for money in schools* (March 2011)
- Department for Education, *School Teachers Pay and Conditions Document 2014 and Guidance on school teachers pay and conditions* (September 2014)
- Department for Education, *Agency Workers Regulations 2010: supply teachers* (March 2014)
- Estyn, *The Impact of Teacher Absence*, (September 2013)
- National Assembly for Wales, Public Accounts Committee, *Covering Teachers' Absence* (May 2014)
- Recruitment and Employment Confederation, *Putting pupils first: Essential guide to safeguarding and good recruitment practice* (2014/15)
- Wales Audit Office, *Covering Teachers' Absence* (September 2013)
- Welsh Government, *National Model for Regional Working. Guidance document no: 126/2014* (February 2014)
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- Welsh Government, *Keeping Learners Safe: The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002. Guidance document no: 158/2015* (January 2015)
- Welsh Government, *National Model for Regional Working: Revitalising People Management in Schools. Guidance document no: 170/2015* (April 2015)
- Workforce Agreement Monitoring Group *Guidance for Schools on Cover Supervision (2004)* within the *Time for Standards: Remodelling Cover Resource Pack* (2004)

## **Annex: Self-reflection questions for school leaders, governing bodies and local authorities**

- How do you know that the school's strategy for managing staff absence is clear, fit for purpose, and widely understood?
- What does your review of current and historical patterns of absence and your benchmarking against others tell you?
- Who has named responsibility for absence management? How does the senior leadership team manage the issue?
- Have you considered working collaboratively with other local schools to cover sickness absences?
- How can you make sure you get the best support from your local council to apply best practice in absence management?
- What scope does the school have to make use of existing teachers to cover? What are the financial and educational implications of employing a floating teacher to cover absence?
- What use is the school making of qualified support staff to cover short-term absence? Do you support training for these designated roles?
- What options have you explored (for example revised timetabling or collaboration with other schools) for ensuring you have in-house cover?
- How do you monitor and report on the use and costs of supply teachers? How have these changed over time?
- How have you benchmarked spend on supply teachers locally and with similar schools? How do you justify your spend - by need or supply teacher quality?
- How have you assessed the relative costs of direct contracts with supply teachers and using agency staff?
- Have you conducted a financial analysis of the viability of supply teacher insurance?



