



# Supply Teachers

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## A BETTER DEAL FOR SUPPLY TEACHERS

**Supply teachers are committed, dedicated and highly qualified professionals who provide an invaluable resource for schools. Supply teachers make a vital contribution to securing high educational standards for all children and young people.**

Campaigning to secure professional entitlements for supply teachers is a key priority of the NASUWT, together with securing decent pay and working conditions for all supply teachers.

Whilst the COVID-19 pandemic has highlighted the importance of supply teachers, it has also spotlighted the growing casualisation of work and the situation for supply teachers, who often have no choice but to obtain work via different supply agencies, leaving them vulnerable to the vagaries of precarious, intermittent and insecure employment.

In the past, schools engaged supply teachers directly or accessed them from local authority supply pools. Private supply agencies existed at the margins, but not to the extent they do now.

The National Institute of Economic and Social Research (NIESR) publication, *Use of Agency Workers in the Public Sector*, estimates that the number of employment agencies in education has doubled to 500.<sup>1</sup>

The NASUWT's annual survey of supply teachers has found that the overwhelming majority of supply teachers (88%) reported that private supply agencies were the only way they could obtain work. Since 2014, the use of supply agencies by supply teachers has risen by 25%.<sup>2</sup>

The Association of School and College Leaders (ASCL) confirms that more than 70% of secondary school headteachers have increased their spending on agency supply teachers in the three years to 2018. One of the key factors cited in the ASCL survey for the increased expenditure was increased supply agency fees (54% of respondents).<sup>3</sup> However, whilst fees charged to schools have increased, supply teachers have not benefited, and the pay of supply teachers has increasingly lagged behind the salaries of teachers employed by schools.

The Trades Union Congress (TUC) has identified education as one of the sectors having the fastest growth in insecure work, which is reported as having risen by 42% since 2011.<sup>4</sup>

The evidence suggests that in an increasingly fragmented context, privatised supply agencies are exploiting the recruitment and retention challenges in schools for profit.

It is clear that the market for agency workers in education is big business. The amount spent by maintained schools on supply teachers for 2018/19 was in excess of £550 million.<sup>5</sup> Of this, in

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<sup>1</sup> [https://www.niesr.ac.uk/sites/default/files/publications/NIESR\\_agency\\_working\\_report\\_final.pdf](https://www.niesr.ac.uk/sites/default/files/publications/NIESR_agency_working_report_final.pdf).

<sup>2</sup> <https://www.nasuwt.org.uk/uploads/assets/uploaded/fbd07752-41cb-400b-b80b6c6505ea351c.pdf>.

<sup>3</sup> <https://edexec.co.uk/ascl-survey-reveals-soaring-cost-of-supply-teachers/>.

<sup>4</sup> TUC 2017 The gig is up: Trade unions tackling insecure work. Available at: <https://www.tuc.org.uk/sites/default/files/the-gig-is-up.pdf> Accessed on 27.1.20.

<sup>5</sup> <https://www.gov.uk/government/statistics/la-and-school-expenditure-2018-to-2019-financial-year>.

excess of three quarters (77%) was spent sourcing supply teachers from employment agencies. This represents in excess of £425 million.

The figure for academy schools for the period 2018-19 was in excess of £199 million.<sup>6</sup> Over two fifths (43%) of this was spent sourcing supply teachers from employment agencies. This represents in excess of £86.3 million.

Schools are charged up to a 40% commission fee, which goes direct to the agency. This equates to over £170 million for local authority maintained schools and over £34.5 million for academies.

In this space, the Department for Education (DfE) commissioned the Crown Commercial Services (CCS) to create a portal which schools could use to procure supply teachers. Colleagues in the CCS have acknowledged that take-up of supply teachers through the portal has been slower than in other sectors.

## **Pay and working conditions**

The increased reliance on agency working has led to a reduction in the pay and conditions of service of supply teachers.

Rates of pay of supply teachers have remained stagnant for the overwhelming majority of supply teachers, and have been eroded by inflation and omitted from the pay awards recommended by the School Teachers' Review Body (STRB).

All teachers have suffered 17% real-terms cuts in pay since 2010. However, in comparison, without the application of the national pay framework, supply teachers have seen their pay plummet relative to other teachers, with no national entitlement to an annual pay award when employed via supply agencies.

The average daily pay rate for a classroom teacher employed by a school is £207.88.<sup>7</sup> However, the majority of supply teachers report that they are paid between £100 and £149 per day. The majority of supply teachers have not seen their remuneration increase substantially since 2014.<sup>8</sup>

The situation for supply teachers as agency workers is compounded by the fact that employment by or through agencies is currently not pensionable under the Teachers' Pension Scheme (TPS), leaving many supply teachers no alternative other than to make less favourable pension plans, including reliance on inferior auto-enrolment pension arrangements. There is a strong argument that supply teachers, working alongside other employed teachers, should be afforded the right to access the TPS.

## **Access to permanent employment**

Transfer/finder's fees are often imposed by supply agencies when a school seeks to offer a supply teacher a substantive post. Typically, the school pays the agency a percentage of the salary that the supply teacher would have earned had they continued to be employed as an agency worker.

The NASUWT is aware from individual member casework and research evidence that finder's fees can range from between £5,000 and £10,000.<sup>9</sup> This has the effect of restricting or even removing the right to work for many agency workers, especially for women, black and minority ethnic (BME) and disabled workers, who are disproportionately represented as agency workers. The Union is also aware of unscrupulous practices adopted by some supply agencies in recruiting onto their lists student/newly qualified teachers (NQTs) with claims that they will assist them to obtain work when they are qualified. These teachers may then find that their ability to secure employment is restricted as a result of being on the list of a supply agency.

The use of finder's fees in schools should be prohibited.

<sup>6</sup> <https://schools-financial-benchmarking.service.gov.uk/Help/DataSources>.

<sup>7</sup> Based on data provided on the average teacher (FTE) salary of all teachers in state-funded schools in 2019, found at: <https://explore-education-statistics.service.gov.uk/find-statistics/school-workforce-in-england>.

<sup>8</sup> Ibid.

<sup>9</sup> <https://edexec.co.uk/ascl-survey-reveals-soaring-cost-of-supply-teachers/>.

## Coronavirus pandemic

Despite the crucial role supply teachers have played during the coronavirus pandemic, many have reported that they have not been furloughed by their agency, or that they have been furloughed at just 80% of the National Minimum Wage (NMW) if working through an umbrella company. In addition, some supply teachers have had their employment assignments terminated with little or no notice, despite Government advice and guidance to the contrary.

This has exposed the disparity between the pay of supply teachers and others, as well as placing supply teachers in a precarious financial situation where they have had to make tough decisions about their expenditure, or rely on the increased use of credit or the generosity of family and friends to make ends meet. Some supply teachers have been forced to claim Universal Credit and there are those who have had to rely on food banks.

Furthermore, there are concerns that these disparities in treatment are impacting disproportionately on women, BME groups and disabled teachers who are more likely to be employed on precarious supply teaching contracts. There is a pressing need to address the failures of the market in teacher supply which is having profoundly adverse equalities impacts.

## Alternative arrangements

The Supply Register (TSR) is an organisation established to promote an ethical alternative to supply teacher procurement. TSR guarantees that the pay of supply teachers is calibrated according to national pay and conditions from day one. All supply teachers working for TSR are paid using pay-as-you-earn (PAYE), and TSR does not support or promote the use of umbrella companies. TSR does not charge any finder's fees to schools when seeking to employ a supply teacher. There are transparent charges and no hidden fees. TSR operates a simple and straightforward fee-charging system which collects just £12 a day per assignment from a school for each supply teacher that it provides. This contrasts with £50 plus commission charges which agencies add to an assignment.

TSR estimates that supply teachers have received an additional £640,000 based on previous levels of remuneration. In addition, it is estimated that TSR has realised savings of approximately £950,000 to schools, academies and multi-academy trusts (MATs) since 2016 to 1 January 2020.

The situation in the devolved administrations also shows that a better way of working is possible that delivers for both supply teachers and schools. For example, the Welsh Government's 2017 two-year pilot school cluster project, which involved the direct employment of NQTs who worked across clusters of participating schools, showed that cluster schools experienced an improvement in the quality of teaching in comparison with that previously experienced via commercial supply provision.<sup>10</sup>

As the supernumerary teachers were directly employed by a small number of schools, they were able to become familiar with the pupils, the staff, the school policies and procedures. The quality and consistency of pupils' learning experience improved and the emotional wellbeing of learners was addressed by this more stable learning experience, with positive outcomes in pupil behaviour.

These results suggest that where schools and permanent teaching staff at those schools embed supply teachers in the school community and have a regular, professional, collaborative relationship with a pool of qualified supply teachers, the impact on pupil learning can be positive. This is also supported by wider research into effective pedagogy.<sup>11</sup>

In Northern Ireland, the provision of substitute teachers is overseen by the Northern Ireland Substitute Teacher Register (NISTR), which is operated by the Department of Education (DE). The NISTR was designed specifically to tackle the practical issues involved in arranging suitable teaching cover identified in the Northern Ireland Audit Office report on *The Management of Substitution Cover for Teachers (2002)*.<sup>12</sup>

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<sup>10</sup> Welsh Government (2019).

<sup>11</sup> Stoll et al (2012), *Great pedagogical development leads to great pedagogy*.

<sup>12</sup> Northern Ireland Audit Office (2002), *The Management of Substitution Cover for Teachers*: <https://www.niauditoffice.gov.uk/publications/management-substitution-cover-teachers>.

Substitute teachers are registered through an online booking system which enables schools to book teachers through a regional centralised database. Payment for all approved periods of substitute teaching is then made on a monthly basis at a daily rate through the payroll system run by the DE. The system benefits both schools and teachers as it provides flexibility for the teacher to manage their own availability and travel distances.

The schools can access the teachers' full qualifications, Disclosure and Barring Service (DBS) checks, details of their experience and areas of expertise, and can make a booking in real time, at any time. The centralisation of administration provides for greater economies of scale and, given that it gives access to all teachers operating in one area, enables schools to easily identify all the appropriate teachers rather than just those who are used by a particular agency.

It is estimated that 9,000 qualified teachers are registered on the system and it is endorsed by the Government, trade unions and other relevant professional associations.

The NASUWT believes that these alternative delivery models demonstrate that there is an alternative and viable solution for the employment of supply teachers in England.

Well-managed and maintained banks of directly employed, appropriately remunerated supply teachers, operated by central government, local authorities, a MAT or clusters of schools, have significant advantages for supply teachers, including, but not limited to:

- ◆ access to a proper pay structure;
- ◆ the potential to access pay progression, including threshold applications;
- ◆ access to in-service training;
- ◆ the ability to become familiar with the pupils, the staff and the school, including policies and procedures;
- ◆ the ability for supply teachers to access the TPS.

In addition, it should be noted that there are considerable advantages for schools too, including, but not limited to:

- ◆ improved quality of teaching and learning;
- ◆ a more stable learning experience with positive outcomes in the behaviour of children and young people;
- ◆ the ability to embed supply teachers in the school community and have a regular, professional, collaborative relationship with a pool of qualified supply teachers;
- ◆ a dedicated pool of fully qualified supply teachers exclusively available across schools in the area;
- ◆ a maintained list of fully vetted and qualified supply teachers who have been accordingly vetted and quality assured;
- ◆ the management of the service by those, and for those, schools in the area;
- ◆ the ability to eliminate costly transfer/finder's fees charged to schools by supply agencies;
- ◆ the ability to manage the workforce flexibly and more effectively, including selecting suitably qualified supply teachers, contacting them and engaging them as appropriate;
- ◆ the ability to manage supply costs across a local authority/MAT more efficiently;
- ◆ a more ethical approach to the recruitment and retention of supply teachers that pays supply teachers accordingly;
- ◆ being supported by and accountable to the local authority, MAT or schools in the area;
- ◆ the ability to co-ordinate and deliver on the needs across the local authority, MAT or schools in the area;
- ◆ a local authority or MAT contact for liaising and resolving issues;

- ◆ the ability to provide bespoke online and offline services from daily supply to permanent recruitment, thereby reducing the costs associated with the recruitment and retention of staff;
- ◆ the application of standardised policies and procedures for supply teachers and those employing them;
- ◆ the ability to carry out pay and threshold applications as required;
- ◆ the ability to collect and collate information effectively and efficiently on existing and future supply teachers into a dedicated area;
- ◆ the ability to maintain and extend the database of supply teachers accurately and confidentially; and
- ◆ the ability for supply teachers to access the TPS.

### **Moving towards a ‘new normal’**

The profit-making market for the employment of supply teachers is not working. It does not serve the interests of taxpayers, pupils or teachers and is at odds with public interests, especially in periods of national crisis. With thousands of supply teachers denied equal pay or the right to work, the NASUWT believes that it is time to end these practices.

We believe that the Government should prioritise the following:

- ◆ ensure that the pay framework for supply teachers who work in state-funded schools mirrors the pay of other teachers from day one and that pay rates reflect experience in the job;
- ◆ limit the level of financial overhead that agencies may charge schools as part of their fee structures;
- ◆ use existing funding agreement levers to incentivise schools and academies to move towards directly employed or pooled arrangements for sourcing supply teachers.

All groups – local authorities, MATs, school clusters, individual schools, school leaders and supply teachers – have a vested interest in doing something different in relation to the procurement of supply teachers following the COVID-19 pandemic.

Importantly, the casualisation of the labour market has impacted upon parents and children and young people. The ability to resource and manage an effective pool of professionally qualified supply teachers that are paid accordingly means a better service for all children and young people.

The NASUWT therefore advocates for a mechanism to be established that directly employs supply teachers, in order to manage the demand for supply teachers effectively, deliver better value when procuring supply teachers, and secure improvements to supply teachers’ pay and other entitlements at work.