



**Freelancer & Contractor Services Association**

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Dear Gavin

The NASUWT and the FCSA are writing to you from our respective organisations to raise awareness of a serious omission that currently exists in the Job Retention Scheme and the significant detrimental impact this is having on supply teachers who provide a valuable service to schools.

As you will appreciate, supply teachers are committed and dedicated professionals who make a vital contribution to securing high educational standards for all children and young people, but as result of the COVID-19 pandemic there are now large numbers of supply teachers unable to work.

Many supply teachers need to obtain a set amount of supply work per month to be able to cover their mortgage and other essential expenditure.

Whilst the NASUWT and the FCSA appreciate the decisiveness of the action taken by the Government with the introduction of the Job Retention Scheme to provide some level of financial income and security for employees operating through PAYE, it has become apparent that significant numbers of workers, including supply teachers, are falling between the cracks; the same workers the economy will desperately need to supply the UK economy post-Coronavirus.

Both the NASUWT and the FCSA are deeply concerned about the loss of earnings supply teachers may suffer as a result if they are not able to access the Job Retention Scheme as currently constructed at this critical time.

A large number of supply teachers are engaged by umbrella firms who employ them, giving them all 84 statutory rights and benefits of employment, whilst enabling the worker to undertake numerous different short-term assignments. Umbrella employees usually have their work assignments sourced by a recruitment agency.

Umbrella employers guarantee workers, such as supply teachers at least National Minimum Wage for hours worked. This is a contractual commitment which is intended to give umbrella employees additional stability and certainty regarding their income. The balance of funds received from agencies is also paid to the workers and is often referred to as a discretionary commission or bonus (although it is not related to performance).

The NASUWT and the FCSA are very concerned that, in guaranteeing National Minimum Wage and simply referencing the balance of the pay as bonus or commission, it may be argued at a later date that the 80% CJRS payment should only be based on National Minimum Wage and that the balance of the pay might be misconstrued as a performance related bonus. This surely is not the intention of the CJRS, as it could result in two workers receiving different levels of pay whilst on furlough for doing the same job.


Umbrella employers represented by FCSA stand ready to support temporary workers, and want to calculate furlough pay based on average taxable earnings; however they are currently unable to do so. Whilst it could be argued that they should access the CJRS and claim for minimum wage only, not only will this be an incredibly small amount of income for the recipient, there is no ability to go back and correct claims already made. This means that if it is later clarified that umbrellas can calculate furlough pay according to average income, then any workers that have already been paid furlough based on NMW will not be able to have their previous claim uplifted.

Despite our two organisations traditionally having very different (sometimes opposing) views, we have chosen to collaborate, putting our collective weight behind this extremely urgent issue that simply must be clarified as a priority. It is absolutely critical that temporary education workers receive the full amount of financial support due from the government at this critical time.

Yours sincerely



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**General Secretary**  
**NASUWT**



Julia Kermodé  
**Chief Executive**  
**FCSA**