

Labour Market Enforcement Strategy 2019/20

In July 2019, the Government published the United Kingdom Labour Market Enforcement Strategy 2019/20, which can be found at: www.gov.uk/government/publications/labour-market-enforcement-strategy-2019-to-2020.

The publication of the Labour Market Enforcement Strategy was in response to profound changes in the education sector that affected rights at work, deregulation, compliance and deterrence.

The NASUWT made a critically important contribution to the outcome of the United Kingdom Labour Market Enforcement Strategy 2019/20. The NASUWT was the only union to highlight the concerns of supply teachers as part of the Government's strategic review.

A number of recommendations endorse the position that the NASUWT has taken in respect of concerns about the regulation of supply agencies and umbrella companies, the use of online recruitment/job finder apps and the need for better funding to enable the Employment Agency Standards (EAS) Inspectorate to be able to take effective action against non-compliance by supply agencies.

Following representations by the NASUWT, the Government's Labour Market Enforcement Strategy includes specific reference to supply teachers as a group requiring further enforcement attention in the coming year:

'Other sectors I anticipate requiring further enforcement attention in the coming year are care and supply teachers. Both sectors were raised during discussion with stakeholders in my Call for Evidence. The care sector has received a substantial amount of attention since my last Strategy, particularly in relation to pay for sleep-in carers. There has been a significant increase in the volume of intelligence received directly from work-seekers in the supply teaching sector regarding issues ranging from non-payment of wages to serious contractual concerns.'

The NASUWT will now be pressing the Government to ensure that the issues and concerns affecting supply teachers are addressed.

Supply Agencies

The NASUWT is aware that there is a plethora of supply agencies operating in the education sector.

Many supply teachers report that the use of private supply agencies is now the only way to obtain work. However, the NASUWT continues to raise concerns about the unscrupulous and profiteering practices adopted by some agencies, which results in teachers receiving low rates of pay whilst schools continue to be charged very high fees.

The NASUWT wants to hear from you about your experiences of working for supply agencies in England and Wales. We will use your feedback in our ongoing work with the Government to ensure better regulation of supply agencies and to secure better protections for supply teachers.

Please tell us in confidence about your experiences at: www.nasuwat.org.uk/advice/supply-teacher/supply-agencies.html.

Universal Credit and Unreimbursed Expenses

If you are in receipt of Universal Credit and incur expenses as part of your job, then make sure you tell your work coach or case manager about them, as this could entitle you to a higher award for Universal Credit purposes.

The Universal Credit Regulations allow unreimbursed employment expenses to be deducted from income for the purposes of Universal Credit.

For the purposes of Universal Credit, if you have earnings of £500 in your monthly assessment period and you

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have incurred £50 of deductible expenses, then you should have your earned income assessed as £450 instead of £500. This could mean a higher Universal Credit award.

However, the Department for Work and Pensions (DWP) normally use earnings information received by Her Majesty's Revenue and Customs (HMRC) from employers (called real time information) to set awards of Universal Credit, which will not take account of unreimbursed expenses amounts. You should therefore tell your Universal Credit work coach or case manager about any unreimbursed expenses so that revised earnings amounts can be used.

Regulation of relevance is 55(3):

Employed earnings 55. – (3) In the calculation of employed earnings the following are to be disregarded – (a) expenses that are allowed to be deducted under Chapter 2 of Part 5 of ITEPA; and (b) expenses arising from participation as a service user (see regulation 53(2)).

Expenses permitted to be deducted from income for the purposes of Universal Credit follow the rules for tax purposes and therefore include expenses 'wholly, exclusively and necessarily' incurred for the job, professional fees and subscriptions paid to an organisation approved by HMRC, and travel and subsistence expenses.

Specialist supply teachers may be entitled to claim for additional items regarded as necessary to undertake their duties. For example, a PE teacher may be able to claim tax relief for training shoes or tracksuits, if they can demonstrate that the items are used wholly and exclusively for work purposes.

It is worth noting that changes introduced in April 2016 mean that most supply teachers are unable to claim travel expenses as deductible for tax purposes and therefore Universal Credit purposes.

The NASUWT has been made aware that teachers are being targeted by tax refund companies that offer to assist teachers in claiming back their expenses. Often such companies charge a fee (up to 28% plus VAT) and encourage teachers to claim large expenses which may not be correct.

The NASUWT advises you to get independent tax advice before placing any reliance on claims to tax-free expenses in this situation.

The Union is interested to hear from supply teachers on their experiences of asking for deductions for unreimbursed expenses in Universal Credit.

Further advice and guidance can be found at: www.nasuwat.org.uk/advice/supply-teacher/supply-teachers-tax.html.

REMINDER – Supply Teachers' Seminar and Consultation Forum

The Supply Teachers' Seminar and Consultation Forum will take place on 6 and 7 September 2019 at Warwick Conferences, the University of Warwick.

The Supply Teachers' Consultation Forum is open to all NASUWT supply teacher members and will be held on the evening of 6 September.

The day seminar on 7 September includes access to continuing professional development, as well as providing an opportunity to network with other supply teachers.

For further details, go to: www.nasuwat.org.uk/event/SUP02HOE19.html



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