

## 2018 NASUWT Supply Teacher Survey

The 2018 Survey is your way of telling the NASUWT about the experience of being a supply teacher, as well as informing the Union as it campaigns for better terms and conditions.

The survey can be found on the Supply Teachers section of the website at [www.nasuw.org.uk/advice/supply-teacher.html](http://www.nasuw.org.uk/advice/supply-teacher.html).

## Supply Teachers' Conference

The next Supply Teachers' Conference is taking place on 8 September 2018 at the Hilton Metropole Birmingham.

The Conference provides a number of continuing professional development workshops, as well as an opportunity to network with other supply teachers.

For further details, contact the Conferences and Events team at [conferencesandevents@mail.nasuw.org.uk](mailto:conferencesandevents@mail.nasuw.org.uk).

## Holiday Pay

The NASUWT has been contacted by a number of supply teachers regarding issues with holiday pay.

Supply teachers as agency workers are legally entitled to 5.6 weeks' or 28 days' paid holiday per year. If you work casual or atypical hours, then your leave entitlement is calculated on a pro rata basis proportionate to the hours you work.

This should form part of the terms and conditions which are agreed when you sign up with an agency. The Conduct of Employment Agencies and Businesses Regulations make it clear that the terms and conditions should be explained up front and agreed in writing with the supply teacher. These cannot be varied unless both parties agree. Where changes are agreed, these must be communicated in writing within five business days (Regulation 14).

The written terms of employment must detail the amount of holiday pay you will receive, including if this is 'rolled up' (Regulation 15).

## Labour Market Enforcement Director Strategy 2018/19

The Director of Labour Market Enforcement (LME) makes a number of recommendations in the 2018/19 Strategy which impact on supply teachers as agency workers, including that:

- holiday pay regulations should be properly enforced through HMRC, including mechanisms to allow them to cover any arrears;
- the remit of the Employment Agency Standards (EAS) Inspectorate should be expanded to cover intermediaries and umbrella companies;
- the Swedish Derogation or pay-between-assignments (PBA) should be abolished or properly enforced;
- the EAS should have greater resources to enable it to promote compliance and enforce penalties on unscrupulous recruitment agencies;
- there should be greater financial penalties to act as a deterrent against non-compliance;
- there should be greater use of joint working and sharing of intelligence with stakeholders, including trade unions;

*Continued overleaf*

- there should be compliance through the supply chain which would include schools, local authorities, multi-academy trusts and free schools as end users;
- public procurement should be amended to reflect the need to comply with labour market regulations;
- there is a right to a payslip for all workers, including total hours worked and hourly rates;
- the EAS and other agencies should improve their websites in respect of complaints and how to direct them;
- the EAS should be able to impose civil penalties on non-compliant agencies;
- there is a shift to more proactive enforcement methods (including those based on intelligence from key stakeholders, such as trade unions).

The LME Strategy 2018/19 can be found at:

<https://www.gov.uk/government/publications/labour-market-enforcement-strategy-2018-to-2019>.

A number of the recommendations made in the LME Strategy 2018/19 endorse the arguments made by the NASUWT on behalf of supply teachers in our submission. This can be found at:

[www.nasuwt.org.uk/labourmarketenforcement](http://www.nasuwt.org.uk/labourmarketenforcement).

## Government response to Taylor Review of Modern Working Practices

The Government published *Good Work: A response to the Taylor Review of Modern Working Practices* in February, including four further consultations on:

- enforcement of employment rights recommendations;
- agency workers recommendations;
- measures to increase transparency in the UK labour market; and
- employment status.

The NASUWT submissions reiterated the serious concerns the Union has about the procurement of agency and self-employed workers in the education sector, which have intensified with the increased casualisation of the workforce. Agencies and umbrella companies continue to make substantial profits whilst depressing the pay of teachers.

In respect of some of the specific recommendations, the Union noted the following:

- improved transparency through a key facts sheet and/or written statement could address the way in which supply teachers are treated, although this is not a substitute for legislation and statutory enforcement, including substantial fines and penalties for employers and appropriate compensation for workers;
- the EAS Inspectorate should have its remit extended to cover the enforcement of the Agency Workers Regulations (AWR);
- the right to full pay for all workers taking annual leave should be extended to supply teachers as agency workers;
- extending the right to request a more permanent contract is no right at all. Instead, the Government should legislate against inappropriate contracts that deny workers access to permanent employment;
- the rules around continuous service, which prevent the significant majority of supply teachers as agency workers accessing employment rights, should be amended; and
- everyone should be entitled to the same rights and entitlements as those currently accessed by employees through a single category of worker status.

## Talk to us

The NASUWT wants to hear from you. There is now a dedicated supply email to allow members to contact the Union with case study examples detailing their experiences: [supply@mail.nasuwt.org.uk](mailto:supply@mail.nasuwt.org.uk).

