



Supply Teachers

PAY

Supply teachers have a vital role to play in raising and maintaining high educational standards in schools. 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.

The pay of supply teachers is determined by the employer, subject to any statutory regulations or agreements that may apply nationally and/or locally.

The nature of the individual's employment relationship is critical in determining the pay, pensions and conditions of service a teacher will have.

The main supply teacher employment relationships include:

- ❖ employment directly by a local authority;
- ❖ employment directly by a school maintained by a local authority (i.e. community schools, foundation schools, foundation trusts and voluntary aided schools);
- ❖ employment directly by a school which is not maintained by a local authority (e.g. academies, free schools and independent schools);
- ❖ employment directly by an employment agency or umbrella company; and
- ❖ employment as a 'contractor' or on a self-employed basis.

A teacher whose employment relationship is defined as in categories 1 or 2 above will be entitled to be paid in accordance with national school teachers' terms and conditions as defined under the School Teachers' Pay and Conditions Document (STPCD) (Wales). Such teachers are entitled to be paid on the same basis as all other teachers under the terms of the pay policy of the local authority/school.

A teacher whose employment relationship is defined in category 3 above may be entitled to be paid in accordance with national school teachers' terms and conditions where a non-maintained school has entered into a collective agreement with the NASUWT to employ all teachers in accordance with national school teachers' terms and conditions.

Employment in accordance with the STPCD (Wales)

A supply teacher employed by a local authority or a local authority-maintained school, or by a school that has adopted a formal collective agreement to apply national terms and conditions of service, should be paid in accordance with the provisions of the STPCD (Wales).

The STPCD (Wales) defines the pay, conditions of service (including working time) and professional duties of teachers. It is a national framework and it is statutory and contractual. The STPCD (Wales) describes supply teachers as 'short notice' teachers and stipulates that they must be paid as follows:

Teachers employed on a day-to-day or other short notice basis must be paid in accordance with the provisions of this Document on a daily basis calculated on the assumption that a full working year consists of 195 days, periods of employment for less than a day being calculated pro rata.

This requires that supply teachers employed under the provisions of the STPCD (Wales) must be paid in accordance with the pay ranges and pay scales that apply to other teachers. In determining the daily rate for the supply teacher, the school/local authority must calculate this on a pro rata basis on the assumption that the teacher's working year consists of 195 working days.

$$\text{Daily rate} = \frac{\text{X (annual salary)}}{195 \text{ days}}$$

2020/21 salary values

In Wales, the minimum and maximum values for the pay ranges are set out in the STPCD (Wales) and are national terms and conditions.

The following table illustrates the 2020/21 annual salary values and the daily rates that apply to teachers in Wales who are paid on the highlighted minima and maxima of the pay ranges. The NASUWT pay reference points, between the maxima and minima of the pay ranges, are also included in the tables. Please note that these daily rates are before deductions for tax and National Insurance:

Advisory scales as provided by local authorities in Wales

Classroom Teachers

Pay Scale	Annual Pay	Daily Pay
Min M1	£27,018	£138.56
M2	£27,018	£138.56
M3	£29,188	£149.69
M4	£31,436	£161.22
M5	£33,912	£173.91
Max M6	£37,320	£191.39

All other pay points and allowances would be uplifted by 2.75%, including unqualified teachers.

The National Framework developed by the National Procurement Service (NPS) for the employment of supply teachers means the agencies on the framework have agreed to pay all supply teachers a minimum rate of pay equivalent to M1. Members are advised to only work for agencies who are signed up to the agreement.

An issue sometimes arises in schools about the number of hours which teachers are 'being paid for' if they are being paid in accordance with this formula. This is because teachers who are not on the leadership spine can be directed to work for 1,265 hours per year on directed activities by a headteacher – and these directed activities include teaching.

The total of 1,265 hours divided by 195 equals 6.49 hours and, therefore, some schools and employers claim that, if a teacher is not teaching for six-and-a-half hours, they should not be paid the annual salary to which they are entitled under the STPCD (Wales) divided by 195.

Supply teachers should not accept payment of less than the salary to which they are entitled, divided by 195 days for a day's work as a supply teacher.

It is extremely unusual for teachers to teach for six-and-a-half hours per day and, even if they were to do so, they would not do this every day as the teacher could not be directed to carry out any other directed activities by a headteacher.

In circumstances where teachers are employed for less than a day, the STPCD (Wales) stipulates that their pay should be calculated on a pro rata basis. The NASUWT advocates that in these circumstances, the teacher should be remunerated on the basis of a pupil/school session.

The school day is based on two pupil/school sessions (morning session and afternoon session). Over 195 days, there are 390 sessions. Where a supply teacher is engaged for only one session (e.g. afternoon), which is shorter than the other (morning) session, the teacher should still be remunerated for the session on the basis of the annual salary divided by 390.

Employment by an agency

Many supply teachers are directly employed by or obtain work via employment agencies in Wales.

The NASUWT is concerned that some employment agencies adopt appalling and exploitative practices in relation to supply teachers and seek to engage in profit-making activities to the detriment of teachers and schools. The Union is actively campaigning to secure fair treatment for teachers employed by or via supply agencies (including umbrella companies). The NASUWT is also campaigning to secure national quality standards and regulation of supply agencies to ensure they operate fairly for teachers and for schools.

There are no national pay and conditions for supply teachers employed by agencies. Therefore, individual agencies are free to set their own pay and conditions levels against a backdrop of general employment legislation. Agencies will charge each school a daily rate when providing a teacher. However, the amount charged to the school will be greater than the amount paid to the individual teacher undertaking the supply work.

Whilst supply agencies are of course free to set their own remuneration rates, the NASUWT expects that agencies will recognise the need to ensure that the national pay award, as set by the STPCD (Wales) and underpinned by the Independent Welsh Pay Review Body (IWPRB), is also applied to supply teachers.

At the very least, the NASUWT would expect that uplifts in payments to supply teachers mirror the minimum expectations placed upon local authorities by the Union.

It is wise to compare the rates paid to teachers that are offered by each agency. Prior to undertaking an assignment with an agency, it is also important to confirm the payment policies of the agency and whether the teacher will be paid on an hourly, sessional, or daily rate basis. This is important because where a teacher is contracted on the basis of being paid on an hourly rate basis, they may not be paid for any time when they are not undertaking teaching.

The Conduct of Employment Agencies and Employment Businesses Regulations 2003 sets legal minimum standards for agency workers that must be adhered to by employment agencies. This involves providing and agreeing information about pay, including when and how much a supply teacher will be paid.

Where an agency supply teacher has been working in the same role with the same school/employer for at least 12 weeks, they have a right to be paid on the same basis as other teachers employed by the school/employer. The amount the agency supply teacher will be paid will depend on the pay policy of the employer. The teacher may request a copy of the pay policy of the school/employer at any time.

Where the pay policy is unclear or is not provided upon request, members should contact the NASUWT for advice.