

# Rarely Cover Implementation Process Guidance

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1. The purpose of this guidance is to set out the process we advise you to follow to implement rarely cover from September 2009.
2. The guidance will focus on:
  - background
  - what needs to be done;
  - the documentation to which schools might usefully refer;
  - cover strategies;
  - how staff may be deployed
  - schools' historical pattern of absence;
  - leave of absence policy for reasons other than sickness;
  - headteacher's meeting with all staff;
  - consultation;
  - the issues that will have to be addressed.
3. Further information can be found:
  - in the note summarising the changes to be made (subject to consultation) to the School Teachers' Pay and Conditions Document and accompanying Guidance;
  - in the note relating to the deployment of support staff (Annex A); and
  - on the Workforce Agreement Monitoring Group's website at [www.socialpartnership.org](http://www.socialpartnership.org)

## Background:

4. The objective of progressive movement towards a position where teachers may only be asked to cover rarely for absent colleagues was clearly set out in the National Agreement 'Raising Standards and Tackling Workload', which was signed in January 2003. Following the decision in 2007 to implement this objective from 1 September 2009, advance notice was provided in both the 2007 and the 2008 editions of the STPCD.
5. 'Rarely covering' is an integral part of the overall package of contractual change set out in the National Agreement, and is designed to raise standards by freeing teachers and headteachers from tasks which do not require their professional skills and expertise, and enabling them to focus on their core function of teaching and leading and managing teaching and learning. It should not be seen in isolation from the rest of the National Agreement. This has no automatic contractual implications for support staff and this guidance should be read alongside the separate guidance on the deployment of support staff at Annex A.



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6. It was acknowledged in the National Agreement that the proposed contractual changes would not be delivered unless schools deployed more support staff in extended and enhanced roles and that support staff should be increasingly recognised for their contribution to raising pupil standards as important members of the school team. It was a fundamental principle that the roles and remuneration of support staff should be fair and reflect their level of training, skills, expertise and increasing responsibilities.
7. The guidance set out below is intended to help schools with the processes that they need to go through in order to be able to implement the objective of 'rarely cover' from 1 September 2009 and is not designed to offer an interpretation of the statutory provisions. The guidance recognises that schools work in many different contexts.

### What needs to be done:

8. Schools need to have robust systems in place to ensure that from 1 September 2009 teachers cover for absent colleagues only rarely. A 'robust system' is one which delivers this contractual entitlement and would be expected to deal with all foreseeable events, but would not be expected to deal with unforeseeable events. When devising strategies to implement 'rarely cover' schools should bear in mind that 'rarely' does not mean 'never'.
9. Though some schools have made good progress towards the achievement of this objective and have already reached a position where their teachers and headteachers only cover rarely, many still have a long way to go, as the 2008 OME diary survey of teachers' workloads shows.

### Documentation:

10. A considerable amount of information related to remodelling can be accessed on the Workforce Agreement Monitoring Group's (WAMG) website [www.socialpartnership.org](http://www.socialpartnership.org) but schools might find the following documents particularly useful when devising their cover policy:
  - Raising Standards and Tackling Workload: a

- National Agreement
- The School Teachers' Pay and Conditions Document (STPCD) and Guidance on School Teachers' Pay and Conditions
- The Education (Specified Work and Registration) (England) Regulations 2003
- The Education (Specified Work and Registration) (England) (Amendment) Regulations 2007
- The Education (Specified Work and Registration) (Wales) Regulations 2004 and (Revised) Professional Standards for Higher Level Teaching Assistants (WAG Circular 029/2008)
- Time for Standards: Guidance Accompanying the Section 133 Regulations Issued under the Education Act 2002
- Higher Level Teaching Assistant (HLTA) Professional Standards
- Conditions of Service for School Teachers in England and Wales (The Burgundy Book)
- School Support Staff: the Way Forward (NJC for Local Government Services 2003)
- WAMG Note 10
- WAMG Note 12 (Effective Deployment of HLTAs)
- WAMG Note 17 (Effective Deployment of HLTAs to Help Raise Standards)
- WAMG Note 22 (The Appropriate Deployment of Support Staff in Schools)
- Guidance for Schools on Cover Supervision (WAMG Guidance)
- Guidance for Schools on HLTA Roles for School Support Staff (WAMG Guidance)
- Time for Standards: Remodelling Cover – Resource Pack

### Cover strategies:

11. Absence occurs when the person who has been timetabled to take a particular class or group is absent. The type of absence could be for a variety of reasons, including internal and external activities as well as sickness. It could be short-term or long-term. All types of absence should be carefully managed to minimise the impact on teaching and learning for the pupil.
12. Schools have a range of strategies for providing cover for absence, including through supply teachers, 'floating teachers' employed for the purposes of cover, TAs/higher level teaching

assistants, who (provided they meet the provisions of the Regulations) can carry out 'specified work' (which includes delivering lessons to pupils) and cover supervisors. Supervision is not a good use of the time of a teacher and teachers providing cover should normally expect to teach rather than to supervise pupils.

13. It is not possible to provide a national template for implementing 'rarely cover', because schools are at different points on their implementation journey and will have different contexts and historical patterns of absence. All implementation strategies will, therefore, have to be determined at the school level.
14. When considering local determinations, schools should be mindful of the fact that, whilst they may enhance the statutory provisions, they cannot reduce them. All 'voluntary agreements', should be reviewed to ensure compliance with the School Teachers' Pay and Conditions Document.

### How staff may be deployed:

15. Schools will have a range of options available to them to ensure that teachers cover only rarely. The following list is in no particular order. All of these options should be considered in the context of previously issued guidance.
  - a) engage supply teachers;
  - b) employ support staff (directly or in collaboration with local schools):
    - as cover supervisors, where cover supervision is the core part of their role (when not required for cover, they could be assigned, e.g., to provide additional support to teachers in class or to carry out administrative tasks);
    - as discrete cover supervisors whose sole role is to provide cover supervision;
    - as TAs/HLTAs as part of a wider school role;
    - as pastoral managers who may be required for part of their time to provide cover;
    - in a multi-faceted role of which a part is cover or cover supervision;(Please see further guidance in Annex A)

- c) employ teachers specifically for cover (directly or in collaboration with local schools);
- d) use agency staff;
- e) employ a teacher on a short-term contract.

### Schools' Historical Pattern of Absence:

16. Schools should now analyse their historical patterns of absence to ascertain both the main causes of absence, which have triggered the need for cover, and the impact of such absence on pupils' learning.
17. Schools that have carried out such an exercise have often been surprised by the findings, because generally only some 30% of absence has been the result of teachers' personal illness (i.e. some 70% of absence has been authorised for reasons over which the school has had a measure of control). The differential impact on pupils' learning and the high number of lessons missed by some pupils has also often come as a surprise.

### Leave of Absence Policy for Reasons Other Than Sickness:

18. In the light of their analysis, schools should review their existing leave of absence policy. Reviewing or amending a school's leave of absence policy should not seek to worsen any local authority agreements or provisions of 'Conditions of Service for School Teachers in England and Wales' (Burgundy Book) and should comply with all national statutory leave entitlements and any local variations which may have improved on these.
19. Leave of absence policies should be fair and transparent, meet the requirements of equality legislation and should be applied equitably to all members of the school workforce, including the headteacher.
20. The starting point for the review or amendment of a school's leave of absence policy should be:
  - any LA or diocesan leave of absence policy;<sup>1</sup>
  - the Burgundy Book. Local authorities should have provided, or be able to provide, details to schools of any provisions which relate to leave of absence for teachers;
  - the school's current leave of absence policy, where there are variations to the LA or Diocesan policy.

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<sup>1</sup> These may be subject to review

21. Taking any local agreements and Burgundy Book provisions into account, the school policy should cover the following elements:

- for what activities leave of absence will be granted;
- the length of the leave for each type of absence;
- whether the leave will be paid or unpaid;
- who in the school has the authority to grant the leave – for the headteacher this would normally be the chair of the governing body.

22. Some schools have hitherto often exercised a significant degree of flexibility with regard to the authorisation of leave of absence because cover within the school has been readily available. There may be some areas where changes may reasonably be made. Schools should seek to ensure that their policy reflects the fact that teachers and headteachers have fixed term times and cannot book annual leave throughout the year in the same way as many other workers.

### **Headteacher's meeting with all staff:**

23. At the beginning of the school's consultation process on its absence and cover policy, the headteacher should arrange to meet with all staff (teachers and support staff) to outline and to clarify:

- a) the issues related to the implementation of the objective of 'teachers covering rarely';
- b) the relevant documentation;
- c) how the consultation with staff and union representatives on these issues will operate, emphasising the importance of active staff involvement and of seeking to agree the way forward and stressing that the process will be carried out in a fair, open and transparent manner;
- d) the consultation period and the end date (see section below);
- e) the arrangements for meetings with staff and union representatives to discuss the issues concerned and the opportunities for written submissions;
- f) the desired outcomes, including the

formulation of an absence policy and a cover policy, and how a reasoned response will be provided to all consultees whose views have not been taken into account in any final determinations.

24. Before writing the draft policy for consultation, it might be helpful for the headteacher to have preliminary discussions with staff, and union representatives, to highlight the various options available and the consequences of adopting them.

### **Consultation:**

25. The commitment to engage in genuine consultation and to involve staff and union representatives actively with a view to seeking agreement on the best way forward in the interests of staff and the school should be clearly affirmed.

26. The consultation period and its start and end dates should be clearly communicated to all staff. Schools will need to determine the length of consultation that suits their context and purposes, as they are at different starting points on their implementation journey and it is not possible to prescribe an ideal period. Somewhere between one and four weeks should be adequate for most eventualities.

27. All staff and recognised trade union representatives should be given opportunities to engage in discussion and consultation throughout the period concerned.

28. The headteacher should invite each of the recognised unions to nominate the person with whom all initial communication should be made.

29. Due consideration should be given to the outcomes of the consultation process – with the scope for further discussion to clarify issues if necessary.

30. The headteacher should inform staff and union representatives of any amendments to the draft

paper produced in the light of the consultation responses and provide a reasoned response to any proposals which have been put forward, but not taken up.

31. The outcome should be a clear understanding of the way in which the objective of ensuring that teachers cover only rarely will be implemented and the publication of both an absence and a cover policy.

### **Issues that will have to be addressed:**

32. To ensure the system for managing cover is robust, every school should publish a calendar for each school year, in accordance with the provisions of para 164 of the section 3 Guidance to the STPCD, following consultation with staff and their union representatives.

33. The school calendar will provide for the school's annual teaching timetable for every teacher. Teaching timetables are not frozen in time and there may be in-year variations in timetabled teaching arrangements and variations from year to year.

34. Schools may need to review/revise their timetables during the year in light of significant changes (e.g. a long term absence or other significant educational development) and should do so well in advance and in consultation with staff and their union representatives. Changes to the calendar should not be a frequent occurrence.

35. In view of the determinations that schools will have to make on several important issues, it is clear that they should plan for their needs in any given academic year in greater detail and much sooner than they may have been accustomed to doing in the past and produce the school calendar after due consultation with staff and union representatives earlier than may traditionally have been the case.

36. In the light of the proposed changes to the STPCD (which will be the subject of formal consultation by the DCSF) from 1 September 2009 to implement the objective of teachers covering rarely, schools will need to make determinations, for example, on the following:

- the extent to which absences which have been traditionally authorised may need to be amended or not;
- what kind of events might be deemed foreseeable on the basis of historic experience, in the normal local experience and/or as part of the evolving pattern of provision;
- how specific activity weeks or days (which then become a teacher's normal timetable in those weeks/on those days) should be included in the calendar to facilitate the continuation of educationally valuable visits or trips or the maintenance of enhanced learning opportunities for pupils in keeping with the school's ethos (i.e. not every week of the school year will necessarily be the same);
- how the school will monitor, analyse and record patterns of absence (planned and unplanned) and levels of cover and how it will manage these;
- What strategies will be used to provide cover and where these include the deployment of support staff, schools will need to:
  - Identify staff that may be deployed
  - Identify issues around job descriptions, contracts, pay and grading and a process and timetable for dealing with these in consultation with staff and their unions,
  - Identify training needs and how these will be addressed
  - Establish a clear system of supervision and support for staff delivering cover supervision or specified work

(Further guidance on the deployment of support staff is in Annex A)

All of these options should be considered in the context of guidance previously issued.

## Annex A

### Deployment of support staff in relation to teachers moving to “rarely cover”

This document provides guidance for schools relating to the deployment of support staff arising from the introduction of rarely cover for teacher and headteachers from 1 September 2009. It is critically important that schools consult all staff (support and professional staff as well as teaching staff) and their union representatives. For some of the support and professional staff, there may not be a union representative in the school and schools should contact the union representatives in the local authority. This guidance should be read alongside previous detailed guidance issued relating to cover supervision and the deployment of support staff in classrooms, in particular WAMG Guidance on Cover Supervision and WAMG note 22.

All original documentation can be accessed on the website [www.socialpartnership.org](http://www.socialpartnership.org).

#### 1. Support Staff Contracts

The move to ‘rarely cover’ for teachers does not, in itself, change contracts or job descriptions of support and professional staff in schools. Headteachers can use a number of strategies to deliver this contractual change for teachers. Deploying support staff to deliver additional cover supervision or specified work is only one option and must be done in accordance with this and previous WAMG guidance on the employment and deployment of support staff. In short, headteachers who wish to change or adapt contracts and job descriptions for these staff:

- Cannot unilaterally impose changes
- Must consult the staff and their union representatives
- Must consider any grading or pay implications of any agreed changes and if necessary consult the local authority for guidance on re-evaluating jobs, and the correct pay and grading for new roles and responsibilities.

## 2. Cover responsibilities

Headteachers need to be clear when allocating support staff to cover responsibilities whether the work to be undertaken is specified work or cover supervision.

### 2.1. Cover supervision

Cover supervision occurs where no active teaching (i.e. specified work) is taking place and, under the supervision of a member of support staff, pupils undertake pre-prepared work. Cover supervision can be used for short-term absence but it is not an appropriate way of covering medium to long-term absence or of dealing with a class when a teacher is not timetabled to teach them.

The National Joint Council (NJC) national profiles recommend that, in a four-tier career structure, cover supervision is a level 3 activity. Specified work, however, is a level 4 (HLTA) activity. There is significant evidence that in primary and special needs schools cover supervision quickly becomes specified work. It is appropriate, therefore, that support staff deployed to provide cover which involves specified work should be trained to HLTA/ level 4 and their pay and grading should reflect this.

### 2.2. When is the use of cover supervision appropriate?

Cover supervision should only be used for short-term absences. Longer-term absences should be covered by a teacher.

Headteachers will exercise their professional judgment in determining what should be regarded as a ‘short-term’ absence for these purposes. There will be a number of considerations which the headteacher will need to take into account when deciding whether the use of cover supervision is appropriate or not. The key factors are:

- a) the extent to which continuity of learning can be maintained;
- b) the length of time a particular group of pupils would be working without a teacher;
- c) the proportion of the total curriculum time affected in a specific subject over the course of the term.

For example, in a setting where a class is predominantly led by one teacher for the majority of the day, it is likely that cover supervision will very quickly become 'specified work' and active teaching would be required. Specified Work must be undertaken in accordance with Specified Work Regulations.<sup>2</sup>

### 2.3. Specified work

The Regulations define 'specified work' as:

- a) planning and preparing lessons and courses for pupils;
- b) delivering lessons to pupils. This includes delivery via distance learning or computer aided techniques;
- c) assessing the development, progress and attainment of pupils; and
- d) reporting on the development, progress and attainment of pupils.

The Regulations state that support staff may carry out specified work subject to a number of conditions.

These are that:

- the support staff member must carry out the 'specified work' in order to assist or support the work of a qualified teacher in the school;
- the support staff member must be subject to the direction and supervision of a qualified teacher in accordance with arrangements made by the headteacher of the school; and
- the headteacher must be satisfied that the support staff member has the skills, expertise and experience required to carry out the 'specified work'.

Schools should ensure there is a system of supervision in place and support for staff delivering specified work

### 2.4. Higher Level Teaching Assistants

Previous guidance has highlighted the inappropriate contractual arrangements in place in a number of

schools for support staff. One of the key concerns is that many schools only seem to see the role of HLTAs in connection with a teacher's PPA time, when an HLTA may take responsibility for a whole class, in the planned absence of a teacher. This narrow view of the HLTA role has a number of potential drawbacks, because the skills demonstrated by HLTAs against the national standards are not being fully utilised. One of the drawbacks is in the use of split contracts. This is where a TA is deployed to do higher level work with a whole class for part of the week and paid a higher rate, (e.g. as an HLTA) for this and is then deployed the rest of the week as a general TA at a lower level of pay. This is based on the assumption that HLTA work only relates to working with a whole class. However, if a TA has the skill and knowledge to take a whole class they clearly have a range of skills that can also be used in a variety of settings supporting the work of teachers. Previous WAMG advice on this states that casual arrangements – which give TAs who meet the HLTA standards enhanced pay only for those hours when they are deployed with whole classes to provide PPA time for teachers – are not in line with the aims of workforce reform and the principles of the National Agreement.

## 3. School Support Staff Negotiating Body (SSSNB)

WAMG note 22 highlighted that in the long term issues affecting support staff in England would be the subject of joint guidance and advice from the SSSNB. The legislative framework governing the establishment of the SSSNB forms part of the Apprenticeships, Skills, Children and Learning Bill that is currently going through the Parliamentary process. In Wales, consideration of these issues will form part of the development work leading to the establishment of a National Structure. Until such time as the SSSNB and National Structure are established, school support staff will continue to be covered by the NJC agreement and any other local agreements in place. Schools must consult with staff and their unions and refer to previous guidance on the deployment of

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<sup>2</sup> The relevant regulations are the Education (Specified Work and Registration) (England) Regulations 2003 and Amended Regulation to the Education (Specified Work and Registration) (England) (Amendment) Regulation 2007, and the Education (Specified Work and Registration) (Wales) Regulations 2004.

support staff. Following this where schools wish to deploy support staff as part of meeting the contractual changes to teachers, headteachers must:

- have regard to the suitability of the task to the member of staff's current role,
- the impact on their workload and whether sufficient time is available, or could be freed up
- consider any additional training needs,
- Ensure that if additional paid working hours are required this is agreed with the member of staff
- Ensure job descriptions are revised to reflect agreed changes and additional responsibilities
- Ensure pay and grading reflects any revised roles and responsibilities

#### 4. Appropriate training and support

Cover supervision is a responsible role, involving as it does taking sole charge of a group of pupils. Schools should therefore take care to ensure that staff have the necessary skills and knowledge before being given charge of a class.

Staff carrying out a cover role should be appropriately trained – including in behaviour management.

Staff undertaking cover supervision should:

- be familiar with the full range of school policies, particularly those regarding health and safety, equal opportunity issues and special educational needs (SEN);
- have the necessary skills to manage safely classroom activities, the physical learning space and resources for which they are responsible;
- understand and be able to use a range of strategies to deal with classroom behaviour as a whole and also individual behavioural needs.

In many cases staff will already have some of these skills/knowledge because of previous experience in the school or elsewhere. However, it is likely that specific training will be needed. It will be the responsibility of the headteacher to satisfy him/herself that an individual has the skills required, and to ensure that they receive such appropriate training. A cover supervision role could provide the basis for progression into other areas, for example more advanced roles in relation to the guidance and supervision of pupils.

Cover supervision training should be provided for support staff, involving dedicated training time, periods of observation and an ongoing mentoring and monitoring programme.

#### 5. Job Evaluation and Single Status

Most school staff will have had their job evaluated as part of the local authority single status negotiations or be in the process of having this done. Changes to their job descriptions may have a significant impact on their pay and grading. Where schools want to deploy support staff to meet the contractual changes of moving to 'rarely cover' for teachers they will need to seek advice from the local authority on re-evaluating these jobs or ensuring they are included in any on-going evaluation process. This is essential if schools and local authorities are to meet the requirements of Equal Pay legislation.