

Supply Staff Procedure

Reviewing Members of Staff: Dominic Burke, former CEO.

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The Balcarras Trust will employ supply teachers in line with 'Agency Workers Regulations 2010: Supply Teachers Guidance for maintained schools, academies, free schools and independent schools' (September 2016) published by the Department for Education which complies with the Agency Workers Regulations (AWR) 2010 which came into force on 1 October 2011.

1. Employing Agency Supply Teachers

The Balcarras Trust will only use Supply Teacher Agencies that are regulated by the Department for Business Innovation and Skills' Employment Agency Standards Inspectorate.

If a Supply Teacher is employed by a Supply Teacher Agency, the School Teachers' Pay and Conditions Document (STPCD) does not apply and an Agency can set the rates of pay and conditions of employment. Under the AWR, after 12 weeks in the same role with the same school or LA, an Agency Supply Teacher is entitled to the same pay and conditions of employment as teachers employed by the Trust.

An Agency Supply Teacher can move between schools within The Balcarras Trust, without stopping the clock on the qualifying period, unless it is to a substantively different role. If an agency supply teacher moves into a maintained school or into employment with a different Academy Trust, the qualifying clock resets to zero.

2. The Responsibilities of the Trust as 'Hirer'

The Trust is defined as 'The Hirer' and is responsible for supervising and directing the agency worker while they undertake Supply Teaching in the School. The Trust will delegate the day-to-day management of the Supply Teacher to The Headteacher of the School.

If the Trust chooses to hire temporary Agency Workers through a temporary work agency, we will provide the agency with up-to-date information on our terms and conditions so that they can ensure an agency worker receives correct and equal treatment as if they had been recruited directly, after 12 weeks in the same job.

The Trust is also responsible for ensuring all agency workers can access their facilities and can view job vacancies from the first day of their assignment.

Schools in the Trust will ensure all Supply Teachers receive a reasonable 'Induction' into the School before supervising pupils. This will include:

- An introduction to the DSL
- Information about all Safeguarding Procedures
- Information about Health and Safety procedures including Fire and First Aid.
- Support with completing registers and reporting absence
- The Behaviour Policy
- Relevant Schemes or work and lesson plans

Every Supply Teacher will be given a named point of contact in the school, this is likely to be the Head of Department.

The Trust will monitor the quality of work and be clear to both the Supply Teacher and Employing Agency about when the work will terminate.

The Trust reserves the right to end the engagement of a Supply Teacher at any time should concerns be raised about their conduct or ability to carry out their role.

3. School Closures

The AWR recognise that in some instances a workplace might close due to the temporary cessation in the Trust's requirements for any worker to be at the establishment. This could be applied to a school closure (for example, summer holidays).

If an Agency Supply Teacher is working before and after such a closure and is, for example, 6 weeks into a qualifying period for equal treatment, the qualifying period would pause at the end of one term and start again at the beginning of the next so long as the agency worker returns to the same job with the Trust.

4. Pay for Agency Supply Teachers

- **Holiday pay**

After the qualifying period, Agency Supply Teachers will be entitled to the same terms and conditions, including working time and annual leave, as direct recruits. The Trust will not pay Agency Supply Teachers for additional leave to which direct recruits are not entitled.

Agency Supply Teachers will receive payment for statutory annual leave when they take the leave in accordance with the Working Time Regulations 1998.

- **Cover Supervisors and Teaching Assistants**

The Trust will determine the relevant rate of pay according to the nature of the job, not the qualifications of the teacher. For example, if a school asks a temporary work agency to provide a cover supervisor or a teaching assistant, and the person engaged to do the work is a qualified teacher they would be expected to carry out the role of a cover supervisor or a teaching assistant and should be paid as cover supervisor or teaching assistant.

The role of a cover supervisor is to supervise a class in carrying out a pre-prepared exercise but it does not involve teaching a class. If, however, the person is asked to do specified work (teaching) as part of this role then after the qualifying period, they must be paid as outlined below.

- **Teaching Pupils**

If the Trust asks a temporary work agency to provide a teacher to carry out specified work in a school in the Trust and the person engaged to do the work is a qualified teacher they will be paid as a qualified teacher. If the person engaged to do the specified work is an unqualified teacher they will be paid as an unqualified teacher. "Specified work" means planning, preparing and delivering lessons and courses to pupils and assessing and reporting on the development, progress and attainment of pupils.

The Trust is free to set its own terms and conditions. Currently, the pay ranges for teachers in its schools are set out in the STPCD (this does not cover teaching assistants or other people who are employed to carry out specified work under paragraph 6 of the Schedule to the Education (Specified Work) England Regulations 2012).

It should be noted that in September 2013, the STPCD removed portability of salary and The Trust is not required to match a teacher's previous salary when the teacher moves to a new post at a new school.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within The Trust.

If:

- The Trust receives an application from a disqualified person
- is provided with false information in, or in support of an applicant's application or
- The Trust has serious concerns about an applicant's suitability to work with children

it will report the matter to the Police, DBS and the Teaching Regulation Agency (TRA).

4.2 Assessment Criteria

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, The Trust will consider the following factors before reaching a recruitment decision:

- Whether the conviction or other matter revealed is relevant to the position in question
- The seriousness of any offence or other matter revealed
- The length of time since the offence or other matter occurred
- Whether the applicant has a pattern of offending behaviour or other relevant matters
- Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters and
- The circumstances surrounding the offence and the explanation(s) offered by the convicted person

If the post involves regular contact with children, it is The Trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of the following offences:

- Against adults: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence
- Against children or adults: serious class A drug related offences, robbery, burglary, theft, deception or fraud
- If the post involves access to money or budget responsibility, it is The Trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud
- If the post involves some driving responsibilities, it is The Trust's normal policy to consider it a high risk to employ anyone who has been convicted of serious driving offences within the last 10 years

4.3 Risk Assessment Procedure

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Headteacher before a position is offered.

If an applicant wishes to dispute any information contained in a Disclosure, he/she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, The Trust will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge to Disclosure information.

4.4 Retention and Security of Disclosure Information

The Trust's policy is to observe the guidance issued or supported by the DBS and DfE on the use of Disclosure information.

In particular, The Trust will:

- Store Disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the School's senior management team
- Not retain Disclosure information or any associated correspondence for longer than is necessary. In most cases, The Trust will not retain such information for longer than 6 months although The Trust will keep a record of the date of a Disclosure, the name of the subject, the type of Disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken
- Ensure that any Disclosure information is destroyed by suitably secure means such as shredding
- Prohibit photocopying or scanning of any Disclosure information

1. Retention of Records

The Trust complies with the provisions of the DBS Code of Practice, a copy of which is available on request. If an applicant is appointed, The Trust will retain any relevant information provided on their application form (together with any attachments) on their personnel file. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

When this policy was reviewed, an equality impact assessment was conducted to ensure any changes did not have an adverse effect under the terms of the Equality Act 2010. Should you have any comments regarding this policy, please contact The Trust.