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Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref SF/HL/1998/14

Darren Millar AM
Chair
Public Accounts Committee
National Assembly for Wales
Cardiff Bay

24 June 2014

Dear Darren,

Thank you for forwarding a copy of the Public Accounts Committees report on Covering Teachers' Absence.

I attach the Welsh Government's response to the recommendations made in your report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Huw Lewis'.

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

**WELSH GOVERNMENT RESPONSE TO THE NATIONAL ASSEMBLY FOR WALES
PUBLIC ACCOUNTS COMMITTEE REPORT ON COVERING TEACHERS' ABSENCE
Report Published 12 May 2014**

The Committee's report provides a helpful and comprehensive set of recommendations that demand thorough consideration and effective action. As stated in our written and oral evidence to the Committee, we are taking a number of proactive steps to address the recommendations already received from the Wales Audit Office and Estyn on this subject. These actions, we believe, will go some way to address the recommendations in your report.

The Welsh Government notes that responsibility for some key actions also lie with others, including local authorities and consortia, schools and supply agencies. In particular, this reflects the responsibilities local authorities and supply agencies have as employers – a responsibility that does not sit with the Welsh Government. In response to a number of recommendations we have therefore accepted in principle to reflect our agreement with the recommendation but to also reflect the limited scope the Welsh Government has to implement the recommendation. However, we will work with these organisations and stakeholders to address those actions which we believe they are better placed to address, in particular where it involves action at local authority and school level.

The Welsh Government will provide an update as requested in January 2015, although it should be noted that a number of recommendations can only be addressed over a longer time frame, and we will identify the expected timescales in our response at that time.

Recommendation 1

The Committee recommends that the Welsh Government captures and disseminates relevant and reliable data on teachers' absence from the classroom to enable more robust monitoring of occurrences of, and the reasons for, absence. (Page 12)

Response: Accept in principle

We accept the need for data on the issue which will assist schools and employers to monitor and address absence. We accept this recommendation in principle because we believe the data should be gathered and disseminated locally by employers.

We already collect and publish data on sickness absence on an annual basis from local authorities. We firmly believe that establishing a standardised system at local authority level which assists schools and local authorities to improve their tracking of absence on a regular basis will support them to deal with specific absence issues – and that employers are best placed to establish such a system. As we state in response to recommendation 3, we will issue guidance which will make clear to governors their right to ask head teachers for regular reports on absence issues. Such reports will need to be informed by accurate data gathered at local level.

School governors and the head teacher are ultimately responsible for the deployment of staff to meet the needs of the school and monitoring absence data on a regular basis will be a key component of meeting this requirement.

Whilst we are willing to consider collecting additional data which relates to this issue we also need to bear in mind the potential burdens on schools and local authorities of providing data centrally.

The Welsh Government will therefore work with schools, local authorities and consortia to identify what key information should be collected, by whom, and how it can be used by them to better manage teacher absence.

This work will include ensuring that any system that is introduced will complement data collection systems already in place so that value for money can be achieved.

A report will be produced setting out the findings of the scoping work by December 2014.

Recommendation 2

The Committee recommends that the Welsh Government conducts an evaluation of the effectiveness of training delivery and reports back to the Committee by January 2015. This evaluation should include the impact of different forms of training delivery on teacher absences from the classroom. (Page 13)

Response: Accept in principle

On 10th June the Minister for Education and Skills announced a 'New Deal' which set out his vision for the professional learning of all school based practitioners in Wales. This New Deal is supported by the development of the National Professional Learning Model (NPLM) which provides practitioners with a clear, coherent model setting out the approaches to

professional learning that have the most positive and sustained impact on teaching standards.

It is intended that this approach to professional learning will place less of a reliance on the traditional approach of one off training days which are a significant cause of teacher absence. Embedding professional learning activities within the school, whilst not eradicating absence, will provide a more flexible and effective approach.

The principles of the NPLM are based on existing evidence of effective approaches to professional development and we are continuing to draw on international evidence as we develop the model as well as from schools in Wales who are already using these approaches. As such, we accept the need to evaluate the effectiveness of training delivery but we do not consider it necessary to commission a fresh evaluation where the evidence already exists. We will report back to the Committee by January 2015 on the evidence we have been drawing on and how it is being used in implementing the NPLM.

Recommendation 3

The Committee recommends that the Welsh Government amend regulations to make it a requirement for at least one member of each governing body to be designated to lead on HR matters and that such members are suitably trained to fulfil this role. (Page 15)

Response: Reject

We reject this recommendation because the regulations cannot require individual governors to be a designated lead for a specific issue. However, there is provision for governing bodies to delegate functions to a committee or to decide by choice to delegate certain functions to an individual.

Existing Regulations require governing bodies to retain responsibility at full governing body level for some functions and to delegate certain staffing functions to a statutory committee, including those involving certain HR issues i.e. appointments, capability, grievances, redundancy, disciplinary and dismissal, and performance management of headteachers.

Regulations already permit governing bodies to delegate functions that have not been delegated to a statutory committee to the headteacher, an individual governor or a committee. This will invariably include a staffing/personnel committee. As such there is already provision for a governing body to delegate monitoring of staff absences and supply cover to the headteacher committee or an individual. Delegating functions to a statutory committee will incur costs for the governing body as such committees have to be clerked by law. If regulations are made to increase the number of statutory committees this will have financial implications for governing bodies as they will have to fund the cost of clerking it.

In 2013 the Welsh Government worked with Governors Wales to produce terms of reference for a range of governing body committees including a staffing committee. The terms of reference for the staffing committee includes responsibility for monitoring staff absences. We will work with Governors Wales to ensure that their committee terms of reference are cascaded to all schools.

In education law local authorities are responsible for providing governors with training to enable them to carry out their role effectively. Local authorities will invariably offer governors some training on the HR issues they are specifically required to deal with.

The mandatory training for chairs of governors introduced in September 2013 includes reference to HR matters. It makes it clear what the core responsibilities of governors are and the need to have appropriate, updated and relevant staffing policies as well as the relevant committees and panels that are need to discharge these responsibilities. . The existing mandatory training must be given time to bed down before considering introducing any further mandatory training. Governors already commit much of their private time to supporting their school. There has to be a balance therefore between the learning and training we can expect governors to undergo plus the time taken to carry out their role.

As part of the National Model for Regional Working the regional consortia are in the process of developing their regional HR services, including the support and advice provided to governing bodies. This should assist governing bodies as there will be consistency of quality advice and support across Wales.

The Welsh Government will write to local authorities and the regional consortia drawing this recommendation to their attention to ensure that this issue is reflected within the service and training provided to governors.

As stated in response to recommendation 3, we will issue guidance which will make clear to governors their right to ask for reports on absence issues which will need a set of comprehensive data for the head teachers to compile such a report. The guidance will make clear that the headteacher should report to governors on teacher absence, the use of supply cover and the impact on learners.

Recommendation 4

The Committee recommends that the Welsh Government reviews the training (e.g. through the National Professional Qualification for Headship/first year mentoring) provided to headteachers to ensure that there is a greater emphasis on managing classroom absences. This focus on managing absence should also be incorporated into the Continuing Professional Development for headteachers. (Page 16)

Response: Accept in principle

We agree that it is important for headteachers to have sufficient skills and knowledge of managing staff including classroom absences. This reflects the current Leadership Standards which requires all headteachers to manage the school's financial and human resources effectively. However, the Welsh Government does not directly provide formal headteacher training or stipulate the content of any training provided by others, other than an expectation that it reflects the provisions of the Leadership Standards.

There is, therefore, no formal training that all headteachers are required to undertake. As we develop the provision of professional development for aspiring and established headteachers and senior leaders – either directly or, more likely, through our partners, such as regional consortia, – then we will consider 'managing staff absences' as one of the many elements that may need to be explicitly included. Any intervention would be guided by the principles of effective professional learning which underpin our approach to practitioner development.

The National Professional Qualification for Headship (NPQH), which is provided as an example in the committee's recommendation, is not a training course – it is an assessment

process to judge whether or not a practitioner is able to demonstrate that they meet the Leadership Standards in full. It is therefore the Leadership Standards that form the basis of the assessment which already include standards related to managing the school which include managing staffing issues. The Leadership Standards are due to be the subject of a formal review which will consider whether amendments are required.

We will ensure that the proposed guidance on school workforce absence referred to in recommendation 7 will be distributed to all headteachers. We will cross refer to this guidance in any relevant resources which we produce for headteachers and others to aid their leadership development.

The Welsh Government currently provides funding for consortia to provide mentoring and networking support for newly appointed headteachers. As part of this provision, it would be expected that new headteachers would be able to access any necessary support and advice on managing classroom absences. We will contact consortia to draw their attention to this recommendation.

Recommendation 5

The Committee recommends that the Welsh Government, in collaboration with local authorities, ensures that when HR services are procured by schools from local authorities, service level agreements are strengthened to ensure that headteachers and governors receive sufficient HR support as well as appropriate training and guidance, to enable HR matters related to supply staff to be managed appropriately. (Page 18)

Response: Accepted

The Hill Review identified that the lack of specialist HR advice available to schools was an issue and suggested that it would be beneficial for schools to have access to dedicated expertise in HR matters when dealing with staffing matters, i.e. disciplinary, grievance and capability and complaints. The report recommended that this be delivered at regional consortia level to support leaders and governors in discharging their obligations as employers.

As such, and as an integral part of the National Model for Regional Working, regional consortia and their constituent local authorities are in the process of developing a standard operational model for HR services for implementation from April 2015. Welsh Government officials are working with designated consortia HR Lead Directors in the development of a consistent, high level of provision of support and guidance to schools in respect of all aspects of HR, including absence and the use of supply staff. This will include consideration of the effective use of and support for service level agreements.

Specific guidance on effective management of school staff absence being produced in response to recommendation 7 for school, local authorities and consortia will make reference to the current legal requirements regarding the employment of supply teachers which is governed by a combination of UK Employment law (including the Temporary Workers Directive) and the School Teachers Pay and Conditions document. It will also identify the roles of these stakeholders in ensuring that employment conditions are being met.

Recommendation 6

The Committee recommends that the Welsh Government:

- a) outlines how it expects Estyn to inspect and report on cover arrangements;
- b) alters the guidance for Estyn inspections by September 2014 to explicitly require inspectors to examine cover arrangements;
- c) provides the Committee with clear evidence that this approach is working and any actions they intend to take to address any shortcomings in this approach by September 2015.

We request that an update on the details of the changes to guidance and early indications of how the revised approach is working be provided to the Committee by January 2015.
(Page 22)

Response: Accept in principle

The Welsh Government has accepted this recommendation in principle because it can only set the legislative framework for inspection. Estyn is an independent Inspectorate and it is therefore for Her Majesty's Chief Inspector to decide how inspectors inspect and what guidance on inspection it issues. We will, however, discuss with Estyn what scope exists within the current inspection framework to address the areas the Committee recommends.

We will also propose that a thematic study of issues relating to cover arrangements be considered as part of the Minister for Education and Skills remit letter to Estyn for 2015/16. This will potentially identify the impact of the guidance on the effective management of school staff absence that the Welsh Government intends to publish this autumn.

If the remit request is agreed then Estyn is likely to start its planning work in April 2015 but the field work would not begin until September 2015. Although the Welsh Government will be in regular discussion with Estyn as the study is taking place we will not be in a position to act on any findings or recommendations until the report from them is published in 2016.

We will provide an update on these arrangements to the Committee in January 2015.

Recommendation 7

The Committee recommends that the Welsh Government publishes a timetable for disseminating guidance on the effective management of cover and a plan for evaluating this guidance. The Committee would expect an update on this work by January 2015. (Page 23)

Response: Accepted

The Welsh Government is currently developing draft guidance on the effective management of school staff absence. This guidance is being produced in conjunction with schools and local authorities to identify effective practice and is based on the following themes:

- Roles and responsibilities of stakeholders
- Effective management of cover
- Mitigating the impact of teacher absence
- Proactive management attendance and absence of teachers

Information and support to be provided to supply teachers and other staff providing cover
Performance management and professional development of staff.
Quality Assurance checklist for schools who use supply teachers from agencies and local authorities lists.

The draft guidance will be shared by September 2014 for stakeholders to comment on. It is anticipated that the final version will be published later in the autumn term.

We will discuss with Estyn about undertaking a thematic inspection in 2015/16 to identify how successfully the guidance has been adopted (links to recommendation 6)

Recommendation 8

The Committee recommends that the Welsh Government evaluates its policies; such as the development of different forms of training and Continuing Professional Development that rely less on teachers being absent from the classroom and the demands of the regional consortia on schools, and considers the impact these have had on cover requirements. We request that the outcome of the evaluation be reported to the Committee by January 2015. (Page 25)

Response: Accept

We will undertake a review of training and professional learning instigated by the Welsh Government using a sample of activities delivered between 1 January 2014 and July 2014. The review will either be carried out directly by the Welsh Government or through a contract arrangement.

The review will:

- a. Identify the type and frequency of face to face training and professional learning activity undertaken with teachers for that period and their impact on teacher absence.
- b. Consider the strengths and weaknesses of those approaches and their impact on professional learning.
- c. Identify key factors and alternative approaches that should be considered when developing programmes in the future.
- d. Ensure that approaches shown to be most effective are embedded into the Professional Learning Model.

The findings of the review will be used to provide guidance to officials so that they can consider a range of options when requiring the input of teachers. This guidance should ensure that a range of approaches will be used that will minimise the impact of teacher absence from the classroom.

The findings of the review will also be shared with consortia so that they can also consider their approach to this issue.

The review will be completed by December 2014.

Recommendation 9

The Committee recommends that the Welsh Government takes steps to ensure that School and Local Authority Continuing Professional Development be available to supply teachers, and ensures it develops an effective mechanism for communicating these opportunities to supply teachers. (Page 27)

Response: Accepted

We are currently consulting on regulations which will require schools to produce school development plans. These plans will set out the arrangements for developing all staff at the school including those who are temporarily placed at the school. This covers short term and long term supply teachers.

We have already taken action to improve access to statutory induction for supply teachers. This has included amending the scope of The Education (Induction Arrangements for School Teachers) (Wales) (Amendment) Regulations 2012 which came into force on 1 September 2012. This had the effect of enabling all Newly Qualified Teachers (NQTs) who are undertaking supply work to participate in statutory induction, irrespective of the length of their school placements. Each school session (one half day) is now counted towards the statutory induction period which has particular benefits for those teachers engaged in short term supply work. A total of 380 sessions, equivalent to 190 days is required to complete the induction period. We will work with the General Teaching Council for Wales (GTCW) to monitor patterns of engagement with induction by supply teachers to help identify what further support might be needed.

We have also strengthened mentoring support for those NQTs working as supply teachers. All NQTs are entitled to the support of an external mentor during induction. For short term supply teachers allocation of an external mentor was previously made after completion of 190 sessions (equivalent to half of the total induction period). In recognition of the limited access to school-based mentoring for short term supply teachers we have now brought the trigger point forward to 50 sessions to enable mentoring support to be provided at a much earlier point.

For supply teachers who previously fell outside the scope of the regulations but have not yet completed their induction we have introduced retrospective arrangements. Those NQTs who started teaching prior to September 2012 were previously not entitled to an external mentor. We have now addressed this situation by providing mentoring support to each NQT affected.

We are also identifying external mentors in each consortium area who will specialise in addressing the specific needs of supply teachers and we will also require LAs to ensure short term supply teachers undergoing induction receive support in line with that provided to NQTs who are working full or part time within the authority, especially in relation to access to professional development opportunities.

The 'five-year rule' has also been removed. This rule specified that supply and part time teachers had to complete their induction within a five year limit. There is now no limit to allow completion of induction to reflect availability of work.

A bespoke area of the Learning Wales website is being developed to support those NQTs undertaking their statutory induction through the short term supply route. This will provide access to resources to support professional development activities and information relevant to their role.

The Professional Learning Model (PLM) will apply to all practitioners including supply teachers. Welsh Government will develop a range of high quality resources which will underpin the PLM and be accessible to all practitioners via Learning Wales.

The Welsh Government has asked the GTCW to make contact with all those teachers that are identifying themselves as supply teachers. We now ensure that those teachers who have agreed to being contacted by the Welsh Government receive the fortnightly DYSG newsletter. The newsletter provides updates on developments for staff who work in either the pre or post 11 education and training sector in Wales.

The Welsh Government will also consider how information about locally based professional development opportunities provided by stakeholders can be disseminated to those supply teachers who are willing to be contacted directly. Due to data protection issues, we would need the explicit permission of those individuals to pass on their contact details.

We recognise that all practitioners, including supply teachers, also need to take responsibility for their own professional development and we anticipate that the on-line resources will facilitate this learning.

Recommendation 10

The Committee recommends that the Welsh Government works with representatives from WLGA, Supply Agencies and schools in developing the specification for the retendering of the Framework contract for school supply staff, to include a requirement for supply staff to have access to Continuing Professional Development and to determine arrangements to recover from the supply agencies any additional costs for Continuing Professional Development for supply staff. (Page 27)

Response: Accept in principle

We accept the need to strengthen access to professional development opportunities by working with partners. We are accepting in principle as the Framework contract is not binding on all supply agencies, local authorities or schools.

'The National Procurement Service can assist schools and head-teacher's jointly to procure HR services from local authorities, provided that there is sufficient critical mass of demand that will support collaboration, standardisation, and process efficiency'

The Category Manager of the Welsh Government National Procurement Service (NPS) regularly meets with suppliers and customers to ensure the existing framework delivers best value and we will engage with these stakeholders to ensure the requirements for CPD are captured in the retender exercise.

These recommendations will be explored further and built into the specification for the new framework, to help ensure supply teachers have access to appropriate professional development opportunities.

NPS Category specialists will discuss with the supply agencies how funding of CPD for supply staff is provided in order to limit the potential for CPD costs to become excess profits for the agencies. The cost model will be developed to ensure full visibility of the cost of CPD when evaluating supplier responses.

NPS Category Specialists will also develop a Key Performance Indicator measuring tool to capture all CPD provided to supply teachers that are placed under this framework.

Recommendation 11

The Committee recommends that the Welsh Government includes the costs and take up of the Masters in Educational Practice in its evaluation of the programme. (Page 30)

Response: Accepted.

The evaluation of the MEP will look at both the overall costs of the programme and the take up and drop out rates of MEP students.

Recommendation 12

We also recommend that an evaluation of the mentor element of the Masters in Educational Practice programme is undertaken before the end of 2014 to address concerns that it may not be delivering value for money. The evaluation should include consideration of the utilisation of retired teachers as mentors and the impact of the extraction of experienced teachers from the classrooms to be engaged as mentors. (Page 30)

Response: Accepted

An evaluation of the MEP is already planned which will look at the implementation of all elements of the programme including the sourcing, selection and the effective deployment of mentors. It is expected that the evaluation will include consideration of the impact of use of experienced teachers on their home schools as this is one of the factors schools use to determine if they are prepared to release their teachers.

The model for the MEP is based on the principle that experienced and highly skilled employed practitioners are recruited as external mentors. This is to ensure that the mentors' experience is fully up to date; that the mentor's own school also benefits from them undertaking the role through access to the training and materials made available to the mentor; and that the deployment of employed practitioners to work with NQTs builds capacity in the system by enabling practitioners within the mentor's own school to move around, to have access to developmental opportunities and to develop their leadership skills.

Recommendation 13

The Committee recommends that the Welsh Government collects further information on the extent and cost of covering teachers' absence. We recommend that the Welsh Government

publishes a timetable and plan for gathering this information and provides detail on how value for money will be monitored and evaluated. (Page 32)

Response: Accept in principle

We accept this recommendation in principle as we support the need to monitor and evaluate the value for money provided by arrangements to cover teachers' absence but consider this to be a responsibility of schools and employers. However, we will consider this recommendation alongside work being undertaken to address Recommendation 1 and determine what information would be useful and appropriate for the Welsh Government to collect.

A report will be produced setting out the findings of the scoping work by December 2014.

The guidance being produced on workforce absence will also set out how schools should be monitoring their expenditure on covering absence including how they should consider value for money issues. We would expect this guidance to ensure that the school and the governing body is monitoring absence issues which will include expenditure figures to ensure that the deployment of supply cover is being used effectively.

Recommendation 14

The Committee recommends that the Welsh Government's proposed guidance clearly addresses the identified safeguarding issues for temporary staff and that the Welsh Government develops an effective mechanism to check that the guidance is being followed. The Committee should be provided with an update on this by January 2015.

Response: Accept in principle

The Welsh Government recognises the need to create a safe learning environment for children and young people in schools and to ensure they are appropriately safeguarded.

Wide ranging new statutory guidance on safeguarding children in education is being compiled and will include substantive advice on safe recruitment practice and the disclosure and barring arrangements, including the impact on temporary or agency staff. This will be available later this year and the Welsh Government will continue to support all education providers to ensure that they have effective systems in place to promote safe practice. The Welsh Government's approach is that agencies have a legal responsibility to adhere to statutory guidance unless they consider there are good reasons not to do so. Formal monitoring arrangements covering individual aspects of the guidance would be prohibitive and the Welsh Government therefore does not intend to put in place such arrangements. We will continue to discuss with Estyn the outcome of its inspections of safeguarding arrangements in schools and any potential impact on statutory guidance.

The guidance on workforce absence which we will publish in the autumn will also cross refer to schools responsibilities regarding safeguarding including carrying out the necessary employment and registration checks.