

## ASSIGNED TEACHERS

### *Purpose of the provisions*

43. These changes were related to regulations made under section 133 of the Education Act 2002 and accompanying guidance. They were designed to protect the role of the qualified teacher and prevent job substitution. The provisions should be read in conjunction with the section 133 regulations and accompanying guidance.
44. The section 133 regulations clarify the respective roles of qualified teachers and other staff in schools, and specify circumstances under which certain kinds of staff without qualified teacher status (usually support staff) may carry out "specified work" related to teaching and learning, including requirements for appropriate direction and supervision of support staff by a teacher.
45. The changes to the Document place a duty on head teachers to ensure that each class or group timetabled for core and foundation subjects and for religious education and each class or group in the foundation stage has a teacher assigned to teach it. The assigned teacher is responsible for the progress of the pupils in the class/group over the course of the academic year. Assigned teachers may be assisted in their work by other teachers and/or by support staff, some of whom may carry out "specified work", who are deployed on the timetable to take that class/group for particular activities or lessons.
46. Paragraph 4 of Schedule 2 of the regulations concerns the appointment of instructors – person with special qualifications or experience or both. In circumstances where there is no qualified teacher, or trainee on the Graduate, Registered or Overseas-Trained Teacher Programmes available for an appointment, the body which normally appoints staff in the relevant school, either the LA or governing body, may appoint an instructor, provided that they have made the necessary judgement as to the instructor's qualifications and experience.

## 2004 AND 2009 CHANGES

### COVER

#### *Background*

47. The National Agreement on 'Raising Standards and Tackling Workload' signed in January 2003 provided the basis for work by schools to create time for teachers and head teachers to focus more of their time on teaching, and leading teaching and learning, including through:

- 
- (a) progressive reductions in teachers' overall hours;
  - (b) changes to teachers' contracts, to ensure all teachers and head teachers have a reduced burden of providing cover for absent colleagues; and
  - (c) deployment of support staff to enable teachers and head teachers to focus on teaching and learning.

### *Purpose of the provisions*

- 48. Progress on raising standards for pupils relies upon schools having in place policies and systems to free teachers and head teachers from excessive and inappropriate workload.
- 49. Cover for absence is not an effective use of teachers' time.
- 50. In the past, many teachers have borne a heavy burden of cover for absent colleagues. However, in accordance with the provisions set out in the Document, teachers may cover only rarely, in circumstances which are not foreseeable.
- 51. "Foreseeable circumstances" for the school include events that are foreseeable on the basis of historic experience; events that are foreseeable in the normal local experience; and events that may be expected as part of the evolving pattern of provision.

### *Implementation*

- 52. Schools are required to ensure that teachers and the head teacher may be required to cover only rarely from 1<sup>st</sup> September 2009.
- 53. The contractual provision applies to all teachers and the head teacher at a school, including teachers on the leadership spine and ASTs whether on permanent, fixed-term or temporary contracts and pro rata to teachers on part-time contracts.
- 54. The only exceptions are teachers who are employed wholly or mainly to undertake cover.
- 55. The Document contains a duty for head teachers to ensure that cover is shared equitably among all teachers in the school (including the head teacher), taking account of their teaching and other duties and of the need to ensure that teachers and the head teacher may be required to cover only rarely, in the case of circumstances that are not foreseeable.

- 
56. The guaranteed PPA time of teachers at a school forms part of the legal conditions of employment and cannot be used for cover.

### *Definition of absence*

57. Absence occurs when the person(s) 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.
58. Pupil standards are paramount.
59. The absence of the person(s) who has been timetabled to take a particular class or group is the trigger for cover.
60. Teachers, including the head teacher, should cover only rarely, for absences which are not foreseeable.

### *Management*

61. Every school should have in place a clear policy and robust system that does not require teachers or the head teacher to provide cover other than rarely.
62. Cover supervisors and higher level teaching assistants should be deployed for short-term absences only and should not be used as the remedy for the medium or long-term absence of a teacher.
63. Medium and long-term absences should be covered by a teacher, possibly through a fixed term appointment or supply teacher.
64. Each school will need to consider the appropriate deployment of a supply teacher in the case of long-term absence and may wish to revise the agreed timetable if there are good educational grounds for doing so. Such revisions to the agreed timetable should be subject to consultation with staff and their union representatives.
65. The school should monitor and analyse patterns of absence (planned and unplanned) and levels of cover and manage these appropriately.
66. The member of the support staff administering the cover arrangements should keep a record of the amount of cover undertaken by each teacher. It is also advisable to maintain

---

records of cover undertaken by other staff whose contract and job description specifies that a proportion of their time is/will be available to provide cover supervision.

### *School calendar and timetable*

67. To ensure the system for managing cover is robust, every school should publish a calendar and timetable for each school year, in accordance with the provisions of paragraph 179 of section 3, and should:
  - (a) consult with staff and their union representatives;
  - (b) plan any changes well in advance; and
  - (c) deploy staff appropriately, according to their skills, experience and qualifications.
68. The school calendar sets out the school's activities scheduled to take place in the academic year, for example: learning outside the classroom, meetings, parental consultation evenings and INSET days.
69. The timetable sets out the school's provision for teaching and learning in the school's timetabled teaching week (as defined in sub-paragraph 46.1.1 of the Document).
70. The pattern of the school timetable may vary across the year. For example, a school may accommodate activities during the year by having a timetable that follows the same pattern for 36 weeks and a different pattern for 2 weeks. This is an illustration, and schools will devise their own patterns.
71. Teaching timetables are not frozen in time and there may be variations from year to year.
72. In-year changes to the calendar and timetable may be made, but this should be only for sound educational reasons – for example, a long-term absence or significant educational development. Such changes during the year should not be a frequent occurrence.

### *Learning outside the classroom*

73. Learning outside the classroom is an important part of the curriculum and provision for it should be included in school calendars and timetables. Appropriate arrangements should be included in the timetable for both the staff and pupils who will be participating in learning outside the classroom and for those who are not.

- 
74. Whatever timetabling pattern may pertain, it is the absence of the person who has been timetabled to take the class or group that is the trigger for cover.
  75. The extended roles for support staff, which are an integral part of the remodelling agenda, provide the opportunity for schools to consider the use of appropriate adults, other than teachers, to undertake educational visits.

### *Gained time*

76. During the academic year, particularly in the summer term, teachers who take examination classes/groups are often released from some of their timetabled teaching commitments as a result of pupils being on study or examination leave. Such time is known as gained time.
77. There are activities directly relevant to teaching and learning for which it would be appropriate and desirable to use gained time and which it would be reasonable for a head teacher to direct teachers to undertake. An agreed list of these activities is listed below:
  - (a) developing/revising departmental/subject curriculum materials, schemes of work, lesson plans and policies in preparation for the new academic year. This may include identifying appropriate materials for use by supply staff and/or cover supervisors;
  - (b) assisting colleagues in appropriate, planned team teaching activities;
  - (c) taking groups of pupils to provide additional learning support;
  - (d) supporting selected pupils with coursework;
  - (e) undertaking planned activities with pupils transferring between year groups or from primary schools; and
  - (f) where the school has a policy for all staff to release them for CPD during school sessions, gained time may be used for such activities.

### *No detriment*

78. The implementation of the requirement that teachers should only be expected to cover rarely from 1<sup>st</sup> September 2009 is not intended to result in a worsening of a teacher's overall working conditions.
79. Rarely covering is an integral part of the overall package of contractual provisions designed to raise standards by freeing teachers and head teachers from tasks which do not require their professional skills and expertise and enabling them to focus on their function of teaching and leading and managing teaching and learning. Schools' strategies for managing teachers rarely covering should secure downward pressure on workload, assisting to ensure that teachers and head teachers are not required to work unreasonable hours and that they can achieve a reasonable work-life balance.

### *Strategies for managing cover*

80. 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 Education (Specified Work and Registrations)(England) Regulations 2003<sup>(2)</sup>, 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.

### *Supply teachers*

81. Supply teachers can be used to cover for all types of absence. Where supply teachers are providing cover, they must, as far as reasonably possible, be actively teaching and not mainly supervising pupils.
82. It is also important that supply teachers are managed properly and effectively, with regard to their teaching and developmental needs. They should have appropriate access to CPD to maintain their standards of subject knowledge, pedagogy and behaviour management skills.
83. Schools are encouraged to adopt good practice in the use of supply teachers. This includes:

(2) S.I. 2003/1663, as amended by S.I. 2007/2117, and S.I. 2008/1883, available at <http://www.opsi.gov.uk/si/si2003/20031663.htm>

- 
- (a) careful induction into the school using materials that are matched to their period of employment;
  - (b) the provision of simply structured and clearly explained medium-term and short-term plans that also define the teaching expectations, the resources to be used, the demands that should be made of the class and the homework that should be set;
  - (c) the provision of information about the abilities and prior attainment of the pupils in the class; and
  - (d) effective management so that all involved understand what is required and the professional standards that must be met.
84. Schools also need to have regard to the Part-Time Workers' Regulations which in certain circumstances may apply to supply teachers. Those who are not casual (i.e. not employed on a day-to-day basis) have, under these regulations, an entitlement to pro rata terms and conditions enjoyed by other teachers at the school. This would include access to CPD enjoyed by teachers at the school

### *Cover supervision*

85. Cover for short-term absences may be provided by persons who are not qualified teachers. To the extent that, during the period of cover, such persons are involved in specified work, they must operate subject to the regulations made under section 133 of the 2002 Education Act and accompanying guidance.
86. Those providing cover supervision may be existing members of staff or they may be new staff appointed on contracts which have a defined range of appropriate administrative or support tasks, but which include cover as one of their key functions. In considering issues related to the deployment of support staff for this purpose, schools should have regard to Annex A of the Rarely Cover Implementation Process Guidance (published in April 2009).<sup>(3)</sup>
87. The head teacher needs to ensure that any persons used in this way have been appropriately trained, particularly in pupil behaviour management. Such training is essential if those responsible for cover supervision are to make a real contribution to reducing the burdens on teachers.

(3) [http://www.socialpartnership.org/wamg\\_guidance.aspx](http://www.socialpartnership.org/wamg_guidance.aspx)

- 
88. Cover supervision is particularly valid in some settings where work has been set, or where pupils are able to undertake effective self-directed learning, for example within an ICT Learning Centre in a school. Strategies should be devised to ensure that the arrangements for providing appropriate work for pupils who are being supervised do not place excessive additional burdens of planning, preparation and assessment on teachers. This could include developing banks of appropriate material and/or attaching a cover supervisor to a year band, department or faculty to enable them to, for example, support the teachers in administrative tasks and to be involved in the planning and preparation of cover when necessary.

### *Higher level teaching assistants*

89. The primary function of higher level teaching assistants is to support and assist teachers. They may be deployed to release teachers for guaranteed PPA time, provided that they carry out work specified in the regulations made under section 133 of the 2002 Education Act under the direction and supervision of a teacher.
90. In addition, HLTAs may be used for short-term cover, but their deployment in this way should be balanced against the educational desirability of regularly removing them from planned activities with the teachers to whom they are normally assigned.

## 2005 CHANGES

### EXAM INVIGILATION

#### *Purpose of the provisions*

91. Invigilating examinations is not a productive use of teachers' time. From September 2005, teachers have no longer been routinely required to invigilate external examinations (e.g. National Curriculum tests, GCSE and AS/A2 examinations). Schools should have worked towards these changes and maximised the use of support staff as external examination invigilators, prior to the contractual change.
92. Teachers may, however, be required to conduct practical and oral examinations in their own subject area and to undertake the preparation of pupils and those aspects of assessment, recording and reporting associated with external examinations which require the professional input of a qualified teacher.